

# THE DISAPPEARANCE OF DR. PARKMAN

Was it murder?  
Who was the murderer?  
After 120 years  
a noted jurist  
sheds astonishing new light  
on the most dramatic trial of the 19th century.

ROBERT SULLIVAN

Boston's sensational Parkman-Webster murder trial of 1850 contained one of the most memorable combinations of gore, public spectacle, prominent citizens and tarnished jurisprudence in American legal history.

One hundred and twenty years after the hanging of John Webster, Judge Robert Sullivan uncovers a startling new set of documents, hundreds of pages of notes and letters written by the defendant, the defense, and the prosecution, which throw an unsettling light not only on the final verdict, but on the entire proceedings of the trial.

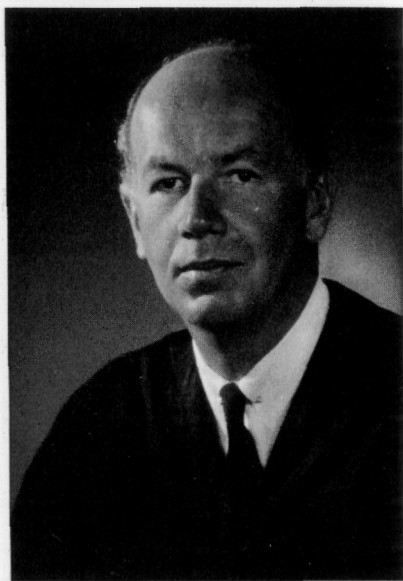
Professor John Webster was a quiet family man who had taught at the Harvard Medical College for twenty-five years when he was accused of the murder of Dr. George Parkman, a benefactor of Harvard and one of the richest men in Boston. Despite the testimony of nearly the entire faculty of Harvard, and its president, a massive wave of pretrial publicity carried Professor Webster to the gallows.

A host of ambiguities and unanswered questions surround the trial. The man who discovered the dismembered body—a man particularly attentive to the reward money—was a janitor who happened to moonlight as a body snatcher. He also served as the chief prosecution witness. The body that he found was headless—and never conclusively proved to be Parkman's. Many people claimed to have seen Parkman after the time of the alleged murder. There was a certain matter of a falsified confession. And the three judges who convicted Webster also served as the appeal board.

These oddities and many more lend a bizarre flavor to the whole trial, but what makes *The Disappearance of Dr. Parkman* particularly significant is the origin of the famous charge to the jury by Chief Justice Shaw. Virtually every student of the law studies this charge today, and it is read as recorded in nearly every capital case across the country every day—yet *the charge to the jury as recorded is actually a far cry from the*

*original charge as spoken!*

*The Disappearance of Dr. Parkman* is an intricate and fascinating chronicle of an extraordinary chapter in legal history, full of the color, crowds and personalities of nineteenth-century Boston – and it is also a book crucial to the understanding of notable capital trials of our own time. It is now possible to look behind the public record on the Parkman-Webster murder case and find out more than has ever been known about what really happened – and in the process acquire some surprising insights into contemporary American justice.



Photograph by Fabian Bachrach

Justice Sullivan was appointed to the highest trial court in Massachusetts in 1958 at the age of forty-one, and since then has presided over nearly sixty murder trials, and thousands of other criminal and civil proceedings. He graduated from Harvard in 1938, and the Boston College Law School in 1941, and has published articles on the Parkman-Webster trial in the *Massachusetts Law Quarterly*, the *British Law Society Gazette* and the *Journal of the Cambridge Historical Society*. He and his family live in Boston.

Jacket design by Sarah El Bindari

# **SPECIAL NOTICE!**

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**GEO. PARKMAN, M. D.,**

**A well known, and highly respected citizen of BOSTON, left his House in WALNUT STREET, to meet an engagement of business, on Friday last, November 23d, between 12 and 1 o'clock, P. M., and was seen in the Southerly part of the City, in and near Washington Street, in conversation with some persons, at about 5 o'clock of the afternoon, of the same day.**

**Any person who can give information relative to him, that may lead to his discovery, is earnestly requested to communicate the same immediately to the City Marshall, for which he shall be liberally rewarded.**

***BOSTON, Nov. 25th, 1849.***

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**From the Congress Printing House, (Farwell & Co.) 32 Congress St.**

4-3465

**THE DISAPPEARANCE OF  
DR. PARKMAN**



*John White Webster on trial*

**THE DISAPPEARANCE OF  
DR. PARKMAN**

**BY  
ROBERT SULLIVAN**



**LITTLE, BROWN AND COMPANY  
BOSTON TORONTO**

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*To my wife Dorothy  
and my daughter Sally*

## AUTHOR'S NOTE

**M**ORE THAN A CENTURY AGO Dean Christopher Columbus Langdell of the Harvard Law School devised the "case system" for the study of law. Since then, virtually every student of criminal law has been taught the version of Chief Justice Lemuel Shaw's charge to the jury in the Webster trial which appears in 5 Cushing of the *Massachusetts Reports*. Perhaps no other case is more often cited and quoted today on the criminal side of American courts. In 5 Cushing, Shaw gives effective definitions of "reasonable doubt," "circumstantial evidence," "alibi," "murder," and "manslaughter," all of which are still invaluable in instructing jurors. The impact of this version of the charge upon the administration of criminal justice in America is, and has been, of the greatest magnitude. In 1850 no one could have foretold the legalistic importance of the Webster case, but the high drama and sensationalism of the entire proceedings generated an extremely intense public interest, speculation, and concern.

Excluding the three presidential assassinations, the tragic Lindbergh kidnap-murder, and probably, but not certainly, the Sacco-Vanzetti case, few, if any, American

crime stories so completely engrossed the public press, so totally grasped the attention of the American people as did the trial and execution of Harvard Professor John White Webster at the halfway mark of the nineteenth century.

The following statement by the late Mr. Justice Felix Frankfurter of the United States Supreme Court, spoken exactly one century after the hanging of Professor Webster, fits the circumstances surrounding the trial perfectly:

When life is at hazard in a trial, it sensationalizes the whole thing almost unwittingly; the effect on juries, on the Bar, on the public, and on the judiciary, I regard as very bad. . . . Whatever proof there may be, in my judgment does not outweigh the social loss due to the inherent sensationalism of a trial for a human life. . . .

I view any system that mitigates the imposition of capital punishment with favor . . . I myself would abolish it.

It has not been my purpose in the telling of this story to be iconoclastic. If persons of historical and juridical importance or the hoary images of Chief Justice Lemuel Shaw, Governor John H. Clifford of Massachusetts, Oliver Wendell Holmes, or any other of the luminaries at the Webster trial have been posthumously tarnished, it is only because the source material and the record compel it.

I have earnestly tried to disclose the inadequate concern for a defendant in a capital case in 1850 and by contrast to emphasize the great advances made in America toward protecting the rights of those who stand before us criminally accused.

This is not to say that we have reached the millennium, for a close examination of the Webster case reveals that many of the socio-legal problems it posed continue to plague the proper administration of justice today. In short, this recounting of the mid-nineteenth-century story offers much more than mere historic or anecdotal value.

Almost sixty years before Professor Webster was hanged, a flaming voice had seared the French nation with these haunting words:

Hear the voice of Justice and of Reason! It cries that human judgments are never certain enough that society can inflict death upon a man condemned by other men, themselves subject to error.

Even if you could imagine the most perfect judicial system, even if you could find the most honorable, the most enlightened judges, there would still be room for error or bias. Why deny yourselves the means of repairing them? Why condemn yourselves to being unable to extend a rescuing hand to oppressed innocence?

Improbable as it may seem to us, the voice was that of Maximilien Robespierre.

Should we not now listen?

ROBERT SULLIVAN

*Boston, Massachusetts*

## ACKNOWLEDGMENTS

I am very grateful to Mr. Stephen T. Riley, director of the Massachusetts Historical Society, for his incalculable aid in uncovering source material for this book. I am sure that without his perception Professor Webster's hitherto unpublished notes would not have been discovered.

I am also obliged to Mr. Richard J. Wolfe, Rare Books Librarian, Countway Library, Harvard Medical School; Mr. Edgar J. Bellafontaine, Librarian, the Social Law Library of Boston; Mr. Kimball C. Elkins, curator of the Harvard University Archives; Dr. F. William Marlow; Mr. John F. Ferrick; Mr. James B. Muldoon; Dr. Eric T. Carlson; Professor Roger Lane; and Mr. Francis Parkman for their contributions to the material herein contained.

To my friend Lewis H. Weinstein, attorney and member of the faculty of the Harvard Law School, who read an early manuscript, I acknowledge my gratitude for his helpful and encouraging comments.

I am much indebted to Bart K. Casey, Harvard '70, for his valuable assistance to me, and to Miss Catherine Jenner for her diligent work, always cheerfully performed.

Finally, for his patience, skill, and advice in structuring

the material which had been gathered, I should like to record my obligation to Little, Brown's Charles B. Everitt, who combines his professional editorial expertise with fine good humor.

*R.S.*

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**THE DISAPPEARANCE OF  
DR. PARKMAN**

**A**T DAWN ON AUGUST 30, 1850, people had begun to gather. By 9 A.M. the Boston police had completely lost control, and the unruly mob had pushed into the dwellings and commercial buildings on each side of the Leverett Street jail yard. The roofs and upper windows were occupied by spectators.

At 9:25 A.M. a hush swept over the crowd when the small procession filed slowly from the jail across the yard and ascended the scaffold. Jailer Andrew held the prisoner's arm. Sheriff John Everleth adjusted the black hood, turned to the hushed thousands, and proclaimed: "In the name of and by the command of the Commonwealth of Massachusetts I will now do execution on the body of John White Webster. God save the Commonwealth!" Then with a metallic clang the platform fell, and the body plummeted eight feet six inches and jerked still. In a few seconds there was a giant emission of air, then a spasmodic drawing up of the legs, and they straightened slowly. Professor Webster was dead.

The body dangled exactly thirty minutes until 10:05 A.M., when Sheriff Everleth cut it down. The *Boston Traveler*

commented, "After Professor Webster was cut down and placed in a rude coffin, his features appeared as in life, without distortion, and there was nothing but the purple hue of the flesh to show that his death had been a violent one."<sup>1</sup>

Justly or not, Dr. George Parkman had been avenged.

John White Webster and George Parkman had been acquaintances for over forty years. They had been undergraduates together at Harvard College, Webster graduating in 1811 and Parkman in 1809. By 1849, Dr. Parkman had become a significant financial benefactor of the Harvard Medical School, where Webster had been a professor of chemistry for more than twenty-five years.

Their relationship ended on Friday, November 23, 1849. For eight years Professor Webster had been in debt to Parkman, but by November his loans from Parkman had been consolidated to one note in the total sum of \$2,432, a considerable debt, as Dr. Webster's annual salary as a professor at Harvard was \$1,900.

Parkman was tall and lean, and with his loud voice, protruding jaw, resolute and abrasive manner, he presented a formidable appearance. In nearly complete contrast, Professor Webster was short, pudgy, and, if not always smiling, certainly a very amiable man.

Although he had trained and practiced as a medical doctor, by 1849 Dr. Parkman was primarily a real-estate speculator and moneylender, dealing heavily in mortgages. Boston's Suffolk County Registry of Deeds recorded that he and his brother-in-law, Robert Gould Shaw, were involved in a total of 111 recorded real-estate transactions in 1848 in that county alone.<sup>2</sup> His trade and his personality combined to make George Parkman relentless and even harsh in his dealings with his many debtors. Because Professor Webster was as imprudent in his business dealings as Parkman was parsimonious, it followed that there would be difficulty in their financial relationship.

At some time during the course of their intricate transactions, Webster had mortgaged his valuable mineral collection to Parkman as security for his debt. Then, some months before

November of 1849, the professor attempted to sell this same mineral collection to Parkman's confidant and brother-in-law, Robert Gould Shaw.

Quite naturally, Shaw informed Parkman of Webster's intention to sell. Parkman became infuriated and with threats and insults he pressed Webster for payment in an almost frenzied manner. Parkman intruded upon Webster's lectures at the Medical School, traveled to Cambridge to Webster's home, and interrupted Webster's laboratory work with nocturnal visits. This situation reached a climax on the morning of November 23, 1849.

Between 8 and 9 A.M. on that day, Patrick McGowan, Dr. Parkman's house servant, answered the front door of the Parkman home on Beacon Hill, less than a half mile from the Medical School on the Charles River in Boston, and escorted into the reception hall a man he did not recognize. Later he could remember only that he heard Dr. Parkman and the stranger agree to meet at half past one on the same day.

About 9:30 A.M. Dr. Parkman called at the Bowdoin Square mansion of Mr. Shaw and together they walked to Shaw's office at the Merchant's Bank on State Street. Shaw would later testify that Parkman left him about ten o'clock without disclosing his destination. His route ultimately took him back past Bowdoin Square and down Vine and Blossom Streets in the West End, a block from the Harvard Medical School. Some time after one o'clock Parkman entered Paul Holland's grocery store and told him to deliver some sugar and butter to his home. He left in the grocer's keeping a head of lettuce, a great delicacy in 1849, which he had purchased elsewhere for his invalid daughter, saying he would be back for it in "a few minutes."

Between half past one and two o'clock, two schoolboys who recognized Dr. Parkman saw him walking near and in the direction of the Medical School. His gaunt figure was easily identified and not readily forgotten. As the judge at the murder trial was to remark, and as the schoolboys undoubtedly noticed, Parkman was "quite peculiar in manner and in person."

That evening the ordinarily punctual Parkman did not return

home at his usual hour and the family became alarmed. On the following day Mrs. Parkman and her brother-in-law, Robert Gould Shaw, advertised in all the city's newspapers, offering a reward for information on his whereabouts. The first bulletin published and circulated by handbills and the newspapers read as follows:

SPECIAL NOTICE: George Parkman, M.D., a well-known and highly respectable citizen of Boston, left his house at 8 Walnut Street to meet an engagement of business on Friday last, November 23, between 12 and 1 o'clock P.M., and was seen in the southerly part of the city, in and near Washington Street, in conversation with some persons at about five o'clock in the afternoon of the same day. Any person who can give information relative to him, that may lead to his discovery, is earnestly requested to communicate with the City Marshal, for which he shall be liberally rewarded.<sup>3</sup>

Later Shaw inserted another advertisement in all Boston newspapers offering a \$3,000 reward for information leading to Parkman's discovery alive. This notice included the following: "He may have wandered from home in consequence of some sudden aberration of mind."

Twenty-eight thousand handbills were distributed, and the prominence of the missing man and the reward spurred the city's residents to action. The entire police force was requisitioned under the direction of Marshal Francis Tukey; the Charles River was dredged; the vast number of dwellings and outbuildings owned by Dr. Parkman in the West End of Boston were thoroughly searched. "Inquiries were made," said Tukey, "both in the city and out of the city, in all directions for fifty or sixty miles to the towns in the country and to the towns up and down the seacoast, including both sides of Cape Cod. We searched over land and water and under the water."<sup>4</sup>

Webster said he learned of Dr. Parkman's disappearance on Saturday. On Sunday Webster called at the Boston home of the Reverend Francis Parkman, brother of the missing man, and told him that he had had a Friday meeting with the doctor. He

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**BOSTON, Nov. 25th, 1849.**

From the Congress Printing House, (Farwell & Co.) 32 Congress St.

(9)

# \$3,000 REWARD!

## DR. GEORGE PARKMAN,

A well known citizen of Boston, left his residence No. 8 Walnut Street, on Friday last, he is 60 years of age;—about 5 feet 9 inches high—grey hair—thin face—with a scar under his chin—light complexion—and usually walks very fast. He was dressed in a dark frock coat, dark pantaloons, purple silk vest, with dark figured black stock and black hat.

As he may have wandered from home in consequence of some sudden aberration of mind, being perfectly well when he left his house; or, as he had with him a large sum of money, he may have been foully dealt with. The above reward will be paid for information which will lead to his discovery if alive; or for the detection and conviction of the perpetrators if any injury may have been done to him.

A suitable reward will be paid for the discovery of his body.

Boston, Nov. 26th, 1848.

**ROBERT G. SHAW.**

Information may be given to the City Marshal.

From the Congress Printing House (Newell & Co.) 33 Congress St.

*One of the 28,000 handbills distributed  
by Robert Gould Shaw*

related how, after arranging the appointment at Dr. Parkman's home that morning, he had met with him in the early afternoon at the Harvard Medical College. He said Dr. Parkman had arrived about one-thirty just after the last lecture and that he had given Parkman a sum of money, in part settling the debt between them. After promising to cancel the mortgage that he held on Webster's mineral collection, Parkman left without counting the money, seemingly in a great hurry.

Webster was later to reconstruct the rest of his own weekend activities. He explained how, after his meeting with Parkman, he went to the stove in the Medical School and kindled a fire in order to make oxygen for an experiment. He said that he soon abandoned this project, however, and about 3 P.M. went to dinner at Brigham's, a nearby restaurant. After the meal he boarded a horse-drawn omnibus for Cambridge, arriving home about 5:30 P.M., after one brief stop at the local post office. Later that night he and his wife went with other friends to visit a neighboring professor. On Saturday he remained at home with his family all day, playing whist and reading "L'Allegro" and "Il Penseroso" aloud to them. It was later testified that throughout the following week Dr. Webster demonstrated absolutely no change in his regular deportment as far as any observer could determine. He retained his usual pleasant demeanor whether working in his garden, visiting friends, or staying at home with his wife and daughters.

Meanwhile there was no news concerning the whereabouts of Dr. Parkman, and shock gripped the city. Wild rumors arose that he had been seen on the streets of Boston, in Milton, and even as far away as New York. The family advertisements circulated during the week now mentioned a reward of an additional \$1,000 for the recovery of the doctor's body. Foul play had always been a possible explanation for the disappearance, and this explanation became more credible when it became known that he would have been carrying the large amount of money given him by Webster.

The investigation turned toward the Harvard Medical Col-

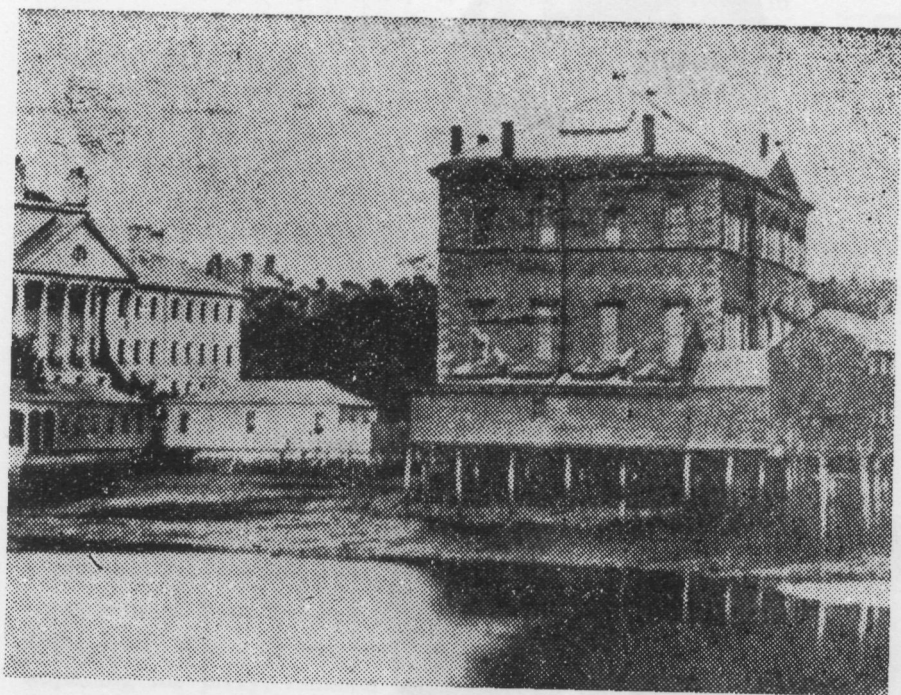


lege which was in a small two-story brick building on the Boston bank of the Charles River near the modern site of the Massachusetts General Hospital. The school structure stood on wooden pilings which allowed the tidal waters of the river to wash the mud flats below the building. The chemistry laboratory, presided over by Dr. Webster, and the dissecting room were placed nearest the Charles so that odors from the privies and dissection room would be diffused by the breezes from the river, and any residue would be washed away from the mud floor of the basement.

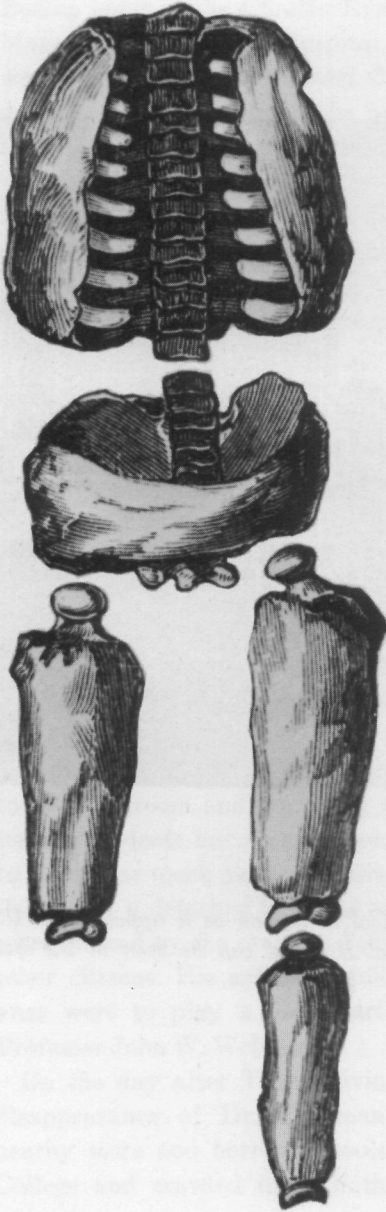
Dr. Webster had been in his quarters on Tuesday, November 27, after the disappearance, and had given the school janitor, Ephraim Littlefield, an order for a turkey to enjoy on the approaching Thanksgiving holiday. Littlefield was to repay this small kindness in a most extraordinary way on Friday, November 30, and later at the trial when he testified for a day and a half against Webster.

Littlefield's official duties concerned the maintenance of the building, and he assisted with the preservation of anatomical specimens. After lectures he would sew up the dissected corpses and inject them with fluid and in this way a cadaver would be useful to the school for as long as six weeks. In return for his custodial work he received a very small salary and a small apartment for himself and his family in the school building next to the storeroom and dissecting room. To augment his income, he sold students human specimens to dissect. He was often able to receive as much as twenty-five dollars for a cadaver and five dollars for a detached head. As an entrepreneur he was possibly more enticed by the reward offered by Robert Gould Shaw than other citizens. His activities following the doctor's disappearance were to play a vital part in the trial and hanging of *Professor John W. Webster*.

On the day after Thanksgiving, exactly one week after the disappearance of Dr. Parkman, Littlefield proceeded to a nearby store and borrowed tools. He returned to the Medical College and crawled through the wooden supports along the



*The Harvard Medical School in Boston as it appeared in 1850.  
The Massachusetts General Hospital can be seen in the back-  
ground.*



*The human parts discovered*

mud flats to the wall of the vault directly below the privy separating Webster's laboratory and the dissecting room. This area had been overlooked by the police in their searches, and Littlefield was later to declare, "If nothing should be found in the privy, I could convince the public that Dr. Parkman had not met with foul play in the Medical School."<sup>5</sup>

At any rate, coming to the wall of Dr. Webster's privy vault, he began to work with a crowbar. Slowly he chipped through the five layers of brick until he could see into the vault through a small breach in the wall. There he reported that he found portions of a human body eighteen inches from the exact spot where he had broken through. In great agitation he went upstairs to his waiting wife and summoned the police. The news of Littlefield's discovery was immediately relayed to Marshal Tukey, the chief of the searching police force. In only a few moments the entire Medical College was being painstakingly searched, with special emphasis on Webster's quarters.

In the privy vault on the mud flat underneath the college building the police found a pelvis (with the male genitalia attached and intact and with six inches of intestine from the rectal area), a right thigh, and the lower section of a left leg disarticulated from the knee and from the ankle. On the basement level, where Webster kept a small chemical laboratory adjoining his privy, remains of false teeth and small bone fragments were found. The search continued into Saturday and led to the discovery of more human parts in a tea chest of three cubic feet capacity which was found in a room adjoining Webster's laboratory. Under a layer of mineral specimens was a thorax with all organs except the left lung removed. Into this hollowed thorax a disarticulated human thigh had been inserted, apparently with a great deal of force. All of the remains were placed on a table in Webster's laboratory and were identified by the police to be those of a man about fifty or sixty years old with strong muscular development and a tall frame. The press and public immediately concurred with the police suspicion that the remains were those of the missing George Parkman.

Immediately after this hideous discovery, a contemporary newspaper, the *Boston Daily Bee*, said:

The officers of justice took Dr. Webster into custody at his residence in Cambridge this same Friday evening. They found him at the door just parting with a friend. They told him it was proposed to make another search in the College and desired him to be present and, under this pretense, took him to Boston in a carriage.

No reluctance or hesitation was expressed on his part to accompany them. He manifested no confusion or peculiarity of manner whatever but talked with the utmost coolness upon the subject of Dr. Parkman's disappearance and the various reports in circulation concerning it and in his natural manner about indifferent subjects.

The carriage was stopped at the city prison. There the party alighted and the officer informed Dr. Webster that he was under arrest, charged with the murder of Dr. Parkman.

This sudden and unexpected announcement operated as a shock upon his nervous system and he became completely bewildered and prostrated.

Before he had recovered from the shock or regained his physical faculties, he was hurried off under the guard of the officials to the Medical College apparently for no other purpose than to enable the officers and others in attendance to testify as to his manner, appearance and exclamations upon the exhibition to him of the remains found there. He was carried back to prison.

On the following morning he had entirely recovered from the shock of the previous evening and at once assumed, and up to the day of his trial retained, his composure and cheerfulness and all the external indicia of an innocent conscience.<sup>6</sup>

**B**OSTON," SAID CHARLES DICKENS shortly before the Webster trial, "is where the houses are so bright and gay — the bricks so very red — the stone so very white — the knockers and plates upon the street doors so marvelously bright and twinkling — the city is a beautiful one."

But physically the city was bursting at its seams. There was no Back Bay as Bostonians know it; the embankment just west of Charles Street marked the westerly boundary. If one were to view an outline of the limits of 1850 Boston superimposed upon a modern map, it would be apparent that the area was roughly half its present size. Dwellings were being built on the northerly side of Beacon Street, about opposite the Public Garden where they are today.

For the fourth time, in 1850, the city council had attempted to sell the Public Garden. A plan was published showing the area subdivided into house lots with new streets between Beacon and Boylston, which later became Commonwealth Avenue, Marlborough Street, and Newbury Street. Happily, and in spite of the alluring prospects of a profit to the city of Boston of a million and a half dollars from the sale of the house lots, "this miserable proposal went down to defeat."<sup>1</sup>

Boston at the halfway mark of the nineteenth century was meeting many bewildering challenges. This was the threshold of the Industrial Revolution in America, the start of the Victorian Age, the era of the telegraph and the railroad, and it was also a period of fear and insecurity.

Senator Henry Cabot Lodge in his *Early Memories* said: "The fact was that the year 1850 stood on the edge of a new time, but the old time was still visible from it, still indeed prevailed about it. . . . The men and women of the elder time with the old feelings and habits were, of course, very numerous, and for the most part were quite unconscious that their world was slipping away from them."<sup>2</sup>

The center of mid-nineteenth-century Boston society was Beacon Hill or more exactly The Club at the corner of Park and Beacon Streets and the gay parties and balls held in Jonathan Amory's mansion next to it.

The social arbiter was the daughter of the artist John Singleton Copley, Mrs. Elizabeth Copley Greene, who had lived with her father for some years in London and had known Sir Joshua Reynolds, William Pitt, and Warren Hastings. She was delightful company and her parties were wonderfully successful.

Other rich and well-born belonged to the Tremont Club on Tremont Street. Several years before the Webster trial its members decided to change its name to the Somerset Club and to move its physical facilities to the mansion of Benjamin W. Crowninshield at the corner of Somerset and Beacon Streets. They did so in 1851.

One of the founders of the new Somerset Club was George F. Parkman, son of the principal in our sad tale. A lawyer and a philanthropist, the younger Parkman died in 1908 leaving his mansion at 33 Beacon Street, overlooking the Common, and upwards of five million dollars "for the preservation and maintenance of the Boston Common."

In 1850, almost at the time of the Webster trial, Isaac Singer met in Boston with Elias Howe, the discoverer of the sewing machine, to form a partnership which would mark the beginning

of the great garment industry in the United States and the end of homemade clothing. With the invention of the sewing machine, the telegraph, tin cans for preserving food, and with the manufacture of textiles and rail steel, the factory system was making its debut in Boston, Massachusetts, and in America.

Boston had its moral problems too. Anne Street, which ran from Dock Square to North Square and is now known as North Street, was the center of the red-light district. In one night one hundred and fifty ladies of the evening were arrested there just after the Webster trial. Richmond Street in the North End of Boston was a maze of gambling houses, brothels, and cabarets, all catering to seamen — so bad was it, in fact, that it was called “the Black Sea.”

At the same time the city abounded with religious fervor. The well-designed Park Street Church had newly been erected at Park and Tremont Streets. This corner was called Brimstone Corner because of the heat of sermons delivered at what is now the venerable place of worship.

A few blocks away, the Reverend William Miller had organized a sect called the Millerites. He had mathematically calculated that the end of the world would come on a certain date just prior to the half-century turn. His followers gave away or sold their belongings and then constructed a church building which, later rebuilt, became the Howard Athenaeum, later still the Howard Theater, and still later the Old Howard of burlesque fame.

The other religious leaders in 1850 were George Putnam, Francis Parkman, and Theodore Parker, all Unitarians. Putnam needs no salute, and Parker was so rash and outspoken that all pulpits were barred to him in the 1840's. The Reverend Francis Parkman, a most distinguished clergyman, was the brother of George and an important witness at the trial. He had for many years been pastor of the Bulfinch-fronted New North Unitarian Church in the North End, which is St. Stephen's Roman Catholic Church today. He was also the father of Francis Parkman, the famous historian who had in 1848



suffered a nervous disorder, or "mental aberration," which lasted fourteen years.

Shortly before the Webster trial, Boston had abandoned Jamaica Pond as its source of water supply, and in 1850 pure tap water flowed from Lake Cochituate in Natick to be pumped into a great reservoir located immediately behind the State House on Beacon Hill. To celebrate the occasion of the new water supply, James Russell Lowell had written an "Ode to Water," and as a climax to the events, Mayor Quincy turned on the fountains in the Frog Pond on Boston Common. The use of Lake Cochituate as a reservoir was discontinued in 1931 and the once pure water is today the color of mahogany stain.

The Common in 1850 was a forum for celebrations and gala events and a daily playground, place of exercise, and center of business and social activity. As the baths were to the Romans, so the Common was to Bostonians. In the early morning hours one could perhaps see Daniel Webster strolling on the mall with Edward Everett, Whitman with Emerson, Rufus Choate with Charles Sumner, and the autocrat, Oliver Wendell Holmes—strolling alone.

Pre-Civil War Boston had been swept off its feet by the prospects of commerce and travel offered by the youthful railroad industry. A visitor to Boston in 1850 could arrive on any of seven railroads at any one of seven railroad depots: the Eastern Railroad depot on Canal Street; the Fitchburg Railroad station on Causeway Street; the Old Colony Railroad and the Boston and Worcester Railroad, both with stations on Kneeland Street; the Boston and Maine depot at Haymarket Square; the Boston and Lowell on Lowell Street; and finally the Boston and Providence depot at Park Square.

The traveler to Boston had a wide selection of first-class hotels from which to choose. He could find accommodations at the Tremont House across from Tremont Temple, now the site of the 73 Tremont Street office building; the Adams House; the American House on Hanover Street; Young's Hotel on Court Street where a skyscraper now stands; the United States Hotel

on Beach Street; the old Bromfield House, located halfway down Bromfield Street (the stable entrance is still visible); or, if the traveler could afford it, the Revere House, Boston's finest, in Bowdoin Square.

On Tremont Street stood the Boston Museum, focal point of entertainment where professional "play actors" performed. William Warren and Charlotte Cushman were the mid-century favorites and about the time of the Webster trial, Edwin Booth was making his first appearance there. In 1852 Mrs. J. R. Vincent was to begin her long career as a member of the Museum Company.

In 1850 the customs house had been completed (the tower was added later) and if the traveler walked west on State Street, there was the Exchange Building on the site of 53 State Street. This massive structure was the center of Boston trade, commerce, and banking.

The gracious Old State House, where colonial governors once had presided, was occupied by law offices and tailor shops in 1850.

Some years before 1850 the wealthy merchant, Samuel Parkman, Dr. George Parkman's father, had built a great mansion at the corner of Green and Cambridge Streets. It was later to be used as the United States Courthouse. When Samuel Parkman's two daughters married, their mother wished them to live nearby, and accordingly Parkman asked Charles Bulfinch to build another great mansion on Cambridge Street. This structure could only be characterized as a duplex mansion, for it was, in fact, two separate great houses enclosed within one exterior. On one side lived George Parkman's sister Elizabeth, Mrs. Robert Gould Shaw, her husband and family; the other side was occupied by Mrs. Deliverance Blake, a younger sister, and her husband and family. The unusual Blake-Shaw Mansion, as it was called, was a landmark in Boston in 1850.

Farther east, destitute of ornament and planned by the same architect, stood the old courthouse where our grim tragedy was played. It faced on Court Street and was located immediately

behind the old city hall. Years later when the courts were removed to Pemberton Square, the old court building was used as an annex to the city hall.

On the hill above were the Pemberton Square homes of Dr. George C. Shattuck; Samuel Putnam; F. B. Crowninshield; James A. Lowell; Nathaniel J. Bowditch, the astronomer and author; R. C. Winthrop; Mrs. Henry Sigourney; and Peter C. Brooks, the richest man in Boston.

From the highest point of Beacon Hill, three hundred yards from the old courthouse, the Bulfinch-designed state house and the magnificent Hancock Mansion standing next to it commanded a view of all the city and the great reservoir which provided the city with water by gravity flow.

If Holmesians referred to 1850 Boston as "the City of Holmes," it was equally true that the Georgian style which the great master of architecture had stamped upon the city made it "the Boston of Bulfinch."

A brief glance in the 1849-1850 Boston City Records reveals that the Boston tax rate was \$6.80 per thousand. Samuel S. Pierce sold groceries at Court Street and the specialty of the house was "buffalo tongues," there were fifteen daily and weekly newspapers sold at a penny apiece, there were fifteen hundred drinking saloons in the city, 478 practicing lawyers — an extraordinary number — and only thirty full-time policemen. There were seven Cornelius Murphys, five Daniel Murphys, ten Michael Sullivans, and one Robert Sullivan, all laborers. There were thirty-six Kennedys, one Saltonstall, one Cohen, and a Reggio who was the vice-consul for Sicily.<sup>3</sup>

The greatest challenge of the time to the city was a sociological one. From 1845 through 1849 the potato crop of Ireland had been black and pest-ridden, and the hunger of the potato famine drove hordes of emigrants from the Emerald Isle. Virtually all landed penniless either in New York or Boston. In these few years before 1850, nearly thirty-seven thousand Irish immigrants descended upon Boston, which had a total population of



*Scene of the trial, the Supreme Judicial Courthouse in Boston, as  
it was in 1850*

less than a hundred thousand. The problems of absorption were beyond belief. Living conditions for the newly arrived were deplorable; public health problems were extreme. A month before the Webster case began, a widespread epidemic of cholera among the Irish settlers in Boston had just ended, resulting in the death of thirteen hundred Irishmen in one year alone. The life-span of the immigrant in 1850 was less than fourteen years. Thus hundreds escaped the famine in Ireland to knock on "the Golden Door" only to die of hunger and disease. The rash and sometimes troublesome Reverend Theodore Parker dubbed Boston "not the Athens of America but the Dublin of America."

In his inaugural speech of January 7, 1850, the newly elected mayor, John Prescott Bigelow, discussed the impact of the immigrant problem upon the city in unsympathetic, almost inhumane, terms:

Large numbers of paupers from Ireland have descended upon our immigration station at Deer Island which is inadequate for its purpose in both size and content. The foreign paupers are rapidly accumulating on our hands, and numbers of helpless beings, including imbeciles in both mind and body, the aged, the blind, the paralytic, and the lunatic, have been landed from immigrant vessels to become instantly and permanently a charge upon our public charities.<sup>4</sup>

In retrospect, the most prophetic and perhaps the most vital of the vital statistics of 1849 was the birthrate. Of the 5,031 children born in Boston in that year, 2,450 were borne by natives of Ireland.

This sudden and gigantic deluge of sons and daughters of Erin quite naturally affected all aspects of the city's life. By far the most pronounced of the unpleasant by-products of the localized population explosion was "crime in the streets" — and plenty of it.

Mayor Bigelow continued: "Violence and crime have greatly increased and have become a problem of momentous interest. Our jails, however capacious, will be sorely inadequate to the

imperious requirements of our society." More than half of the jail population in Boston in 1850 had been born in Ireland.

When violence and crime in the city had reached a peak in 1846, like the Avenging Angel there had swept into Boston from the woods of Maine a new police marshal.<sup>5</sup> Francis Tukey was young, intelligent, ambitious, ruthless, flamboyant, brutal, and feared. Even the men on his police force dared not address him directly.

Tukey was exactly suited to the temper of the times, for a strong hand was needed at the police helm. He had immediately captured the imagination of the city, its people, and its press, and in a short time he completely dominated the Boston city scene. Reckless, rude, even offensive, he was often the center of controversy.

Tukey's methods of recovering stolen goods were extremely effective, and, if not totally dishonest, they were at least unscrupulous. He organized the first city detective bureau in America and placed at its head Derastus Clapp, who played a role in the investigation of the disappearance of Dr. Parkman and in the Webster case.

A short time before, Clapp had recovered the \$10,000 loot from the robbery of the Boston jewelry store Davis & Palmer, and, as a result, had become a prominent local celebrity. Using an unknown technique of matching bootprints to boots, Clapp had apprehended the culprits, negotiated with them for the return of the loot to Davis & Palmer, and had been successful in recovering nearly all the \$10,000. Then he had freed the thieves without a trial and received a substantial reward from the city. Far from challenging the morality of this transaction, the people of Boston applauded Clapp with widespread public praise.

In 1849, Marshal Tukey's police methods, already offensive, became sickening when he instituted "descents." These were wholesale arrests, the forerunners of raids, which had some merit the few times they were directed toward houses of prostitution and "panel thieves," a species of rogue who relieved

patrons of bawdy houses of clothing and jewelry while the patrons were otherwise engaged. Their technique was to enter the chambers through sliding panels.

Then Tukey inaugurated the weekly "show-up of rogues." It was the last straw for the people of Boston. The "show-up" was a forced public display of persons *suspected* of being pick-pockets, burglars, prostitutes, pipe players, and vagabonds; they were forced to run a gauntlet of taunting citizens who tore at their clothing and committed all sorts of indignities upon them. The "showing-up" of a young woman transvestite and her fate at the hands of the crowd was the low watermark of this repulsive practice.

In November 1850, the investigation of the disappearance of Dr. Parkman and the murder trial of Dr. Webster presented Marshal Tukey and his equally distasteful assistant, Chief Detective Clapp, with the prospect of publicity and public recognition almost beyond their belief.

**J**OHN WHITE WEBSTER'S GENEALOGY included the very earliest Boston settlers. His great-great-grandfather was William Redford who settled in Puritan Boston in 1662; his maternal grandmother was named Suzanna Shattuck.<sup>1</sup>

The professor was not the first of his line to bring disrepute to Harvard College, for the day before Commencement in 1711 his maternal great-grandfather Wainwright had been apprehended for "rioting in the street" and "bringing scandal to the College."<sup>2</sup> The Harvard Corporation voted to withhold his degree, but that time the governor of the Commonwealth intervened at the last moment and the degree was granted.

Mrs. Webster's family began in America with Thomas Leverett, who settled in Boston in 1632. He was the father of Governor John Leverett and the great-grandfather of President John Leverett of Harvard College. In fact, the Leverett Street jail, scene of Webster's execution, was named after a family member.

On the other side of the family, Professor Webster was the grandson of Grant Webster, who had been a prosperous merchant and moneylender, with a place of business on



Merchants Row in Boston immediately opposite the Golden Ball Tavern. Born on Anne Street in Boston's North End near his father's apothecary shop on May 20, 1793, John White Webster was the son of Redford Webster and Hannah White Webster. Surely in his boyhood he had played "locust" and "punk" and "tipcat" with the Parkman boys on the Boston Common, but soon his family moved to Amesbury, Massachusetts, where his father conducted a very successful apothecary business.

In 1807 Webster entered Harvard College and soon distinguished himself more for mischief than for scholarship. It appears from his conduct reports that he was continuously being punished for minor infractions of the rules. In 1811, however, he was awarded his A.B. degree and four years thereafter his M.D. degree.

Later, in 1815, he traveled to England and enrolled in Guy's Hospital Medical School in London, where the poet John Keats was his classmate and friend. Keats and Webster served together as "dressers" for Surgeon Thompson Foster at Guy's Hospital. Webster's records at the London Hospital are marked "place of education — Dr. Gorham of Boston, North America."

After his medical training, he toured the British Isles on a scientific expedition with a Professor Boué and en route home from England stopped at the Azores. There he became very interested in the American consul's lovely daughter, whom he married in 1823. She was Harriet F. Hinckling, daughter of Consul Thomas Hinckling of Fayal, Azore Islands.

The young couple returned to Boston where the young doctor took over Dr. Gorham's medical practice and found it to be disappointing and unprofitable. Money was, in fact, always to be a problem as Webster explained some twenty-five years later in a letter to John Lowell of Boston from the Leverett Street jail cell:

In fact I knew little of the value of money. My father had always limited me to an exceedingly small allowance and studiously kept me in

ignorance of his affairs and means, undoubtedly from the best motives. After my marriage and while I resided in Boston his allowance to me was \$500 a year out of which I was to pay my house rent; I could not avoid incurring more debts, but believed my practice should increase.

On the decease of my father, instead of the property which I had been led to suppose him to possess, he left but about one half and of that no small part was in Charles River Bridge shares — the fate of which must be known to you. His real estate was left to my children, I to have the income from it during my life. If the children continued to reside with me and in case any one should marry, the income to go to the unmarried.

Persuaded by others, out of my family, I now most foolishly built the large and expensive house in Cambridge, expended much upon the land, in books and furniture. I at length found myself involved in debt and unable to retain the estate. Again did I commit a great mistake, listening to one who saw, as it after appeared, that he could take advantage of me, and I was induced to sell or exchange in part for land in the west which I was made to believe would be before long sold at high prices and make me in a few years independent. It turned out almost a total loss.<sup>3</sup>

As a professor, Webster had written a widely studied textbook, *Webster's Chemistry*, which was required in the chemistry course at Harvard and at West Point and elsewhere. He also was the editor of the *Boston Journal of Philosophy and Arts*, a founder and one of the earliest editors of the prestigious publication of the Massachusetts Medical Society, and the American translator of Von Liebig's *Organic Chemistry*, a world-famous text in the nineteenth century.

As a young married man Webster had been first a general practitioner of medicine; then a lecturer in chemistry at Harvard (1824–1826); adjunct professor of chemistry (1826–1827); and, finally, Erving professor of chemistry (1827–1850). By the time of the trial he had taught at Harvard for over twenty-five years and had been a very important part of the Harvard academic and social community.

If it were not for his dreadful fate, Webster might well be best remembered at Harvard College for being the faculty member responsible for the creation, in 1838, of the pleasant tradition of the annual "Senior Spread." The senior class was

allowed to have a dancing and dining party on the green grass in front of Holworthy Hall in the yard on Class Day.

United States Senator George Frisbie Hoar, a former student of Webster's, remembered the professor in his *Autobiography*, published in 1903:

John W. Webster gave lectures to the boys on chemistry and geology which they were compelled to attend. I think the latter the most tedious human compositions to which I ever listened. The doctor seemed a kindhearted, fussy person. He was known to the students by the sobriquet of Sky-rocket Jack, owing to his great interest in having some fireworks at the illumination when President Everett, his former classmate, was inaugurated. There was no person less likely to commit such a bloody and cruel crime as that for which he was executed.<sup>4</sup>

Another professor called Webster "a great asset at every Cambridge party." And so one gathers that he was witty, fun-loving, well read, and highly intelligent. He "had not an enemy in the world," remarked Middlesex County Probate Judge Samuel P. P. Fay, Webster's neighbor and whist-playing companion. The professor played the flute and was an ardent follower of the concert world. In fact, some of the exhibits introduced at the trial were still wrapped in the same paper which was used when they were removed from his laboratories — flyer programs of concerts of the Boston Philharmonic.

Webster and his beautiful family were almost constantly entertaining, and they were sought after as guests at all the many college community social affairs.

Upon moving to Cambridge they had for a short time lived on Ware Street, but in 1835 with his inheritance Webster had built the large and magnificent home on Harvard Street, later to be called Webster's Folly.\* After the forced sale of this building, he negotiated a long-term lease with an option to purchase upon the house owned by Jonas Wyeth at 22 Garden Street, near Harvard Square and the Harvard Law School. Here

\* A notation in John Sibley's *Confidential Notes* in the Harvard University Archives states that the house was destroyed by fire in 1866.

Webster lived from 1837 until his hanging in 1850. The large, gray, frame building stands today on a relatively small lot. By another of the bits of irony which seem to weave through the entire Webster story, it is within twelve feet of the Research Institute of the American Trial Lawyers Association which was built in 1969 and dedicated a year ago to Dean Roscoe Pound of the Harvard Law School.

As every lawyer knows, much can be learned about a man by an examination of the inventory of his personal estate. The following entries appear in the inventory filed by his widow in the registry of probate for Middlesex County: a great variety of chemistry apparatus; a large collection of minerals; hundreds of books on general subjects; 660 scientific volumes; several hundred volumes on music; 1 flute; 102 sheets of piano music (and no piano); a cellar full of demijohns of wine; and, finally, one lease from Jonas Wyeth for 22 Garden Street with a value of two hundred dollars.<sup>5</sup>

Professor and Mrs. Webster lived for thirteen years at 22 Garden Street. There had been five children, and in 1850 the four lovely daughters were aged sixteen to twenty-four. The oldest had already married a Mr. Dabney, who, coincidentally enough, was the American consul in Fayal, Azore Islands.

There had been very sad moments, too, when their only son died at an early age, an event which Webster recalled on the morning of his hanging. John Langdon Sibley, Harvard librarian and historian, tells of the visit, on that same day, of the prisoner's friends, Professor Henry Wadsworth Longfellow and Harvard President Jared Sparks, to the stark six-by-nine-foot cell where Webster was jailed. Throughout the interview, which the illustrious visitors described as "the most painful ever had," Professor Webster refused to speak at all of his own wretchedness and discomfort but rather "poured out a full tide of feeling and sympathy for his distressed family."<sup>6</sup>

The first Parkman arrived in Puritan Boston in 1640, a decade after John Winthrop's followers had voted "by an erec-

tion of hands"<sup>7</sup> to settle on the peninsula which the Indians had called Shawmut. This first Parkman, like his great-great-grandson, a principal in this sad tale, not only bore the name George, but curiously he too had mysteriously disappeared.<sup>8</sup>

Little more is known of George Parkman, primus, than that he "removed from New Haven" to Boston in 1640, that he was a merchant and trader who traveled along the Connecticut River dealing with Indians and white settlers, and that in 1662 he departed the Boston settlement on one of his periodic trips and for all time disappeared. He left a family and no money.

George's great-grandson, Samuel Parkman, an extremely wealthy merchant and real estate owner, was the father of the principal in our tale and of the Reverend Francis Parkman, known for his "urbanity, learning, and benevolence,"<sup>9</sup> who eventually played a large part in the trial of John Webster. Reverend Francis Parkman in turn was the father of Francis Parkman, one of the leading American historians of the nineteenth century.

By 1846 some fourteen Parkmans descended from Samuel alone had graduated from Harvard College, and nine of these had joined the Hasty Pudding Club, ironically taking part in the club's traditional mock trials, the forerunners of the popular Pudding shows of today.<sup>10</sup>

Samuel's son George, who disappeared on the evening of November 23, 1849, was born and lived in the West End of Boston surrounded by the vast real estate holdings of his father. A few hundred yards from where it was said he was last seen alive stood the large Parkman Market, designed by Charles Bulfinch for Samuel Parkman. This was a wholesale market with scores of stalls for trading in farm produce and meats, much like the more famous Quincy or Faneuil Hall Markets.

As a young boy George attended the same class at Boston Latin School as his brother Francis before they entered Harvard College. There he apparently enjoyed some degree of popularity and respect because he was elected secretary of the Hasty Pudding Club in his last year. After receiving his A.B. degree in

1809, Parkman decided to study medicine abroad. In the early nineteenth century, this practice was common among the young men of wealthy Boston families who were entering the field of medicine and was made necessary by the nearly complete absence of clinical facilities for medical study in Massachusetts. Parkman studied at the University of Aberdeen in Scotland and received his M.D. degree there. Then he traveled to Paris a short time later and remained there for graduate work.

Writing in the *American Journal of Psychiatry* in 1966, Eric T. Carlson, M.D., an eminent psychiatrist, said that the disappearance "almost totally obscured [George] Parkman's role in the early history of psychiatry." He went on to characterize George Parkman as "one of America's pioneer psychiatrists."<sup>11</sup>

Dr. Carlson told of Parkman's training at the Salpêtrière Hospital in Paris under Philippe Pinel and Etienne Esquirol, famous French psychiatrists; of his return to Boston, and of his untiring efforts on behalf of the mentally ill of Massachusetts: "In order to evaluate the need for a mental hospital and to arouse interest, Parkman sent out a circular letter to the postmasters, clergymen, and doctors in the area to ascertain the number of mentally ill in the different districts of that section of Massachusetts. He located a total of 592. This appears to have been the first attempt at a study of psychiatric incidence in the United States."<sup>12</sup>

Feeling that there was a definite need for such an institution, Parkman organized a small lunatic asylum of his own as a pilot project to demonstrate the practicality of his idea. He also offered to raise \$16,000 for the trustees of the Massachusetts General Hospital to sponsor the construction of a full-size mental hospital under their aegis. Embarrassingly, the trustees interpreted his offer as being a bona fide agreement to endow an asylum with Parkman's own money. The embryonic project floundered because of this misunderstanding since Parkman was unwilling to advance the funds.

Several years later, however, the trustees were prepared to finance a lunatic asylum called the McLean Hospital, and

Parkman applied for the position of superintendent. In support of his application he submitted two lengthy treatises to the trustees, one entitled "Management of Lunatics" and the other, "Remarks on Insanity." An examination of these papers is revealing for they do, to some extent, demonstrate the character and makeup of their author.

Parkman's thoughts in "Remarks on Insanity" appear to be a disjointed series of comments and observations on suicide and marital relations. This excerpt is typical.

Persons experiencing noise in the ears, with increased activity of imagination, sometimes fancy distinct sounds, revelations, an animal in their head. Increased susceptibility makes them alive to such afflictions, and subjected to them.

Should any one, in the irritability induced by midnight study or similar causes, consider this subject of suicide intently, even a short time, let him move from his reach every means of self-destruction and maniacal extravagance, and quit his study as soon as he feels that *exaltation d'imagination*, its almost necessary effect, and analogous to effects of midnight frightful tales, &c. and to the state attending maniacal extravagance.

It has been proposed that bodies dying by their own hands should be dissected.

Disposition to insanity, like other qualities of parents, seems transmitted to children.

Many, become insane, have showed peculiarities of mind from early infancy.

(g) Constant reciprocal action appears between mind and body.

That each mental power do its office is essential to rationality.

(h) Strength of each power and propensity is proportioned to its use.

Inactivity or undue exercise of any power or propensity disturbs the intellectual equilibrium.

Disease, apparently from difficult accomplishment of puberty, oftener attacks girls than boys. The womb and breasts are often disordered, and specially affect the mind; the cessation of their functions is often unfavourable.

Females are obliged generally to be cautious, which saves them the consequences of many false steps.

Through life most of them look to someone for support and advice.

Men have more objects and anxieties than women; but each object

has but a share of attention and interest. If any fail, attention to others diverts from disappointment.

As soon as girls are marriageable, their principal object is to please men, for physical reasons, and for prospects in life. If they fail at the expected period, especially if their views centre in an individual, they have small defence from extreme disappointment.

Without prepossessing qualities to secure common civilities of society, they often suffer severely.

Men's profession is their principal object, matrimony an occasional one, often subservient to business, and suggested by circumstances. Disappointment from this source is generally counteracted by business.

Widows suffer more than widowers, their chance of repairing their loss being less.

The generally extravagant anticipations of marriage-life especially depress females, as affecting their chief interest.<sup>13</sup>

The other essay, "Management of Lunatics," was much shorter and was a detailed mechanical and structural arrangement of plans for the custodial care of insane persons.

Despite his lengthy application and the unusual form of its presentation, it was denied. Dr. Rufus Wyman, father of Jeffries Wyman, M.D., and Morrill Wyman, M.D., who both played roles in the Webster case, was appointed to the post.

In 1823 Parkman was the editor of the *Medical Intelligentsia*, and he organized and published with Drs. J. C. Warren and John Ware the *Boston Medical and Surgical Journal*. Gradually the pressure of managing his inherited fortune and real estate drew Parkman away from the medical and literary arts until by 1849 his principal occupation was rent collection, although he was also known as a moneylender.

His holdings included marshland on the banks of the tidal Charles River on the west side of Beacon Hill, a portion of which he had sold to the city of Boston for the construction of the Charles Street jail. It had been sensibly planned to locate the new jail away from the center of the crowded city, and a site had been chosen in South Boston. In the last few days of Mayor Josiah Quincy's administration, however, Parkman's land was hastily acquired for the project. This was a great embarrass-



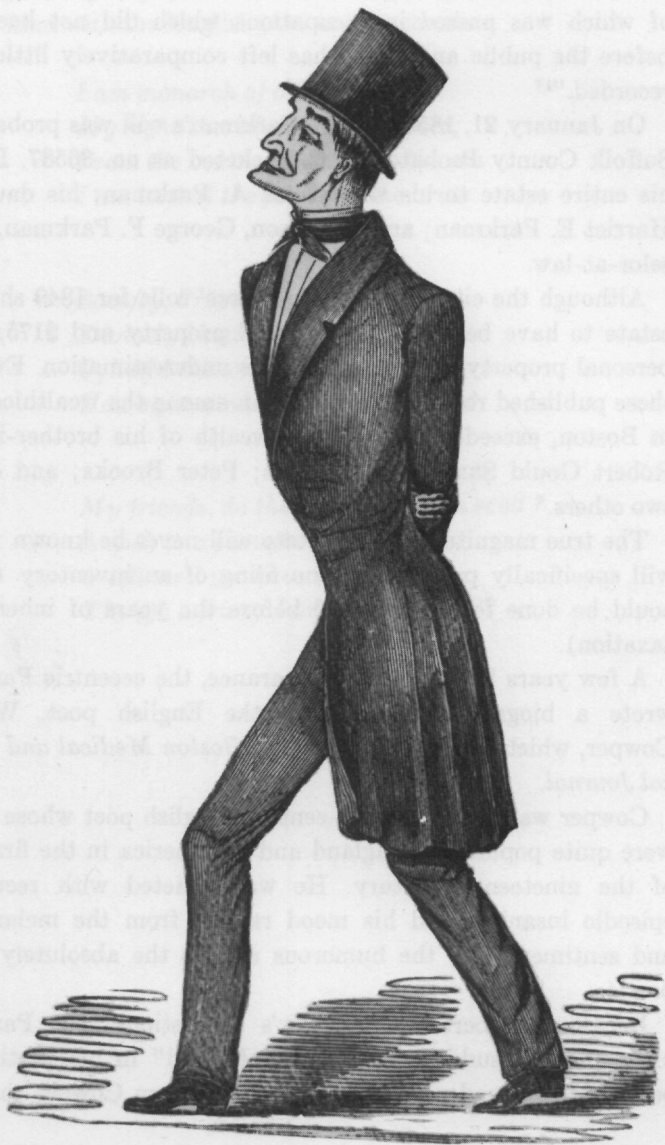
ment to the new administration of Mayor Bigelow since the land in question was poorly located, overpriced, and principally under water. For his small contribution of less than one-third of the waterswept land parcel Parkman received \$44,120.90, a staggering, even scandalous, sum.<sup>14</sup>

In addition, we read in the minutes of the Harvard University Corporation of February 22, 1846, that "through the liberality of Dr. George Parkman the faculty have received the offer of a lot of land, principally flats, measuring 100 feet by 80 feet and fronting the estate of the Massachusetts General Hospital, to be appropriated for the site of a new Medical School."<sup>15</sup> Because of his gift, the university established a chair at the Harvard Medical School called the "Parkman Professorship of Anatomy," which at the time of his disappearance was occupied by Oliver Wendell Holmes, Sr. It was on this land that Parkman's body was allegedly found.

Eccentric and unpleasant as it appears he usually was, Parkman did enjoy a great interest in the beauties of nature and through his outdoor interests became associated with John James Audubon as his business agent in the city of Boston. To express his appreciation, on November 30, 1848, Audubon named a newly discovered specimen of bird for Parkman — "Parkman's wren" (*Troglodytes Parkmani*).<sup>16</sup>

Precisely one year later on November 30, Littlefield made the hideous discovery at the Medical School of the human parts said to be Parkman's remains. Three days after this they were encased in a lead box filled with alcohol, placed in a casket, and buried under Trinity Church. Oliver Wendell Holmes delivered a eulogy at the memorial service on December 3, 1849, which appeared in a small pamphlet entitled *George Parkman — Benefactor of the Harvard Medical School*.

The great master of words strained to paint a pleasant picture of the donor of his professorial chair: "He worked while others slept, he walked while others rode. He abstained while others indulged, a man of strict and stern principle with a never flagging energy, simple and frugal."



*A sketch of Dr. Parkman as he was last seen*

Parkman's life, said Holmes, was "a life, the greater portion of which was passed in occupations which did not keep him before the public and which has left comparatively little to be recorded."<sup>17</sup>

On January 21, 1850, George Parkman's will was probated at Suffolk County Probate Court, docketed as no. 36587. He left his entire estate to his wife, Eliza A. Parkman; his daughter, Harriet E. Parkman; and to his son, George F. Parkman, counselor-at-law.

Although the city of Boston assessors' rolls for 1849 show his estate to have been \$167,800 in real property and \$175,000 in personal property,<sup>18</sup> this was a gross underestimation. Even so, these published rolls placed Parkman among the wealthiest men in Boston, exceeded only by the wealth of his brother-in-law, Robert Gould Shaw; David Sears; Peter Brooks; and one or two others.\*

The true magnitude of his estate will never be known for his will specifically provided for no filing of an inventory (which could be done legally in 1850 before the years of inheritance taxation).

A few years before his disappearance, the eccentric Parkman wrote a biographical essay on the English poet, William Cowper, which was published in the *Boston Medical and Surgical Journal*.

Cowper was an eighteenth-century English poet whose works were quite popular in England and in America in the first half of the nineteenth century. He was afflicted with recurrent, episodic insanity, and his mood ranged from the melancholy and sentimental to the humorous and to the absolutely bombastic.

Recalling Robert Gould Shaw's suggestions that Parkman had suffered "sudden aberrations of mind" in his lifetime, it occurs to the reader of the paper on William Cowper that the

\* *The Rich Men of Massachusetts* by Abner Forbes and J. W. Greene sets Parkman's wealth at \$750,000. Robert Gould Shaw's fortune was set at twice that.

almost pitifully unpopular Parkman may have felt a consciousness of kind with the English poet on two counts.

*I am monarch of all I survey,  
My right there is none to dispute;  
From the centre all round to the sea  
I am lord of the fowl and the brute.*

. . . . .

*Society, Friendship, and Love  
Divinely bestowed upon man,  
O, had I the wings of a dove  
How soon would I taste you again!*

. . . . .

*My friends, do they now and then send  
A wish or a thought after me?  
O tell me I yet have a friend,  
Though a friend I am never to see.<sup>10</sup>*

**B**ECAUSE OF THE WIDESPREAD ASSUMPTION that the human parts found at the Medical School were Parkman's, the impact of Littlefield's discovery was powerful. "At no time within the recollection of any citizen of Boston," said the *Herald*, "has there been so great, so general an excitement."<sup>1</sup>

For one frenzied week the whole city had searched fruitlessly, and now, with the arrest of Webster, a great threatening horde of ruffians and anti-dissectionists surrounded the Medical College, intent on burning it. A wave of rioting swept the entire city. Acting swiftly, the mayor called out the entire police force and the city militia to suppress the insurgence. The National Lancers (cavalry), First Brigade, under Captain William F. White; the City Light Guard, under Captain Merrill A. Thompson; and the Boston Artillery (the "Ancient and Honorable Artillery Company") were all alerted and stood ready at their posts during the night of November 30, 1849.

Meanwhile, as the news of Professor Webster's arrest spread from Boston to Cambridge, that city's marshal, acting under the Cambridge mayor's directions, assembled twenty-five special policemen to surround and protect Pro-

fessor Webster's Garden Street home. Inside, the now completely distraught wife and three lovely daughters of the unfortunate Webster cowered in fear at the catcalls of the curious, the callous, the crude, and the ribald. "No attempt, however," said the *Boston Herald*, "was made to molest the innocent occupants of the house."<sup>2</sup>

By the following day, the tumultuous mood of Boston had somewhat softened, yet a large crowd still lingered near the Medical College. At five o'clock on the evening of December 1, 1849, an inquisitive child, peering through a lower window of the college, slipped and fell through it. The sound of the breaking glass and the child's screams brought another surge of hundreds to the scene from the nearby "Black Hole" Irish tenement district, intent in participating in an attack upon the college which they thought had already started. Fortunately, "Police officers quickly intervened," said the *Herald*, "explained the cause of the excitement, and the grumbling assemblage dispersed."<sup>3</sup>

One day after the arrest of Dr. Webster, Jabez Pratt, the local coroner, summonsed six good and true coroner's jurymen to begin hearings on the death of Dr. George Parkman, and the details of the inquest were reported on the front page of each Boston newspaper, which in 1850 normally consisted of four-page editions containing a few columns of news on page two and a large number of small advertisements, mostly classified.

The Massachusetts laws in 1849 required a "coroner's jury" to inquire into any death supposedly caused by violence.\*

\* The origins of this legal practice are discussed in an article entitled "More Questions than Answers in Report on Inquest," by Fred P. Graham in the *New York Times* of May 1, 1970. There Mr. Graham writes:

"Inquests are the descendants of coroner's inquests, an invention of medieval England as a way to preserve the facts of homicides until the king's justices made their infrequent visits to conduct trials. The idea was revived in Massachusetts in the nineteenth century, primarily as a means of aiding the heirs of persons who had been killed by railroad trains.

"Plaintiffs in damage suits against the railroads had scant means of discovering the facts under court procedures that existed then, and the inquest brought the state in on the side of the claimant against the railroad."

The legal function of the coroner's jury inquest was a purely administrative one: to determine the cause of death. It was not designed to be a method of identifying the *corpus delicti*, and certainly these proceedings were not meant to be an adjudication of the guilt or innocence of an accused person.

Those selected were Osmyrn Brewster, the foreman; John L. Andrews, the secretary; Perle Martin; Thomas Restereaux; Lewis Jones; and Harman Merrill.

This coroner's jury was remarkable for two reasons; first, as soon as the proceedings were completed, the foreman, who was a state legislator, submitted legislation to reform the coroner's jury procedures; and, secondly, John L. Andrews, the secretary of this body, who signed its report, was forthwith employed by the Commonwealth as an investigator to prepare the prosecution's case against Dr. Webster. In this capacity Andrews interviewed and took written statements from the same witnesses who had previously testified before him in his quasi-judicial capacity as secretary of the coroner's jury — an indication of Andrews's versatility perhaps, but hardly an example of judicious objectivity and fair play.

Because of the tremendous public interest in Littlefield's discovery of a body, it was finally determined to conduct the inquest itself in secret. However, this was not to be the case, for "leaks" from the proceedings swept the nation throughout the hearings.

On December 13, 1849, the coroner's jury announced that their inquest had been completed and that their final report was as follows:

All the remains have been demonstrated to be parts of one and the same person; and those parts of the human frame have been identified and proved to be the remains and parts of the body and limbs of Dr. George Parkman, late a citizen of said Boston, aged about sixty years; that he came to his death by violence at said Boston on the twenty-third day of November last, or between the hours of one and a half of the clock on the afternoon of that day, about which time he entered alive and in good health into the Massachusetts Medical College build-

ing, situated in North Grove street, in said Boston, and the hour of four of the clock in the afternoon of the thirtieth day of November last when a portion of said remains were found concealed in and under the departments of Doctor John W. Webster, of Cambridge, in the county of Middlesex, in said College building, in which building the residue of said remains were afterwards discovered; that he was killed in said College building by blow or blows, wound or wounds inflicted upon him with some instrument or weapon to the Jurors unknown and by means not yet known to the Jurors; and that said blow or blows, wound or wounds, were inflicted upon him and said means were used by the hands of said Doctor John W. Webster, by whom he was killed.<sup>4</sup>

In short, the coroner found that the sparse human remains in the Medical School were the remains of George Parkman, M.D., who had come to his death by violence on the 23d day of November, 1849, at the Harvard Medical School. This death was caused "by blow or blows, wound or wounds" inflicted upon him by the hands of John W. Webster.

It is extremely important to remember that this hearing had been conducted on an *ex parte* or one-sided basis, without the opportunity of cross-examination and outside the presence of the accused. Only the prosecution was permitted to be present and only the prosecution could introduce evidence and present witnesses.

This startling and condemning report of the coroner's jury was published verbatim in the Boston and New York press and throughout the country. Thereafter, there was sustained publicity given to the findings.

On Saturday, December 15, 1849, before the grand jury had been summonsed, the *Daily Evening Transcript* said:

In Boston I find that the general opinion is that Dr. Webster is unquestionably guilty of the murder of Dr. George Parkman, and not a few go so far as to say that it was premeditated.

In Cambridge, among those who know Dr. Webster, there is a general belief in his innocence although most persons confess that they do not see how the circumstances can be reconciled with this belief.

In his person Dr. Webster is short and thick, especially across the



shoulders. He wears spectacles and his general appearance is such as would attract attention.

He is a man of considerable scientific acquirements but he is not a man of very strong mind.

There cannot now be the slightest doubt that the body found in the Medical College is that of Dr. Parkman.

This newspaper editorial is typical of the comment of the press prior to the grand jury's being summonsed, and indeed it is characteristic of the newspaper treatment given to this case.

If possible, a more stunning pretrial effect was achieved by the appearance of a thirty-two page pamphlet entitled *The Boston Tragedy!! An Expose of the Evidence in the Case of the Parkman Murder!* by W. E. Bigelow. The author prefaces his work, which had been given the widest possible circulation, by stating that the cause of justice would not be hindered by its publication.

On the cover appears a portrait of John White Webster with his jolly, pudgy features distorted into a vampirelike image. Within, Mr. Bigelow said in part:

A few days since, Governor Briggs visited the Medical College and went over the scene of the murder. He examined the premises carefully, and said he could come to no other conclusion than that Webster was a guilty man.\*

. . . . .

Mr. Clifford, the Attorney General, says that could he have known that such a black and appalling case of premeditated murder was to come under his management, he could never have accepted the office he now holds.

. . . . .

His [Webster's] own naturally extravagant habits — his endeavors, unwarranted by his income, to keep his family moving in the highest and wealthiest circles — his extreme negligence in meeting his creditors, and his total want of economy — all tended to work him up to the highest excitement his naturally nervous temperament was capable of;

\* These words bring to mind President Nixon's statement about defendant Charles Manson in the recent Sharon Tate murder case in California.

to exasperate and madden him, until he conceived the horrible idea of murdering, and forever removing from his presence him, who was the immediate cause of his present bitter anxiety, and of whom he had the most dread.

. . . . .

. . . that, by the will of Webster's father, the sum of fifty dollars was to be paid annually to the children of a near relative, an obligation that he [Professor Webster] did not meet, with the result that the child is lodged in the alms house.

. . . . .

Dr. Webster's friends applied to the Honorable Daniel Webster to conduct the defence, and offered him \$2,000 to commence it, but he absolutely refused, and would not touch the money. They then went to Rufus Choate, but with no better success. Mr. C., with all his legal acumen and ingenuity, thought Webster's a desperate case; he said that he could conceive of no other defence to be set up than that Parkman went into Webster's private room and shook himself all to pieces, one part of his body going here, another there, some parts down the privy, and others into a furnace, or a box, etc.

George Bemis, the prosecutor, was later to characterize this last remark as "groundless gossip."

Ending his pamphlet, Bigelow writes:

The trial will probably take place the 15th of March, and it will be unquestionably one of the most interesting and exciting criminal trials ever had in our country. The facts which will be divulged at that time will startle everybody, and the confessions of Professor Webster at the time he was arrested will convince the jury and the world that he is guilty.

Here in contrast is a sane view expressed by the *New York Herald's* correspondent in Boston, covering the Parkman disappearance and Professor Webster's arrest: "Every statement, every misstatement, every suspicion, well- or ill-founded, every breath, every innuendo tending to show the innocence or guilt of the party now in jail awaiting his trial on the charge of murder, has been caught, distorted, and sent on the wings of the press to the four quarters of the world."<sup>5</sup>



*"Vampire-like" sketch of Webster*

Currently here in Massachusetts and elsewhere in America there exists a free press versus fair trial juridical problem, a serious conflict between the rights arising under the guarantee of freedom of the press (the First Amendment of the United States Constitution) and the rights of a criminally accused person to have a fair trial (the Sixth Amendment of the United States Constitution). Perhaps the events which immediately followed the assassination of President John F. Kennedy in 1963 have underscored this problem for us all. But if one were to search this country's judicial history for the classic example of a violation of the rights of a criminally accused defendant by pretrial publicity, I suppose the case of John White Webster would lead all others.

The coroner's jury procedures and the extraordinarily widespread publicity given its hearings and findings may sound ridiculously prejudicial to us today, yet it was all consistent with the statutes of Massachusetts in 1849.

Fortunately, several months later by the Acts of 1850, proposed by Osmyn Brewster, the Massachusetts legislature changed the coroner's jury statute, by reason of the inequities in the Webster case, to allow all coroner's juries to conduct inquests in complete secrecy to avoid pretrial prejudicial publicity.

Historically, the statute which empowered the coroner's jury to act in the Webster case is the direct forebear of the Massachusetts Inquest Statute which has recently received a great deal of public attention in Senator Kennedy's case (*Edward M. Kennedy v. James A. Boyle, as he is Justice of the District Court of Dukes County*).

The fact is that the Webster coroner's jury inquest was simply a preliminary inquest conducted, as has been indicated, on an *ex parte* basis.

The Massachusetts law concerning dead bodies and "death supposed to have been caused by external means" was altered in 1877, abolishing the coroners and the coroner's jury and transferring their power to a judicial officer; otherwise, since 1850 the

procedure had not been changed in any substantial way until the Senator Kennedy case.

On October 30, 1969, the Massachusetts Supreme Judicial Court said that first, inquests shall be closed to the general public and the news media; secondly, that witnesses may be advised by counsel while testifying; and thirdly, that the District Court judge's report and all inquest documents shall remain impounded with certain minor qualifications.

In fact this pretrial prejudicial publicity of the Webster case was argued in the Senator Kennedy case, as was the deleterious effect that widespread publicity had had upon the outcome of the Webster trial one hundred and twenty years before.

Senator Kennedy's attorneys argued that there are two principles inherent in the concept of a trial by jury: first, the jurors selected must be impartial and indifferent; and secondly the verdict must be based upon the evidence adduced at a trial, and that excessive news media coverage generated by the prosecution at a preliminary inquest would or could be violative of both. In this vein the attorneys convinced the Massachusetts Supreme Court to modify the ground rules of procedure established for a preliminary inquest in Massachusetts.

These arguments used by Senator Kennedy's attorneys were as valid in 1850 as they are today. The preliminary coroner's inquest jury for the Webster case delighted the press with "leaks" during the hearings, and the coroner's jury report was so widely publicized as to totally preclude the selection of an unaffected or indifferent jury.

To further complicate matters the new mayor of Boston, John Prescott Bigelow, delivered a widely publicized speech on the very eve of the grand jury sitting. Here was real fuel for the flame of prejudice which the press was kindling. Placing the blame for Boston's crime wave squarely upon "juries unwilling to convict," Mayor Bigelow said: "Juries have become particularly scrupulous, especially if the event be of grave character. Should no technical flaw in the preliminary proceedings open the dock for the exulting prisoner, he has good reason to hope

that some plea of partial insanity, somnambulism or the like will screen him in the hands of the jury.”<sup>6</sup>

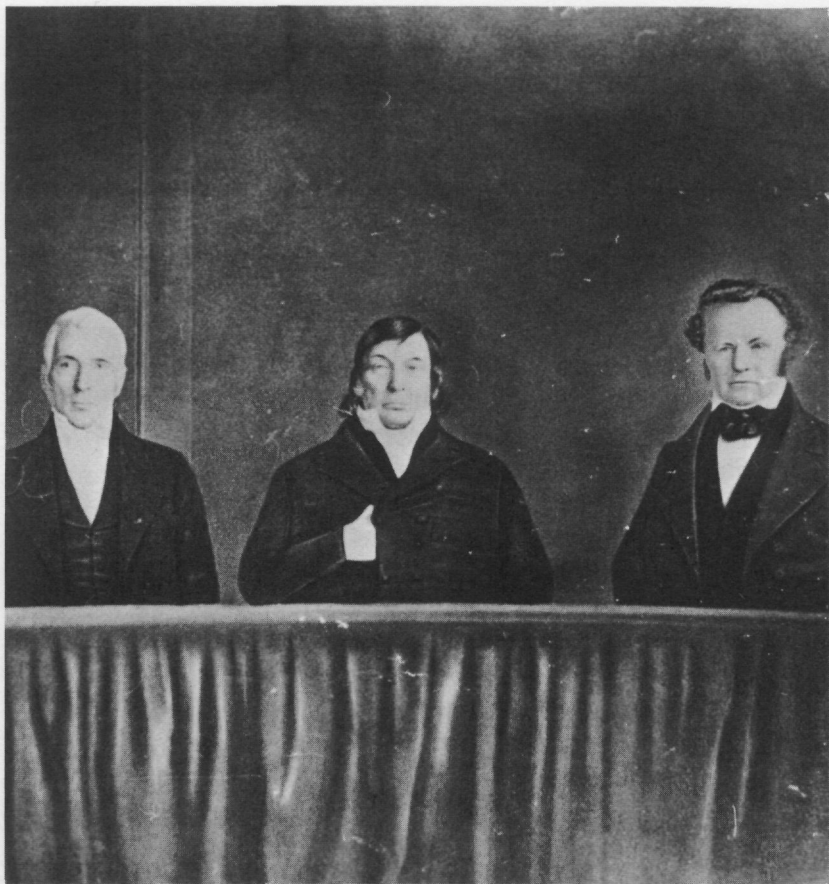
When the press emphasized this aspect of the new Mayor Bigelow’s dramatic speech to the already frenzied community, no one failed to recognize the target — the short chubby Harvard professor sitting quietly in his cell in the Leverett Street jail in Boston.

It appears that it would have been difficult, if not impossible, to find in Boston any grand jurors who would not indict, nor any trial jurors who would not convict as a result of the press treatment given to the coroner’s jury finding. And, indeed, the grand jury indicted Webster on January 26, 1850, and on Tuesday, March 19, 1850, a quorum of the Supreme Judicial Court of Massachusetts, consistent with the statutes, assembled in the Supreme Judicial Courthouse to “hear the case of the Commonwealth against John White Webster.”

**I**N 1850 THE MASSACHUSETTS LAW required that all capital cases be tried by a quorum of the Supreme Judicial Court. There were only five justices on the court, and three constituted a quorum, but because of the importance of the Webster case four justices presided. The fifth, Mr. Justice Richard Fletcher, was ill during the trial. The Court quorum consisted of Chief Justice Lemuel Shaw and Associate Justices Samuel S. Wilde, Charles A. Dewey, and Theron Metcalf.

Chief Justice Lemuel Shaw presided. Many have felt that Lemuel Shaw was the single most effective judge in the judicial history of Massachusetts, the state which produced Story, Gray, Parsons, Cushing, Holmes, Brandeis, and Frankfurter. Other legal scholars consider Shaw to be an able but slow plodder whom Fate cast in the role of a judicial luminary.

Rufus Choate, one of the pre-eminent trial lawyers in America's history, said of Shaw: "I feel a reverence for the Chief Justice. I bow down to him as the wild Indian does before his wooden idol. I know he's ugly; but I bow to a superior intelligence."<sup>1</sup>



*From left to right: Justice Samuel Wilde, Chief Justice Lemuel Shaw, and Justice Charles Dewey of the 1850 Massachusetts Supreme Judicial Court*



On the other hand, Senator George Frisbie Hoar remarked: "Judge Shaw's mind moved very slowly. When a case was argued, it took him a good while to get the statement of facts into his mind. If the simplest motion were made, he had to unlimber the heavy artillery of his mind. The Chief Justice had not the slightest sense of humor!"<sup>2</sup>

In any case, after a century and two score years, his name still stands with those of the best-remembered judges in American juridical history. He also has a small place in literary history as the father-in-law of Herman Melville, who married his daughter Elizabeth in 1847.

He was short and squat with heavy, unsmiling features and a great mane of usually uncombed hair which fell upon his face and gave him a leonine appearance. Rufus Choate was right—Shaw was ugly.

Chief Justice Shaw was born in 1781 in Barnstable, Massachusetts, the son of a minister of the West Parish Church. In 1800 he was graduated from Harvard College and in 1804 he was admitted to the bar in New Hampshire and in Massachusetts.

The outstanding event in Shaw's early legal career was the fact that in 1806 his law associate, Thomas O. Selfridge, was indicted and tried for the murder of a seventeen-year-old boy and later found not guilty. Shaw testified concerning the defendant's character at the Selfridge trial, in which many thought the jury had reached a "Scotch verdict," that is, "Not guilty; but don't do it again."

Soon, however, the diligence, attention to detail, sound judgment, and knowledge of the law which were later to serve Shaw for thirty years as chief justice gave him great stature at the bar. When Boston became a city in 1822, for example, it was Shaw who authored the city charter. The following year, together with Ashael Stearns and Theron Metcalf (who also sat at the Webster trial), he compiled the General Laws of Massachusetts, and, for the first time, published the compilation.

Immediately before his term on the bench began, he served as

president of the Boston Bar Association. In 1830 Shaw was appointed chief justice of the Supreme Judicial Court. He resigned after thirty years.

When he died in 1861, Shaw left as his best-remembered single judicial act his charge to the jury in the Webster case, which, as spoken, had provoked a deluge of criticism from professionals in the law including George Bemis, the successful prosecutor, who called it "harsh and unwarranted."<sup>3</sup> Shaw was careful to alter the recorded version which has come down to us, and it is quite different.

It must be said also that when the Webster trial was called before Shaw in March of 1850, the record shows that the chief justice was not in a merciful mood. Two weeks before Webster was tried, another murder case had been heard by the chief justice and his court, the *Commonwealth v. Daniel H. Pierson*. The defendant, Pierson, was a mentally retarded man accused of killing his wife. He was defended by the flamboyant Benjamin F. Butler, who was later known as the "Beast of New Orleans" after the Civil War. Butler presented the defense on the grounds of insanity: imbecility aggravated by his wife's unfaithfulness and by her refusal to grant the imbecile defendant his conjugal rights.

Attorney General John H. Clifford prosecuted the Pierson case. His handwritten notes, in the nature of a transcript of the record, were made only days before the Webster trial began:

March 2, 1850

Commonwealth v. Pierson

Jury returns into court, one o'clock

VERDICT GUILTY

Foreman of the jury (to the court). The jury requests me to say that owing to the low state of the prisoner's capacity they UNANIMOUSLY RECOMMEND HIM TO MERCY.

Chief Justice Shaw addresses the prisoner in a most impressive manner for a half hour and pronounces upon him the SENTENCE OF DEATH.<sup>4</sup> [Emphasis is Attorney General Clifford's.]

The gross harshness of judicial rejection of a jury's unanimous recommendation for mercy in a capital case may not be unique in the legal history of the United States but, thankfully, if such a rejection has occurred at all before or since, its incidence has been extremely rare.

Perhaps this judicial severity of Shaw and his court was a reaction to Mayor John P. Bigelow's public indictment of the judicial system for excessive leniency made two months before. Perhaps the judgment was a reaction to the skyrocketing crime rate in Boston in 1850, or to appease the bloodthirsty press, already whetting its appetite for John White Webster.

Whatever the reason, it is certain that Professor Webster, waiting in the wings to be tried, could find no solace or comfort in the disposition of the imbecile Pierson's case by Shaw and his court on March 2, 1850.

United States Senator George Frisbie Hoar was a giant in Massachusetts legal and political circles in the last half of the nineteenth century, and, really, by virtue of his long service and consequent seniority in the Senate, was a molder of our nation's history. Hoar had been an active trial lawyer in the mid-nineteenth century, as were his brother, later Judge Ebenezer Rockwood Hoar,\* and his father, Samuel Hoar. In his *Autobiography* published in 1903, Senator Hoar includes a section entitled "Some Judges I Have Known." There he discusses all four judges at the Webster trial. Let us look at Justices Wilde, Dewey, and Metcalf through the eyes of Senator Hoar.

The senior associate justice was Samuel S. Wilde, an octogenarian who, at the time, had served on the court for thirty-five years. He was an extremely handsome man with a great mass of snowy white hair, and slender, almost delicate features. The epitome of elegance and breeding, he had retained an archaic accent of speech as a remnant from his own era.

\* Reminded by the recent Haynsworth and Carswell cases we may note that Ebenezer Rockwood Hoar, attorney general of the United States, was nominated by President Grant in 1870 as a justice of the United States Supreme Court. Confirmation was denied him by the United States Senate.

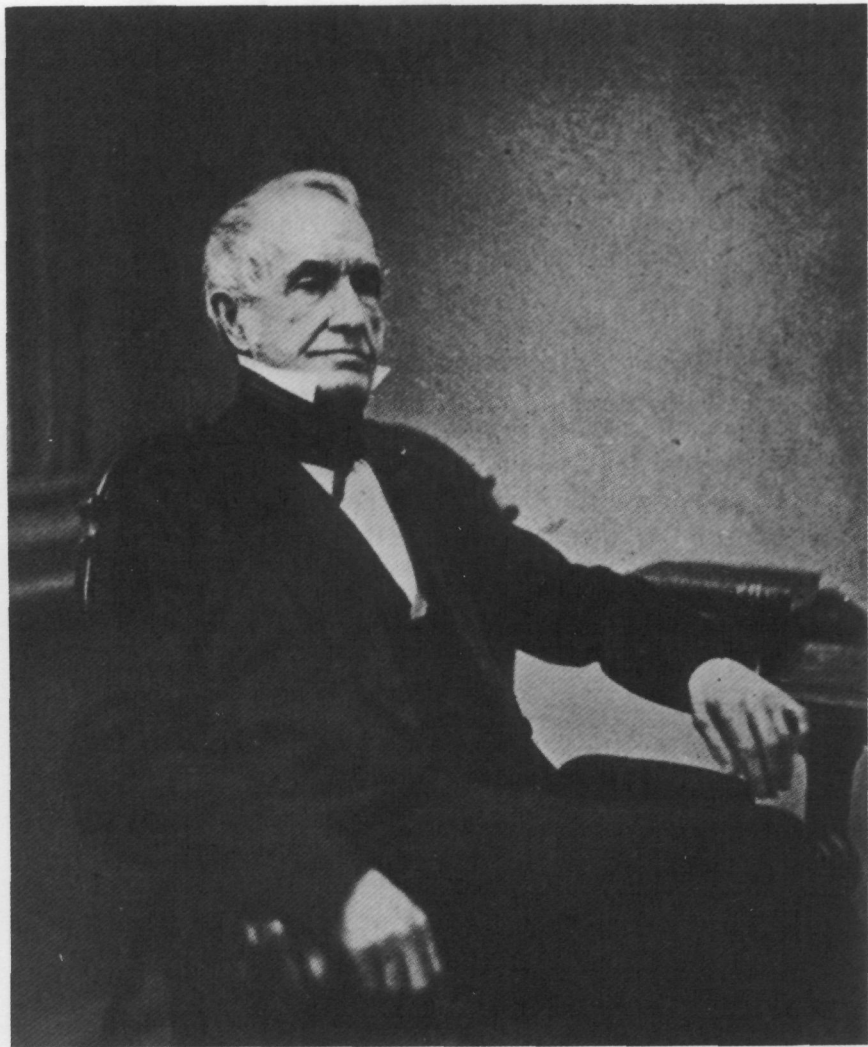
Senator Hoar said of Wilde that he was much respected by the bar for the artistry which he employed in writing opinions, although "he was no respecter of persons. He delivered his judgments with an unmoved air, as if he had footed up a column of figures and were announcing the result."

Justice Wilde resigned from the Massachusetts Supreme Court in 1850, almost immediately after the Webster trial. Hoar writes that "Justice Wilde had begun to show some signs of failing powers."

In complete contrast to the elegant Wilde was Charles A. Dewey, second senior justice under Shaw. Short, heavyset, his whole person dominated by an unusually large head, with a broad forehead and somewhat bulbous nose, Dewey was a veteran judge who had been appointed to the supreme court thirteen years before the Webster trial. For a long time he had been a prosecuting attorney, yet no one was known to make the accusation that Judge Dewey was "prosecution oriented."

Apparently Justice Dewey was astute and learned in the law, for Senator Hoar remarks of him, "It is said that there is no incidence of any opinion of his being overruled in a very long judicial service." If this is true, it was a feat perhaps difficult then and absolutely impossible today in Massachusetts. Here, however, it should be borne in mind that Massachusetts in 1850 had a most unusual appellate procedure whereby the supreme court justice, acting upon a case, would have his opinions and decisions reviewed by the same five-man court of which he himself was a member.

Finally, we reach the junior justice of the court, Theron Metcalf, a newcomer to the bench. A tall, lean man with an aquiline nose and cold eyes, Metcalf had been the supreme court reporter of decisions before his elevation to the bench in 1848. As reporter he had been called upon to redact and record all opinions written and delivered by the full bench during his term of service. In this position he had been effective, and the Metcalf Volumes of the *Massachusetts Reports* are still used every day in the courts of Massachusetts.



*Justice Theron Metcalf of the 1850 Massachusetts Supreme  
Judicial Court*

As a justice of the supreme court, he was less than successful in the view of Senator Hoar. "He had queer and eccentric notions of what the case was all about, and while he would state a principle of law with extraordinary precision and accuracy, he had not the gift of making practical application of the law to existing facts." We are told that Metcalf was fussy and interfering to the counsels before him, frequently arguing needlessly over trivial points with them. Because he could not really grasp the cases before him, Hoar says that "a great many of his rulings were set aside, and it did not seem, when he had held a long term of Court, that a great deal had been accomplished. In sum, Metcalf's conduct of a jury trial was next to impossible."

Counsel appearing for the defendant Webster were Edward D. Sohier, and the Honorable Pliny Merrick, judge of the court of common pleas. Both were well-known, well-established members of the Massachusetts bar. By the order of seniority at the bar, Judge Merrick was "senior" counsel. Actually, however, Edward Sohier managed the defense.

In 1850 Sohier was in his early forties, and his appearance was striking. Of medium build, his gray moustache and long sideburns framed his semi-bald, handsome head. The wrinkles between and above his white eyebrows gave indication of the seriousness of this man who was a founder of a firm which today flourishes as one of Boston's most prestigious and probably oldest firms.

Quiet by nature, fastidiously ethical and courteous to the court, Sohier had been essentially a civil or commercial lawyer, a fiduciary rather than a criminal trial lawyer. It is unusual that in 1850 he would undertake to defend in a trial which was the most sensational murder trial in America's then long history.

Perhaps Sohier felt that it was his ethical responsibility, for he had represented Webster on civil matters in the past. Perhaps under the circumstances it was his ethical obligation to defend Webster. Perhaps, however, he should not have undertaken this responsibility in a field of the law in which he was

relatively, if not completely, unsophisticated, and where a human life depended upon the results of his efforts.

Although his participation in the trial did not approach Sohier's in importance, Pliny Merrick, the "senior" counsel for the defendant, was no stranger to the criminal side of the court. He had been a district attorney for the Middle District and later he had served in the Massachusetts State Senate. At the time of the trial he was a judge of a lower court, the court of common pleas.

Tall, pleasant, and witty, Merrick wore spectacles, had a long nose, high cheek bones, and a pleasing smile. He presented an altogether benign appearance — in fact he looked much like a friendly church deacon.<sup>5</sup>

In his role as senior counsel for Webster, Merrick's duties could be equated with those of Attorney General John H. Clifford, the "principal" prosecutor. And it is intriguing that shortly after Professor Webster had been hanged and Attorney General Clifford had been elected governor of the Commonwealth, Governor Clifford appointed his former adversary, Pliny Merrick, to be a justice of the supreme court. (Massachusetts judges were then and are now appointed by the governor for life.)

The unusual circumstances surrounding Merrick's appointment to the supreme court by Governor Clifford made the selection an extremely controversial one. Among other things Clifford had been elected governor as a Whig; Merrick had been an avowed Democrat.

A contemporary evaluation of the defense counsels' services written for publication in 1850 by a fellow member of the bar reads:

We have no acquaintance with either of these gentlemen, but have been informed that they are worthy and useful citizens in other spheres. If this be so, we trust that their lamentable failure at this may not impair that usefulness. But sure we are that should they live to be as old as Methuselah, their services as criminal lawyers will never again be put in requisition.<sup>6</sup>

In 1850 it was a well-established practice in Massachusetts for the attorney general to prosecute all capital cases on behalf of the Commonwealth, so Attorney General John H. Clifford appeared to prosecute John White Webster for murder on March 19, 1850.

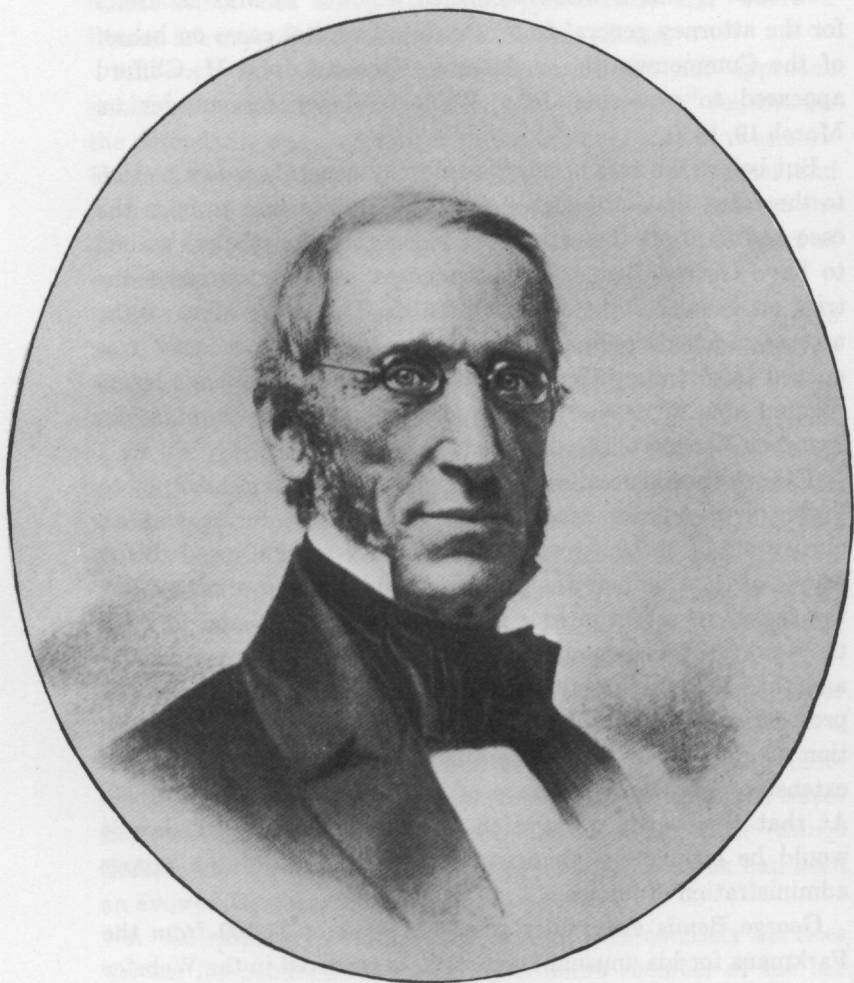
But before the case began the attorney general made a motion to the court that, although propriety required him to open the case and to argue the case at the closing, he nonetheless wished to have George Bemis, an independent attorney, conduct the trial on behalf of the Commonwealth. The court allowed the attorney general's motion, and the prosecution's case was opened by Attorney General Clifford, and George Bemis interrogated the witnesses in both direct and cross-examination. Attorney General Clifford argued the case at the close.

The attorney general's retention of an independent attorney to prosecute a murder case was unusual indeed, for it was an abrogation of the duty which the attorney general owed to the people of the Commonwealth. But in addition, for him to allow the family of a victim in a murder case to select and pay for the services of its own attorney to supersede the attorney general and thus to represent the people of the Commonwealth in the prosecution of John White Webster was an aggravated dereliction of duty. That they were able to do this demonstrates the extensive power and influence of the Parkman family in 1850. At that time such surrogation was almost unique. Today it would be completely abhorrent to our concept of the proper administration of justice.

George Bemis eventually received a fee of \$1,150 from the Parkmans for his unusual legal services rendered in the Webster case. Here is what he himself said after the trial:

I do not mean to charge him [Attorney General Clifford] with intentional engrossment of public praise. And if he be anxious of praise, as I judge he must be from his flattering eulogisms of Sohier and Merrick (in my judgment quite undeserved), I have the charity to remember that he received a large portion of his pay for his exertions in that coin.





*Pliny Merrick, "senior" counsel for the defense*

Clifford and I adjourned to E. Blake's office [E. Blake was a nephew of George Parkman, the victim, and was the business manager for the Parkman family] and there the subject of settling the expenditures to be made by the family was discussed. My own compensation, as it was understood, was to come from the Attorney General (though really to be paid me by the Parkman family) and was left by me to him. He said that Blake and himself had agreed that it shouldn't be less than \$500 nor more than \$1,000. I inquired what the opposite counsel had and suggested that I had had more labor in preparation than they, whereupon Clifford said it ought to be \$1,000. I said I was content with that and Blake said it would doubtless be acceded to.<sup>7</sup>

Later Bemis wrote in his diary that as a result of this meeting with Blake he was paid \$1,150 by George F. Parkman, the son of Dr. George Parkman.

Apparently Bemis sensed the lack of ethics in this arrangement, for here is what he writes much later:

George Parkman finally paid me \$1,150 — the \$150 being named by Clifford as the compensation for the writ of error argument. I should have charged at least \$300, but as Blake didn't know he had retained me for it, and as Clifford had an inclination that I was working for nothing, I acquiesced in that sum. George Parkman himself paid me the money which I only took upon reservation of returning if I did not feel satisfied with its not coming through Clifford.<sup>8</sup>

And so on the first day of the trial George Bemis sat at the prosecution table next to Attorney General Clifford. Bemis was not only the principal prosecutor of Dr. Webster but he was a chronicler of the entire proceedings, as we shall see. Like so many others connected with these sad events, he was the scion of a distinguished Massachusetts family.<sup>9</sup> He was descended from Joseph Bemis, who settled in Watertown in 1640, and George was the son of Seth Bemis, a prosperous manufacturer.

Born in Waltham in 1816, Bemis graduated from Harvard College and its law school, taking his LL.B. degree in 1839. He immediately entered the practice of law in Boston, with criminal law as his professional specialty.

Possibly enlightened by the horrors seen while teaching Sun-

day school at the Charlestown prison, Bemis successfully crusaded for reform in the penal code in Massachusetts and for more intelligent methods of dealing with prisoners. In the process, and despite his relative youth, he attracted considerable attention at the bar of Boston.

By 1849, Bemis was the criminal law specialist in Boston and was so recognized by his colleagues at the bar. Naturally then, the aggrieved Parkman family sought him out and arranged for him to prosecute Webster. His success at that trial is here recorded.

Shortly after the trial ended he began the monumental task of compiling his *Report of the Case of John W. Webster*, which, when completed in late 1850, and published by Little, Brown and Company, had an unbelievably large circulation in America and abroad. Unfortunately, it is still considered a quasi-official report of the entire proceedings.

As we now know from an examination of Bemis's letters and handwritten diary, his *Report* was published to justify the verdict of guilty and the hanging of Dr. Webster. This is not to say that the *Report* was grossly exaggerated but only that it was "slanted," in the parlance of newsmen, to justify the result.

Much can be learned about George Bemis, now dead for nearly a century, by an examination of his lengthy, regularly kept diary which is preserved today at the Massachusetts Historical Society Library. At the time of the Webster trial he was in his middle thirties and unmarried; he appears to have been interested in social life but rarely gave himself the time to enjoy it. "In social life I may as well leave the page blank."<sup>10</sup> He worked at the law normally from 6 A.M. to 8 P.M. each day, but during the two weeks of the trial he hardly gave himself time to sleep.

He lived with an aged, invalid father in a quiet, comfortable home. Nearly every entry notes the state of his father's health. Bemis's own health was poor even in 1850, and in spite of the fact he was tubercular, he rarely mentions this.

Bemis wrote quite frankly of the others of the legal fraternity

involved in the Webster case. He mentions Clifford often and always with a note of amused indulgence. He thought him to be something of a political clod. When, in Bemis's view, Clifford did anything well, he seemed quite surprised.

Bemis was also completely unimpressed by Chief Justice Shaw and the court. In his diary he says that as a result of the Webster trial he had been brought into close proximity with Shaw and the members of the court by reason of out-of-court conferences. "And I was not improved by the neighborhood," wrote Bemis.<sup>11</sup>

Of the defense counsel, Merrick and Sohier, Bemis has written little, but what appears indicates that he looked contemptuously at both for their lack of either ability or experience on the criminal side of the court.

Bemis's career as a criminal trial lawyer was short-lived, for in 1858 he suffered severe lung hemorrhages and with his health permanently impaired, he lived abroad for the remainder of his life. In Europe he turned his attention to the field of international law, writing *American Neutrality, Its Honorable Past, Its Expedient Future* and several other small books.

In 1878 he died a bachelor in Nice. By will he established and endowed the Bemis professorship of international law at Harvard.

Bemis's coprosecutor, John Henry Clifford, was newly appointed as attorney general.\* He had been a Whig Representative to the state legislature from New Bedford and had also been district attorney of Southern Massachusetts for ten years. Clifford was a friend and political ally of former Governor Edward Everett.

He was born in Providence in 1809 and educated at Brown University.<sup>12</sup> By 1830 he had settled in New Bedford, Massachusetts, established a prosperous law practice and entered politics. There he met and married Sarah Parker Allen, a lineal descendant of Captain Myles Standish.

\* The office of attorney general had been abolished in 1843 in Massachusetts, but was reestablished in 1848 when Clifford was appointed.

His biographies, of which there appear to be few, characterize him as "possessed of a high degree of personal magnetism which drew friends to him. Although he was not in any sense a hard worker, he had a rare facility in acquiring knowledge."<sup>13</sup>

As Clifford was sure it would, the Webster case enhanced his political reputation and shortly after the trial he became the Whig candidate for governor. Clifford did not receive a majority of the popular vote in the election but was elected governor by the legislature. He served as chief executive of Massachusetts for one year, from 1853 to 1854. He declined to run for governor again and was reappointed attorney general, which he remained until 1858.

Several years later Clifford was elected to the State Senate from Bristol County as a supporter of Abraham Lincoln, and he rose to president of the State Senate. He served as an overseer at Harvard College from 1854 to 1859, again from 1865 to 1868, and was president of the Board of Overseers from 1869 to 1874. In 1867 he became president of the Boston & Providence Railroad and retained this position until his death in New Bedford in 1876.

An affable, politic, but lazy man, he and the brilliant, energetic Bemis actually worked well together in the prosecution of Webster, although Bemis did all the work and Clifford took all the bows. As Bemis wrote in his diary: "Except for Clifford's unnecessary interference in cross-examination I got along very well in my province. Clifford took upon himself most of the interlocutory addresses to the Court, and we had no discussion of law of any consequence during the trial."

Whatever Bemis thought of Clifford, the fact is that he had a very distinguished career. It should also be noted that Clifford's own handwritten account of the Webster trial was painstakingly kept and demonstrates that Clifford was an experienced prosecutor with an orderliness of mind and a considerable insight into the tactics of outmaneuvering the defense — in this case an easy task.

**I**T MUST BE SAID that no criminal trial prior to 1850, and few, if any, since received as much public attention and so engrossed the press as did the trial of John White Webster.

In Boston for many months the subject of Dr. Parkman's disappearance and Webster's arrest and trial completely monopolized conversation and to some considerable extent immobilized business. Excitement spread through the Commonwealth of Massachusetts, throughout the nation, and overseas with amazing rapidity as a result of the close coverage of the press, all made possible by the activity of the relatively new telegraph.

The capitals of the world were enthralled by the gruesome tale. The press of London, Paris, and Berlin featured the story in its entirety. The Harvard University Archives today contain a file of 1850 newspapers covering the story, including a leading Berlin newspaper which devoted headlines and nearly the entire front page to a German language account of the Boston tragedy.

Quite naturally, all the Boston newspapers responded. In addition to the *Boston Traveler* and the *Boston Transcript* (the two with the largest circulation), there were

The *Boston Daily Bee*, the *Boston Currier*, the *Boston Herald*, the *Boston Investigator*, the *Boston Daily Mail*, the *Boston Advertiser*, the *Boston Museum*, the *Boston Daily Atlas*, and the *Boston Sunday Morning News*.

Correspondents were soon on the scene from the *New York Globe*, the *New York Sun*, and the *New York Christian Inquirer*, the *Philadelphia Sunday Globe*, the *Philadelphia Saturday Gazette*, and the *Pennsylvania Inquirer*. *Freeman's Journal* was also represented, as was the *National Police Gazette* with its legendary barbershop circulation.

The telegraph serviced all other newspapers in the south, in the west, and in northern New England. All Boston newspapers printed and sold a special one-week review of the case on several occasions and distributed it separately. Later at least three Boston newspapers and one New York newspaper compiled their reportings of the entire case into small book form for sale.

For nine months in 1850 the Webster case had a firm purchase on the world's attention and on its press. No doubt the social and academic position of the alleged murderer, the prominence of the victim and of the witnesses, and the involvement of Harvard University contributed greatly to the intensity of public interest as did the revolting details of human dismemberment. But it has been wisely pointed out that the dramatic regularity with which the various startling incidents were unfolded to the public helped to build the tension of this macabre affair and to sustain public interest in the trial throughout the world.

The murder trial of John White Webster began Tuesday, March 19, 1850. As early as seven o'clock in the morning curious hundreds had gathered outside the granite courthouse, hoping to enter the courtroom through the broad, bronze door. Marshall Francis Tukey's heavy iron chain was waist high around the building to aid the police in controlling the crowds.

By eight the galleries and the courtroom below were full. George Bemis, the prosecutor of Dr. Webster, wrote:

Representations had been made to the public newspapers of the propriety and desirableness of a change of session from the ordinary place of holding the court in the Supreme Court room to some place capable of containing a larger audience and the Tremont Temple and other large halls in the city had been named, but the judges, being fully satisfied of the greater accommodations afforded by the courthouse for many of the necessary purposes of the trial, gave little countenance to the suggestions.

By stationing a police force so as to effect a change of audience in the gallery every ten minutes and then issuing cards of admission to the entrance on the inner side, a great degree of quiet was secured around the bench and jury seats.<sup>1</sup>

The police estimated that 55,000 to 60,000 persons had a view of the trial during the twelve days, a substantial proportion of the population of Boston which was 130,000. Within the bar and upon the lower floor the audience was much more permanent. These included the legal celebrities of the day: Daniel Webster; Rufus Choate; Francis Dexter; the editor of the *Law Reporter*, Stephen H. Phillips, with pen in hand; Judge Bigelow; and other judges of the lower courts.<sup>2\*</sup>

All eyes searched the room waiting for Webster's appearance. "There was a low whisper through the hall," said the *Boston Journal*, "the subdued murmur of the voices which discussed the probabilities of guilt or innocence. Everywhere was evidence of excitement, everywhere but in the calm features of Professor Webster, who, at ten minutes before nine o'clock, was led in. His hands were bound by iron shackles."<sup>3</sup>

With a light step he crossed the room, and in a calm, friendly but dignified manner, he greeted his friends and acquaintances as he was placed in the prisoner's dock.

\* George Tyler Bigelow succeeded Justice Wilde to the Supreme Judicial Court of Massachusetts immediately after the Webster trial and succeeded Lemuel Shaw as chief justice in 1860.



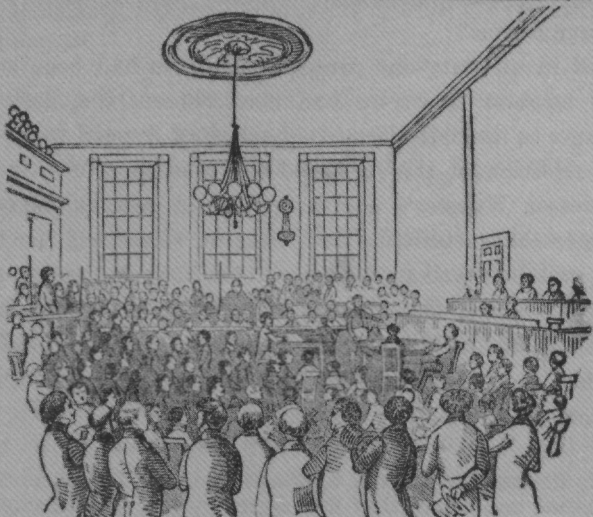
"Webster looked more of the scholar than the criminal," continued the *Journal*, "and if forehead and eyes, both intellectual, be indices of his mind, you would consider that his thoughts have dwelt more among books than upon projects of crime."<sup>4</sup>

With a thundering crash from the staff of the bailiff, all persons present leaped to their feet, and the court assumed their positions on the bench. Chief Justice Shaw sat in the center, Justice Wilde on his right, Justice Dewey on his left, and Justice Metcalf on the right of Wilde. At precisely nine o'clock from the crier's box to the left of the bench came the cry: "Hear ye, hear ye, hear ye! All those having anything to do before the Honorable, the Justices of the Supreme Judicial Court gather round, give your attention, and you shall be heard. God Save the Commonwealth of Massachusetts! Be seated!"

The format of a capital trial in 1850 in Massachusetts was much the same as it is today. After the selection of the jury, the prosecution made an opening statement revealing what it intended to prove by the use of the witnesses who follow. After the last of its witnesses, the Commonwealth rested its case "in chief," reserving the right to introduce rebuttal testimony after the defense had finished. The defense then made an opening statement, introduced witnesses, and rested its case in the same manner as the prosecution. After hearing any rebuttal testimony, the defense counsel and then the prosecutor made final arguments to the court and jury. At that point the defendant could make an unsworn statement to the jury in which he could say virtually anything to clarify his position. Then the presiding judge delivered instructions in the law, called "the charge," and the jury then retired to deliberate upon its verdict.

During the selection of the jury several men were excused either because they were in some way biased or because they held a preconceived opinion as to the guilt or innocence of the defendant. Due to the great pretrial furor surrounding the case, the task of finding an acceptable jury could have been a lengthy one, but, surprisingly, this was not the case. Bemis writes in his diary, "Clifford and I went into court together on Tuesday

**The Parkman Murder.**  
**TRIAL**  
OF  
**PROF. JOHN W. WEBSTER,**



**For the Murder of**  
**DR. GEORGE PARKMAN,**

**November 23, 1849.**

**Before the Supreme Judicial Court, in**  
**the City of Boston.**

**With Numerous Accurate Illustrations.**

**BOSTON :**

**PRINTED AT THE DAILY MAIL OFFICE,**  
**14 & 16 State Street.**

*A contemporary sketch of the courtroom*

morning, and contrary to our expectations, the jury was quickly obtained, and so the work begins." With the exception of Albert Day, a merchant, the jury was composed entirely of tradesmen — printers, wheelwrights, carpenters, and the like. It is interesting to note that three citizens had been excused from jury duty by Chief Justice Shaw for "entertaining opinions against capital punishment."<sup>5</sup> Oddly, one of these was named George Bemis.\*

All in all sixty-one prospective jurors had been summoned, and as soon as twelve had been chosen, the clerk read the charges to the defendant. As the *Boston Journal* wrote: "During the selection of the jury and the reading of the indictments, Professor Webster's nerves were firm and calmness was his greatest characteristic. But when he raised his spectacles, his red eyes betrayed many an anxious hour and many a wakeful night."<sup>6</sup> When the charges had been recited in full, Chief Justice Shaw nodded to the prosecution table and Clifford arose, walked slowly toward the jury box, and began his opening statement on behalf of the Commonwealth.

\* In the case *Witherspoon v. Illinois* (No. 1015, U.S., June 3, 1968), the defendant was convicted of first degree murder and sentenced to death by a jury from which all jurors who indicated that they were opposed to capital punishment or that they had conscientious scruples against inflicting it were excluded.

In reviewing the conviction, the United States Supreme Court held that a determination of guilt by a jury so composed is not constitutionally infirm. The court concluded that available data was too tentative and fragmentary to compel a conclusion, either on the basis of the record or as a matter of judicial notice, that the exclusion of jurors opposed to capital punishment results in an unrepresentative jury on the issue of guilt or substantially increases the risk of conviction.

The sentence of death was reversed, however, on the ground that to execute such a sentence, imposed by a jury so constituted, would deprive the defendant of his life without due process of law. It was held that by excluding all who expressed conscientious or religious scruples against capital punishment or who opposed it in principle, the state crossed the line of neutrality and caused the jury so selected to fall "woefully short of that impartiality to which the petitioner was entitled under the Sixth and Fourteenth Amendments."

Oddly, a controversial and prolific pamphleteer, Lysander Spooner, used almost precisely the same reasoning in a booklet entitled *Illegality of the Trial of John W. Webster*, published in 1850.

Although the attorney general actually spoke the words of the opening, we learn from the handwritten diary of Bemis:

Clifford asked me to furnish an opening such as I would make for myself, and I furnished him with some twelve pages of manuscript which I had prepared Sunday and then discussed further the points of my own making which he submitted to me with entire frankness and concessions of equality, and he [Clifford] still asserted the propriety of my opening the case.

Two basic propositions were advanced by the prosecution:

*First*, that Dr. George Parkman had been murdered;

*Second*, that he had been murdered by John White Webster, the prisoner at the bar.

In support of the first proposition Clifford offered to prove that there would be substantial medical testimony that the human parts found by Littlefield resembled the corresponding parts of Dr. Parkman and in no respect differed from them. This, said Clifford, was to be established by medical and other testimony from witnesses who had examined the parts in the short interval between their discovery on November 30 and their disposition in alcohol in the lead box at burial under the Trinity Church on December 3.

In addition, Clifford said that the dentist, Dr. Keep, who had manufactured false teeth for Parkman in 1846, would testify that the fragments of mineral teeth found burned in the stove of Webster's apartment were, in Keep's judgment, portions of the dental work done by him for Parkman four years before.

Clifford stressed that Parkman, when alive, was "peculiar in form and shape"<sup>7</sup> and that the human parts to be discussed by witnesses at the trial had similar peculiarities, most particularly a superabundance of body hair.

As to the second proposition, that Webster had committed murder upon Parkman, Clifford said that the prosecution would show that the financial transactions between the two had caused great disagreement; that there had been a meeting of settlement at the Medical School on the day of disappearance, November

23; that Webster had conversed with the Reverend Francis Parkman on November 25; and finally, that what the janitor Littlefield would say of Webster's conduct during the week of the search for Dr. Parkman would argue for the professor's guilt.

"I think you will find by this evidence," said Clifford, "that as early as Sunday evening, November 25, Mr. Littlefield conceived the suspicion that Dr. Webster knew more than any other person about the disappearance of Dr. Parkman."<sup>8</sup>

Then with a forecast of testimony that Dr. Webster's actions *after* he had been arrested demonstrated a consciousness of guilt, Clifford exhorted the jury to consider the issues "free of excitement, free of all excitement which may exist out of doors — here, Gentlemen, in the clear, calm light of Justice — in this Temple of Justice."<sup>9</sup>

After a short pause, Bemis, acting as prosecutor, called his first witness to the stand. After being sworn he began:\*

My name is Charles M. Kingsley, and I live at 56 Blossom Street, Boston. I had been Dr. George Parkman's rental agent until the time of his disappearance. I took care of his real estate, collected his rents, and saw him every day. Dr. Parkman owned the principal part of the neighborhood where the Harvard Medical College was located, and he frequently called there.

As was my daily routine, I went to his home on Friday, November 23, a little before three o'clock. His dinner hour was half past two. I learned that he had not been home for dinner.

I left word for him but I heard nothing until the next morning when I received a request from his family to make a search for him. I made inquiries and learned that he had made an engagement for half past one on Friday but at that time no one knew with whom. I then began a

\* No verbatim transcript of the testimony was ever made. The words of the participants which appear here are the result of abridging the many paraphrased accounts of the proceedings. The author has always attempted an unslanted rendering of what was said. The works consulted were accounts of the trial by George Bemis; Dr. James W. Stone; John A. French for the *Boston Herald*; the *Boston Journal*; a "Member of the New York Bar"; the *Boston Daily Mail*; the *Boston Daily Times*; and an anonymously authored account published by James Gilbert in London.

search for him throughout the streets of Boston and traced him as far as the Medical College.

By this time there was great excitement in the neighborhood and many assisted in the search which continued until eleven or twelve that night. I was with as many as twelve or fifteen officers of the police.

In the evening we searched a great many houses in the neighborhood of the college. On Sunday I went to East Cambridge to look for Dr. Parkman. On Monday with Police Officer Starkweather I went to the Medical College again. At that time I went all over the rooms and looked into the dissecting vault with Littlefield and Dr. Ainsworth. I think Littlefield had the key and opened the vault.

We knocked at the door of Dr. Webster's lecture room, and, receiving no reply, Officer Starkweather and myself turned to go, but Littlefield took hold of the door and shook it. In two minutes Dr. Webster came and unlocked the door. We stated that we came to find Dr. Parkman. I don't know what, if anything, was said by Dr. Webster. He didn't pay much attention to us, but came down behind us into the laboratory, and we went through his rooms.

The next day, Officers Clark, Rice, and Fuller again went with me to the Medical College as early as ten o'clock. Webster unlocked the lecture room door. Littlefield accompanied us. We went into Littlefield's apartments and searched every room and closet. I felt in his pants which were hanging up and under the bed made a thorough search.

We went into the cellar underneath the building through a trap door. Then we went back to Webster's apartment, and Officer Clapp made excuses for calling on him again, saying that we had to search the entire neighborhood. We had no suspicions of anyone connected with the building but had come only as we were directed.

We looked around the lecture room and went near the privy. Clapp went toward the back room. Webster said his valuable and dangerous articles were in there. Clapp put his head about as far as the door and jokingly said he wouldn't go in and get his head blown off.

I put my foot into the unlighted stove and stirred the ashes. We then went into the lower laboratory and found a bright fire in the large stove which appeared freshly cleaned out. I then saw a tea chest with tan in it and minerals on the top. I remarked about it afterwards for I saw it distinctly.

A question was asked about the privy. Littlefield said that it was Dr. Webster's private and that Webster had the key. The professor showed us out and locked the door after us. The officers with me said they had no suspicions.

The next time I saw Professor Webster was at the Leverett Street jail on November 30. About ten o'clock that evening I went to the jail with Dr. Gay, and I think Officer Starkweather, and saw Dr. Webster lying on his face in a cell. Dr. Gay tried to compose him. Dr. Webster was in great perspiration and great excitement, so much that I thought he would die. He was unable to drink the water which he asked for and which was given to him and instead threw it over him. I never saw a person so little in control of himself.

He wanted to send word for Mr. Dexter and Mr. Prescott. He said his family didn't know where he was, and he mentioned his family a number of times. District Attorney Parker spoke and said that there was another family that had been in great distress for a week and that perhaps he could explain certain things at the Medical College which would relieve that family. He added that Webster could accompany us to the Medical College or remain where he was.

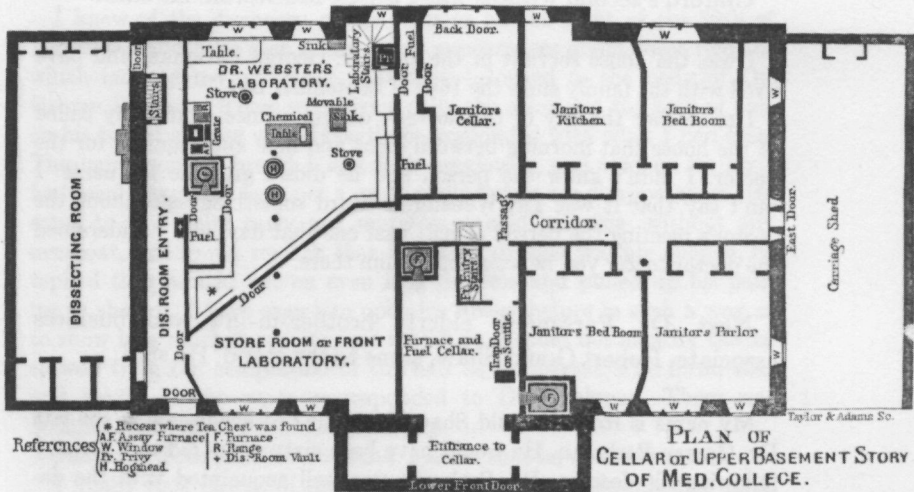
The professor answered that he had nothing to contribute but he would go to the Medical College with us. The officers helped him into the coach, and he was perspiring freely. We arrived at the college and went into the back room upstairs. The key to Dr. Webster's privy was asked for. I think I asked for it. Webster said it hung up at the end of the shelves. We found a key but it wouldn't fit, so we broke down the privy door.

Something was said about bones being found in the furnace there, and there was a request to let them remain until a coroner's jury was summonsed. We then went by trap door under the building. Parts of a body were taken out and laid on a board: pelvis, right thigh, and right leg. Dr. Webster was greatly excited. Supported by the officers he stood off eight or nine feet from the parts of the body. In ten or fifteen minutes he was taken back to the carriage.

The next afternoon I was there when the thorax and the thigh were found by Officer Fuller. I saw them draw the tea chest out and upset it. The thigh was in the thorax; the left thigh and a knife fell out from the tan. There was a string around the body and leg. These parts were taken out and put with the others.

Sunday I was there when Officer Putnam found the pants with blood on them. I saw a dirk knife there and a saw was taken down from a nail where it hung. Littlefield picked up two pens and handed them to me.

The morning after his arrest I searched Webster's home with Officer Clapp and a Cambridge police officer named Sanderson. We went there about twelve in the day. We had a search warrant the first time. The second time we had none, and we took up the brick in Dr. Webster's cellar floor.



*Plan of the cellar or upper basement story of the Medical School*



Finally, in response to a question by Sohier, Kingsley said:

If a man dealt dishonestly with Dr. Parkman or he supposed he had, he would call him a knave or dishonest. I never heard him use profanity.

Clifford's second witness was Patrick McGowan. He said:

I was the house servant of the late Dr. George Parkman, and have lived with the family since the 16th of September last.

I remember the day of the doctor's disappearance. Somebody called at the house that morning between eight and nine and inquired for the doctor. I didn't know the person and he didn't give me his name. I can't say that it was Dr. Webster. I heard something said about the doctor's meeting the person at half past one that day, and I understood the doctor to say yes, he would meet him there.

Next, Dr. Parkman's elderly brother-in-law and business associate, Robert Gould Shaw, came to the stand. He said:

My name is Robert Gould Shaw. I am the brother-in-law of the late Dr. George Parkman. He would have been sixty years old in February following his decease. Dr. Parkman was well acquainted with the defendant, Webster, but the first that I knew of his lending money to Professor Webster was when I told him of Webster's sale to me of his minerals.

The last time I saw Dr. Parkman was on the day of his disappearance. He called at my house between nine and ten o'clock in the morning, and we walked down to State Street together. He appeared to be in very good health and good spirits. We parted about ten o'clock at Merchants Bank.

Saturday morning, the next day, Mrs. Parkman sent for me, and I went and found her in great distress from the absence of her husband who had not been home. I went from the house directly to his brother's, the Reverend Francis Parkman, also my brother-in-law, and informed him of the doctor's absence. I then went to my nephew Edward Blake's office to plan means for making inquiries for him. There was some suspicion on our minds, at first, in regard to a man who had been punished previously for stealing from the doctor's house. We sent to the attorney who had defended him and found that the man was away from the city and had not been in it recently. We then went to the city marshal's between ten and twelve o'clock and engaged him

to have inquiries made through the police. That evening an advertisement was inserted in the newspapers by my direction, giving notice of the doctor's disappearance. I offered a reward subsequently of three thousand dollars for information in regard to him, and one of a thousand dollars for the recovery of his body. I don't remember the days on which they were advertised. During the whole next week I was consulted and took an active interest in the investigations.

I knew of the discovery of the remains on the night of the 30th of November and have seen them. I saw appearances about these remains which induced me to believe that they belonged to the body of Dr. George Parkman. These were principally the color and the kind of hair on his breast and leg which exactly corresponded with what I had seen. The hair upon his breast I had seen previously, and that on his leg I had seen November last, not a great while before his disappearance. He came to my house early one morning, a cold morning, without any overcoat, and to my remark that he wasn't dressed warmly enough, he replied that he had not on even long drawers and pulled up his pant leg to show it. I have seen him open his breast before in such a way as to show how much it was covered with hair. I could not identify the leg so well from the complexion of the hair as the breast. The form, size, and height of the parts corresponded to Dr. Parkman. There was nothing about them dissimilar from him.

I saw the teeth which were found. I know that he wore false teeth.

I finally took charge of the remains to have them entombed as those of Dr. Parkman, and they were so buried.

As to my financial relations with Professor Webster and Dr. Parkman, I received a note from the defendant about the 18th or 19th of April, 1848, asking for a private interview. I appointed the next morning. He came and informed me of his embarrassments and said that he expected the sheriff would seize his furniture if he could not raise a certain sum to pay off a pressing demand which had been long standing—I think a year. He then proposed to sell me a cabinet of minerals. I told him that I did not want them. He said that I might want to make a donation of them to some institution; that he would sell them to me for \$1,200. I refused but he pressed me so hard and worked upon my feelings so much that I concluded to aid him. I asked him how much he needed, and he said that \$600 would relieve him for the present. I told him that if he could get my note discounted for that amount, at some bank which he named, I would buy his minerals. In the course of the morning, he called and said that he could get it discounted at the Charles River Bank, I think; and I let him have my note for which I took this receipt dated April 20. He shortly after

brought me a catalogue and bill of sale of the minerals, which I put on file without examining. On the 6th of June, he called on me again, and I gave him a check for \$200; and again, on the 3d of August, one for \$400, for which also I have his receipts. He then said that there were some of the minerals included in the catalogue which he would like to keep if I had no objection. I told him that if he would pay the interest as it fell due, he could do so. He did not, however, pay it, and I have never called upon him for it.

Subsequently to this I was walking with Dr. Parkman one day in Mt. Vernon Street when we met Dr. Webster. I asked Dr. Parkman, after we passed, what salary Dr. Webster was receiving at Cambridge. He replied \$1,900. I then said, 'That is not half enough to support his family,' and went on to speak of his application to me for money and of his sale to me of his minerals. Dr. Parkman thereupon said, 'They are not his to sell; I have a mortgage on them, and if you will come to my house I will show it to you.' He took me to his house, and on comparing his mortgage with my bill of sale, they corresponded throughout. He then said that he would see Dr. Webster and give him a piece of his mind, that it was a downright fraud, and he ought to be punished.

At a subsequent period I was told that Dr. Webster was proposing to give his minerals to Harvard College, on a certain sum being made up by subscription to enable him to do so. The subscription paper for that object was handed to me, and I put my name down for \$500 on the understanding that so much of my debt should be reckoned as a subscription. The requisite amount was raised, and soon after a Mr. Smith called on me from Dr. Webster and paid me the balance of my debt. I then told him to take back the letter and bill of sale to Dr. Webster and to tell him that I was perfectly satisfied. I knew that Dr. Parkman was not paid off by this arrangement.

Dr. Parkman left a wife, a son, and a daughter. The daughter has been an invalid for several years. I know that he was always anxious to procure delicacies for her suitable to her state of health.

He was the most punctual man that I ever knew. In fact, I should call him over punctual. He was also a very domestic man. Nothing would induce him to stay away from home twenty-four hours if he could avoid it.

The doctor's punctuality extended to the habit of fixing beforehand to his family the hour of his return.

In response to a question on cross-examination, Shaw replied:

If I had not known of Dr. Parkman's being missed, I should not have been led to suppose that the parts of the body found were his. The fact

of his disappearance had as much to do with my opinion as the color of the body hair.

Because of the lateness of the hour, the court was adjourned for the day at the end of Shaw's testimony. A motion was made and allowed that the jury should have a "view" of the premises of the Medical College, and arrangements were made to have Mr. Bemis for the prosecution and Mr. Sohier for the defense accompany them there at seven o'clock the following morning. The jury returned to the courthouse at 9:30 the next day, and the second day of the trial began with the testimony of the swaggering, heavysset police marshal of Boston. His day in the limelight had arrived.

My name is Francis Tukey. I am the city marshal of this city and have the superintendence of the police.

I was first made acquainted with the disappearance of Dr. George Parkman on Saturday, November 24, when Mr. Edward Blake called at my office that day at ten o'clock in the forenoon and requested me to have inquiries instituted for him. I informed police officers at the West End of the city of Dr. Parkman's disappearance and to make such inquiries as they could without making unnecessary publicity, and to institute such search as they could in unoccupied houses in the West End by pretending an errand about drains, nuisances, and the like.

At two o'clock in the afternoon, with no further information, Messrs. Blake and Shaw called to tell me that they wanted the entire Police Department notified of Dr. Parkman's absence and I did so. At the same time I inserted an advertisement in the evening papers.

I instituted a search both in and out of the city. The Charles River and harbor were dragged and every report that we would hear of Dr. Parkman far or near we had investigated. We published and circulated, among other things, twenty-eight thousand handbills.

On Friday, November 30, I heard of the discovery of the remains. I put a revolver into my pocket and met Littlefield at Mr. Robert Gould Shaw's home. We then went to the Medical College.

At this point, a model in wood capable of being taken apart and intended to exhibit the interior of the college was produced.

When we arrived at the Medical College, we descended through the trap door of the building, crawled along the ground underneath the floor some sixty feet to the back or north wall of the building, and there found a hole pierced through the cross wall about eighteen inches square and large enough to admit a man's body. We had a lamp with us and shone it in the hole. There I saw several pieces of human flesh.

I told Officer Trenholm and Littlefield to go in and pass out what they could find. We got a board, and they passed out three or four pieces of a body, a pelvis, a thigh, and a leg. I asked Littlefield if there were any entrances to this place except through the privy hole above, and he said no.

While we were there, we heard someone overhead, and we hurried out thinking it was Professor Webster. I went into the storeroom connected with the laboratory with my revolver in my hand. I remained there until the other officers returned and said they could find no one.

I then went to the furnace where the bones were taken, and I saw in Detective Clapp's hands a cinder or piece of slag with a bone in it. I then sent Officers Clapp, Spurr, and Starkweather over to Cambridge to arrest Professor Webster and bring him into town.

I have had charge of the bones found in the furnace in the laboratory and of various other things which I here produce and identify.

Here Marshal Tukey produced a box containing the bones found in the furnace and a knife with a silver sheath.

Having presented an overview of the search, the discovery of the human remains, and a description of the financial dealings between Parkman, Shaw, and Webster, the prosecution now called to the stand two twelve-year-old boys, Moore and Prouty, who lived next to the Medical College. They said they had seen Dr. Parkman walking "near and in the direction of the Medical College," on November 23. The boys were able to recall the time because they were returning from their luncheon recess. It was sometime before 2 P.M.

Then three brothers who operated an iron foundry on the river seventy-five feet from the Medical School testified that they had also seen Parkman headed in the direction of the college between one-thirty and two on the 23d. The oldest of the three, Elias Fuller, said:

I know Dr. George Parkman, saw him frequently, and had business dealings with him. I last saw him Friday, the 23d of November, between half past one and two o'clock in the afternoon. I was standing on the sidewalk in front of my counting room with my brother Albert. The doctor came over to the west side of Grove Street and bowed to us as he passed by in the direction of the Medical College, but I did not turn around to see if he went into the college.

He was walking fast even for him. He was dressed in a black frock coat with a black vest, a black cravat — either silk or satin — and a tall black hat.

Next to testify was grocer Paul Holland who operated a store two blocks from the Medical School. He established that Dr. Parkman had been in his place of business on the 23d, had purchased some provisions, and had left a brown paper bag containing a head of lettuce, saying he would return for it in a few minutes. Holland said that Parkman had been in the store sometime between 1 and 2 P.M. that afternoon. The bag remained in the store until the next day when Mr. Kingsley came into the store making inquiries for the doctor.

In the late afternoon of the second day, Jabez Pratt, the city coroner, said on the stand that he had been summoned to the Medical College shortly after Littlefield had made his discovery on November 30, and when he arrived there, he encountered Dr. Webster, then in the custody of the police. Pratt told of having witnessed the human remains being removed through the hole in the privy wall and testified that, "As they were brought out and laid upon the floor, Dr. Webster was a good deal agitated while looking at them." The coroner also stated that he himself removed from Dr. Webster's stove what "looked like a piece of jaw with mineral teeth in it and other single teeth near it. I also found pieces of cinder and bone fused together sticking to the brick on the side of the stove, and with a crooked piece of iron I broke them off. Two or three separate mineral teeth were afterwards found. The bone splinters were picked out of the ashes and put into a paper by themselves. I turned them over to Dr. Jeffries Wyman and summonsed my coroner's jury to meet the next day at the Medical School."

When Pratt summonsed the coroner's jury, he also appointed a medical committee consisting of three prominent physicians: Dr. Winslow Lewis, Dr. George H. Gay, and Dr. James W. Stone. This group testified immediately after the coroner and began the lengthy medical portion of the prosecution's case which sought to establish that the human parts found by Littlefield were those of Dr. George Parkman. Actually, Lewis formally presented the committee's findings. The thrust of Dr. Gay's and Dr. Stone's testimony was to express concurrence with the medical committee report as presented by Dr. Lewis.

My name is Winslow Lewis. I am a practicing physician in this city. I was called on the Saturday afternoon succeeding Dr. Webster's arrest to the Medical College to examine some portions of a human body which had been found there. I asked the cooperation of Dr. Jeffries Wyman.

Drs. Gay, Stone, and myself prepared a detailed report of our examination of the fleshy portions of the body, starting with the remains of the thorax and the parts attached to it which consisted of all the bones except the sternum or breast bone; both lungs present but collapsed; a slightly ragged opening about one and a half inches in length under the left nipple between the sixth and seventh ribs; heart and diaphragm missing; the left kidney in its natural position and contracted. There was no liver, no right kidney, no pancreas, no stomach, no intestines.

Secondly, we examined the pelvic portion consisting of the bones of the pelvis, two of the lumbar vertebrae, organs of generation, and the pelvic viscera. All that remained of the intestines was about six inches in the rectal area.

Thirdly, we saw a right thigh with good muscular development with but little of fatty matter.

Fourthly, there was a left thigh which had a two-and-a-half-foot string tied about it, leaving loose ends. Some portion of the skin and flesh appeared to have been removed or contracted by artificial means. There were appearances of the action of fire or some caustic matter upon it.

Finally, there was a disarticulated leg of natural appearance and fair size.

As to the peculiarities noticed by myself in the remains shown to us, there was more than usual hair upon the back and of a sandy, gray

color. In front on the left side, the hair had apparently been burned so that its original length could not be judged.

The head had been separated from the trunk just below the Adam's apple by sawing through the upper vertebra. All the bowels and stomach were gone. I should not think that the dissection of the thigh from the hip necessarily evinced the possession of anatomical knowledge on the part of the person dissecting this body, but think that a certain degree of anatomical skill would have been required to have separated the sternum from the collar bone.

I had known Dr. Parkman for many years. There is nothing in these remains dissimilar from what I should have expected to find in his body. There was nothing in the mode of separation of the parts which indicated that it had been done for anatomical purposes. Nor was there anything to indicate that the remains had been subjects for dissection. Had they been parts of a subject, I should have expected to find some of the preserving fluid which anatomists use to preserve them. There is not the least doubt that the five parts belong to one and the same human body.

In answer to a final question from Mr. Sohier, Lewis said:

I cannot say how long it would take to consume a human head by fire. As to the time required for consuming the remaining portions of the body, it would be impossible to tell with any accuracy.

After the medical committee's testimony, Dr. Woodbridge Strong was called to the stand. He had a weird, somewhat ribald sense of humor, often found in anatomists and medical examiners then and today. Strong was really a volunteer witness whose academic curiosity had propelled him into the case.

My name is Woodbridge Strong. I have been a practicing physician in this city since 1820.

I have always given special attention to the subject of anatomy and have devoted a good deal of my time in the pursuit of that branch of the profession. One winter in particular I occupied most of my time in dissecting, perhaps continuing at it from eight o'clock in the morning until twelve at night. I have had a subject on my table for three months altogether. I may say I have had a great interest in the study of anatomy.



I have had considerable experience in burning up or getting rid of human flesh by fire. Once in particular I had a pirate given me for dissection by the United States Marshal, and, it being warm weather, I wanted to get rid of the flesh and only preserve the bones. He was a muscular, stout fellow, and I began upon him one night with a wood fire in a large old-fashioned fire furnace. I built a rousing fire and sat up all night piling on the wood and the flesh and had not got it consumed by morning. I was afraid of a visit from the local police, and by eleven o'clock they gave me a call to know what made such a smell in the street. I finished it up somehow that forenoon, but I look upon it as no small operation to burn up a body.

It needs the right sort of fuel to begin with. Wood is better than coal, and the lighter the kind of wood, the better. You need frequently to stir the fire up, and you need something the flesh will not quench or put out. There is always a difficulty of getting rid of human remains by fire on account of attracting suspicion by the smell. I have been called upon by neighbors or the police several times on this account.

I was at the Medical College on Tuesday after the finding of the remains. I went for my own gratification without being expected to be called to testify. I saw the human parts on a board. There was nothing dissimilar from what I should have expected to find in Dr. Parkman's body.

In answer to questions put by Mr. Sohier, Dr. Strong said:

I have never seen Dr. Parkman naked, yet I have a great interest in the living human body, the male and especially the female form.

Pleased with a bit of comic relief from the hideously gruesome testimony, the courtroom audience howled with laughter at this and other of Dr. Strong's answers. The *New York Globe* notes, "At one time Professor Webster laughed heartily with the crowds in court, who were convulsed with laughter."<sup>10</sup>

Next to testify was Dr. Frederick S. Ainsworth, who was the demonstrator of anatomy at the Harvard Medical College, a position held some years previously by Dr. Samuel Parkman. As demonstrator, Dr. Ainsworth was equivalent to an associate professor and was an important member of the faculty. He superintended the students in dissection classes and prepared

the cadavers for the lectures and dissections of Dr. Oliver Wendell Holmes. After these lectures, Ainsworth directed the janitor, Ephraim Littlefield, in sewing up and storing the human parts. He also discussed in detail the demonstrations with the students on the following day.

All subjects for dissection pass through my hands before they are given out for the use of the students or professors, and it is my habit to keep a record of all which are received and which are given out. After Professor Webster's arrest, I found that I had on hand all the materials and subjects for dissection which I ought to have.

I saw the remains and examined them and came to the conclusion that they had never been brought into my department for dissection. All subjects are injected with fluid to preserve them from decomposition. In these remains which were produced by Littlefield I saw no appearance of the use of such a fluid.

I saw no indication of the remains having been dissected for anatomical purposes. My impression also was that the person who cut them up had no anatomical knowledge. He might have seen a human body cut up but that he ever had a knife in his hand for the purpose I very much doubt.

After the court came in on the third day at 9 A.M., the jury was called, and Dr. Charles T. Jackson took the stand. For some time the press had been emphasizing that Dr. William T. G. Morton would be a star witness for the defense and that Dr. Jackson would testify for the prosecution.

A venomous feud had existed between these two, stemming from their respective claims to the discovery of ether anesthesia three years before. Jackson was a practicing physician and dentist, but he had also gained a national reputation as a scientist. More exactly, he was known to the public as the foremost scientific claim jumper of the nineteenth century, if not of all time.

In the same year that he claimed the discovery of ether from Morton, he had also claimed the discovery of the telegraph and had forced Samuel S. P. Morse to defend his invention in court.

The public was completely beguiled at the prospect of the two great enemies, Morton and Jackson, meeting upon a different field of combat, the witness box.

My name is Charles T. Jackson. I am a chemist by profession and have been one for twenty-five years.

I was called to the Medical College after the discovery of the remains, and I went there on Saturday afternoon, December 1.

I knew the late George Parkman very well. He was a tall, slender man of somewhat peculiar figure. I saw nothing in the remains dissimilar from what I should suppose was Dr. Parkman's formation. If I had not heard that the doctor was missing, I should not have been led to suppose that the parts of the body were his.

My attention was called to the state of parts of the human body which were then being examined by Dr. Lewis. I took portions of the skin and tested them with litmus paper. I found the parts to be strongly charged with alkali. I took portions of the skin to my laboratory and ascertained by chemical analysis that the alkali was potash.

The thorax had singed hair on it, showing the action of fire, and probably of flame since the burning was superficial.

The action of potash on human flesh is to soften it and ultimately dissolve the flesh when applied in connection with heat as by boiling. Potash dissolves flesh rapidly.

The flesh, if cut up into small pieces and the potash boiled, might be dissolved in two or three hours but for this it takes of potash half of the weight of the body, I should think, and if the whole were done at once, a very large kettle. The largest kettle which I saw in Dr. Webster's apartment was a tin boiler which would not have been of sufficient size to hold a body.

I noticed in the doctor's apartment on the sides of the walls, particularly on the staircase, there were abundant spots which extended all down the staircase. They were fluid and they have since dried. Dr. Jeffries Wyman cut out chips from them for analysis in my presence.

I also saw a pair of pants and a pair of slippers with spots which seemed to be blood on them. Dr. Wyman also cut pieces from these.

The witness was then shown a knife, and he testified as follows:

I recognize this knife as one I have often seen in Dr. Webster's possession at his rooms in the old Medical College on Mason Street. I have known Dr. Webster for twenty-five years, attended his lectures

when I was a medical student, and have since been in the habit of frequently calling upon him. When this knife was first shown to me at the college immediately after his arrest, it bore the appearance of having been recently cleaned.

Jeffries Wyman, M.D., followed Dr. Jackson and testified:

I am Hersey professor of anatomy in Harvard College and have been a teacher of anatomy for the last eight years.

I first went to the Medical College to examine the remains found there on December 2, Sunday. I was given the fragments of bone found in the furnace of which I have made a catalogue and a detailed description. I examined the remains found in the Medical School and concluded that the dissection was done by a person with some knowledge of anatomy.

I supposed the remains to be those of a person who had passed the middle period of life. On turning over the thorax I was struck with a quantity of hair on the back. I had not before seen a person with so much. It extended from the shoulder blades half way down the back on each side of the spine.

I examined spots on the staircase near the lower landing which Dr. Jackson thought to be occasioned by blood. They proved to be tobacco stains. I saw no spots of blood on other parts of the building.

A pair of slippers and a pair of pantaloons were shown to me for examination with spots which resembled blood. I have satisfied myself that these were spots of blood. The right slipper had the blood on it and on the soles of both slippers was a substance resembling Venetian red.

Professor Wyman was then requested to produce his Catalogue of Bones and give a general explanation of its details to the jury.

The fragments of bones enumerated in my Catalogue came from various parts of the body, specifically from the cranium or head, the face, the neck, the forearms, the hands, the right leg below the knee, and the feet. I saw nothing inconsistent with the idea that all these fragments of bones and the portions found in the privy and the tea chest belonged to one and the same body.

The amount of blood in the body is estimated at about one-fifth of the weight of the body. The amount would be twenty-eight pounds in a person weighing one hundred and forty pounds, or about as many

pints. No evidence of blood was found except on the articles which I have mentioned.

I caused the bricks to be removed from the floor of the upper laboratory, but discovered no blood between them.

I saw a hole in the left side of the thorax, but concluded that it was not made with a knife.

In regard to the drops of blood on the pants, I know of no means of determining the length of time that this blood had been on these articles.

In response to a question from Mr. Sohier, Wyman admitted:

I can distinguish human blood from that of the lower animals but not from that of the higher animals, such as an ox, for instance.

Halfway through the next witness's testimony, the trial was to be interrupted by the news of a fire in the attorney general's office. Bemis's account and the newspapers only note that Clifford made a hasty exit from the courtroom in an attempt to rescue some of his papers. The incident could not have been serious since Clifford returned and the testimony continued after about twenty minutes, allowing Dr. Nathan Keep to finish his statements on the mineral teeth found in the furnace of the Medical College. Here is his entire testimony:

My name is Nathan C. Keep. I am a surgeon-dentist and have been in the practice of my profession thirty years in this city. I knew the late George Parkman and have given attention to both artificial and natural teeth for him.

On Monday, December 3, on my return from Springfield to Boston, I was shown some mineral teeth by Dr. Lewis. I recognized them as having been made for Dr. Parkman.

Dr. Parkman's mouth was a very peculiar one, so marked in respect to its shape and the relation of the upper and lower jaws that the impression of it on my mind was very distinct.

When Dr. Parkman ordered his teeth, he inquired how long it would take to prepare them and explained that the Medical College was going to be opened with some inaugural ceremonies on a certain day. The doctor was expected to be there and to make a speech, so he wished to have the set finished by that time or he did not wish to have them at

all. The interval named was rather a short one, but I undertook to fulfill the order.

The peculiarities of the mouth made it a very difficult task. First a beeswax impression was made of Dr. Parkman's mouth and from this impression I obtained a metallic plate, fitting over the gum with openings for the natural teeth which were still in his head. This is called a trial plate and is usually made of copper as it was in this case.\*

After the trial plate was obtained, a gold plate was made and fitted into the doctor's mouth. The teeth themselves, and what was to constitute an artificial gum, were made of the proper material in a soft mass like clay and put into molds to bake or harden.

Several times I needed to adjust and grind the new false teeth and saw Dr. Parkman for this purpose. The last time I saw him was about two weeks before his disappearance.

I went to Longmeadow for the Thanksgiving holiday and returned the Monday after. On my return Dr. Lewis presented me these three portions of mineral teeth which had been taken from the furnace. I recognized them as being the same teeth that I had made for Dr. Parkman three years before. The largest portion that remained, which I now hold in my hand, was that belonging to the left lower jaw. I recognized the shape and the outline as being identical with the impression left on my mind of those that I had labored on so long.

Here Bemis notes that the witness became strongly agitated and broke down in tears. With difficulty, Keep continued:

On comparing the largest fragment with the model, the resemblance was so striking that I could no longer have any doubt that they were his.

Bemis now adds that the witness was "overcome by emotion and unable, for a moment, to proceed. The prisoner exhibited no signs of emotion."<sup>11</sup> Keep then went on:

These teeth went into the fire in the head, or with some portion of it, or in some way were insulated, for if they were not, they would have exploded. If they were put into fire surrounded by flesh or other muffling substance, the temperature would be raised more gradually and the moisture would evaporate from them more slowly.

\* This trial plate is available for inspection at the Boston University Law School Library.

I have used no effort to bring to mind my recollection of the facts of the manufacture of the set of teeth for Dr. Parkman, and those facts always occurred to me whenever I met Dr. Parkman. They were in mind when Dr. Lewis first showed me the teeth and I immediately said, "Dr. Parkman is gone; we shall see him no more." I recognized the teeth at once!

As Dr. Keep concluded his emotional testimony, many of the audience were sobbing with him. Bemis notes that it took several minutes to restore calm to the courtroom. When the proceedings resumed, the witness was Lester Noble, the assistant to Dr. Keep, who substantially corroborated the doctor's testimony with regard to the urgency of the manufacture of the false teeth in light of the opening of the Medical College. He also said that he had labeled the plaster mold made for George Parkman with his own hand.\*

Perhaps the most celebrated witness at the trial was the next to be called. In 1850, Oliver Wendell Holmes had reached the zenith of his career. In the literary world he was ranked with Ralph Waldo Emerson, Henry David Thoreau, Henry Wadsworth Longfellow, James Russell Lowell, and Nathaniel Hawthorne. But the "Autocrat of the Breakfast Table" was a versatile man. Three years before the Webster trial, he had been appointed dean of the Harvard Medical College, where he was also professor of anatomy. In later years, Harvard President Charles Eliot was to say: "I know him as the Professor of Anatomy at Harvard. You think it is the pen with which Dr. Holmes is chiefly skillful; I assure you he is equally skillful with the scalpel."<sup>12</sup>

One of his biographers said, "He was so supreme, he so stood for Boston, so represented Boston, so gave Boston its shape and form and placed it before the world as to make himself Boston's definite exemplar."<sup>13</sup>

\*This plaster mold may be seen at the Countway Library of the Harvard Medical School.

Let us see how Holmes, the bellwether, led his Boston flock in the Webster trial.

I am Parkman professor of anatomy at Harvard University, named in honor of Dr. George Parkman.

The opening ceremony of the Medical College took place Wednesday, November 1, 1846. I remember seeing Dr. Parkman on that occasion and noticing his new teeth.

I am dean of the medical faculty which consists of the following persons: W. Channing, M.D., professor of medical jurisprudence; J. Bigelow, M.D., professor of materia medica; J. W. Webster, M.D., professor of chemistry; J. Ware, M.D., professor of physics; J. B. S. Jackson, M.D., professor of pathological anatomy; and myself.

I saw the fleshy parts of the remains on Monday or Tuesday following their discovery. They very evidently showed a knowledge of anatomy on the part of the dissector. They showed that the person knew where to cut. I should say generally that there was no botching about the business.

I am familiar with the appearance of Dr. Parkman's form, and I saw nothing about these remains dissimilar from it.

I remember the day of Dr. Parkman's disappearance. My lecture commenced that day at one punctually. My room is over Dr. Webster's. The ceiling of his is very high, and I am never disturbed by noises from it. I have overheard applause proceeding from Dr. Webster's room when I have been in the demonstrator's room, but never when I have been in my own room. This demonstrator's room is on the same floor with mine.

Perhaps even this great and versatile man may have been subjected to the pressure of public opinion and reacted. From his testimony Holmes viewed the thorax, the pelvis, the two thighs, and the disarticulated leg in the first days of December 1849. Obviously he had no further opportunity to examine them since they were buried almost immediately under the Trinity Church.

Two months *after* he had viewed the remains and one month *before* the trial began, Holmes addressed a letter to John H. Clifford, the attorney general for the Commonwealth of Massachusetts:



8 Montgomery Place  
February 10, 1850

My dear Sir,

A Mr. Wallace E. Oakes writes to me from "Cotton Gin Port, Mississippi," and in a postscript says,

"I have heard news lately which induces me to believe that Dr. Parkman is not dead but sojourning in the interior of Georgia. Although I am unacquainted with Dr. Webster, I think it due him that the jury should be perfectly satisfied that Dr. Parkman is really [*sic*] dead. If it is necessary, I can give the facts in my possession relative to Dr. Parkman's being in the State of Georgia."

As you ought to know everything "relative to the SUPPOSED tragedy," to borrow the phrase of my correspondent with its native emphasis and orthography, I send you this line to guide you if you wish to make inquiries.

But I received another letter some weeks which may be of more consequence. This was from Dr. I. F. Galloupe of Lynn, Massachusetts, a former student in our Medical School, now practising medicine in Lynn, telling me that there was a respectable woman in Vine Street, No. 15, I think, who saw Dr. Parkman on the afternoon of the murder and accompanied her story with very precise circumstances, and some of which he detailed in his letter.

I handed Dr. Galloupe's letter to Mr. Sohier, not thinking at the time that you were also entitled to know the facts. I am not SURE of the number of the house where the witness resides, and if you wish to follow up the story, I think you had better write at once to Dr. Galloupe. I am inclined to think it may be worth a little time and trouble to get to the bottom of it. I am,

Yours very truly,  
O. W. Holmes.<sup>14</sup>

Holmes's testimony was hardly an unequivocal identification of the remains as being those of Parkman, but it was as strong as any other medical identification at the trial. This was a puzzling course of events since from the tenor of his February letter to Clifford urging investigation of reports of Dr. Parkman's appearance, it is possible to conclude that, one month before he testified, Holmes hadn't the vaguest notion whose remains they were, and, in fact, he suspected that Dr. Parkman was still alive.

**T**HE LENGTHY MEDICAL TESTIMONY ENDED with Dr. Oliver Wendell Holmes, and early on the fourth day the entire city was excited at the prospect of hearing the principal prosecution witness, Ephraim Littlefield, tell of his discovery of the human remains at the Medical College. For some years Littlefield had been janitor of the school, and his custodial duties required him to live in the building. He and his family occupied a small apartment in the basement contiguous to Dr. Webster's rooms and the dissecting chamber.

A native of New Hampshire, Littlefield had come to Boston ten years before. Now with a freshly trimmed beard, a satin cravat, and dark, rather unctuous hair neatly combed, he cautiously seated himself in the witness chair, which he was to occupy for a full day and a half.

My name is Ephraim Littlefield. I am janitor of the Medical College. I superintend the building, make the fires, do the sweeping and dusting. I have been employed in that capacity for seven years, four years at the old Mason Street college, three years at the new college on North Grove Street.

I have known Dr. Webster seven years last October since

my first connection with the college. I had known Dr. Parkman twenty years. On the Monday before Dr. Parkman's disappearance, I was present at an interview between Dr. Parkman and Dr. Webster in Dr. Webster's back private room. It was somewhat dark in the room, and I was helping Dr. Webster. There were three or four candles burning. I never heard a footstep, but then I saw Dr. Parkman come into the back room. Dr. Webster looked around and appeared surprised to see him enter so suddenly.

Dr. Parkman spoke quick and loud. "Dr. Webster, are you ready for me tonight?" Dr. Webster answered, "No, I am not ready tonight, Doctor." Dr. Webster then told him, "I will see you tomorrow, Doctor." Dr. Parkman stood then near the door, put his hand up and said, "Something must be accomplished tomorrow." He then went out and it was the last time I saw him in the building.

About 1:30 P.M. the next day I was standing in front of the college, and Dr. Webster came up and asked me if I would carry a note to Dr. Parkman. I gave it to a boy named John Maxwell and he gave it into Dr. Parkman's hand at his house.

That week Dr. Webster asked me if he could get a light down into the vault, and I told him no. He asked me if I was sure. I told him I was sure because I had tried it a few days before and the foul air put the light right out. I had tried it to locate an African skull which Dr. Ainsworth put there to macerate [soften and waste away]. When I put the light down, the foul air put the light out. Dr. Webster said he wanted to get gas for an experiment.

On Thursday, the day before Dr. Parkman disappeared, Dr. Webster asked me to get him some blood for the next day's lecture. He said, "I want as much as a pint." I took a glass jar down off his shelf. He said, "Get it full if you can at Massachusetts General Hospital."

On Friday, November 23, I saw Dr. Parkman coming toward the college at a quarter of two. He was walking fast along Fruit Street. At about two o'clock I went up to Dr. Holmes's room. Later I came down and locked the outside front door. I suppose I was in Dr. Holmes's room about fifteen minutes. I then went downstairs to Dr. Webster's laboratory to clean out his stoves. I found the doors bolted on the inside. I went around to the other laboratory door and found it bolted. I thought that I heard him in there walking. I heard the Cochituate water running. I then went upstairs to the front entry and tried the door which leads into the lecture room, and I found that also bolted.

I don't recollect that I tried his doors again that afternoon until late in the evening. In the evening about half past five as I was coming out of my kitchen, I heard someone coming down the back stairs. It was Dr. Webster. He had a candlestick in his hand and a candle burning.



*Janitor Ephraim Littlefield*

I did not see Dr. Webster again that night. I fixed myself and went out to a party at a Mr. Grant's Dancing Academy and got home about ten o'clock. When I came home, I went to my kitchen, took off my outside coat, and took a lamp to go and fasten up the building. The first door that I went to was Dr. Webster's laboratory door. I found that fast. I then started to go into the dissecting room and on the way tried the storeroom door leading into Dr. Webster's laboratory and found it fastened. I went to put out the lights in the dissecting room as the students dissected sometimes as late as ten o'clock. I saw no lights and no one there. I never knew Dr. Webster's rooms locked in this way at night in lecture time since I have been at the college.

On Saturday morning I tried Dr. Webster's doors again and found them bolted, but I found that the dissecting room door was unfastened. This is the door which I had bolted on Friday night. I thought that I had locked some students in the night before and thought no more of it at the time. I tried Dr. Webster's doors again, found them locked, and soon after Dr. Webster came to the college.

I followed him up into his rooms, he unlocking the door. He then took his keys and unlocked the door leading into the lecture room. First thing he said to me was, "Mr. Littlefield, make me a fire in the stove." I made the fire in the stove. I asked him if he wanted anything else, and he said he did not. I saw him again that morning about eleven o'clock I think. He had a bundle under his arm done up in a newspaper. I gave him fifteen dollars in gold half eagles for tickets which I had sold to Mr. Ridgeway, one of the medical students. I could not get into Dr. Webster's rooms any more the rest of the day than I could Friday afternoon. Saturday was my sweeping day. I tried the doors a number of times. I heard someone in the lower lavatory walking and moving around, but could not get in.

I did not see Dr. Webster in the college all day Sunday but his doors were fast all the time. Sunday night about sunset I was standing on North Grove Street talking with Mr. Calhoun about Dr. Parkman, and I saw Dr. Webster coming. The first words Dr. Webster said to me were, "Mr. Littlefield, did you see Dr. Parkman the latter part of last week?" I said, "Last Friday about half past one." He said, "Where did you see him?" I replied, "About this spot." Webster said, "That is the very time I paid him \$483 and some odd cents," and he went on to say that he paid money to Dr. Parkman at his lecture room table. Dr. Parkman grabbed the money without counting it and ran up as fast as he could, two steps at a time, saying that he would immediately go to Cambridge and discharge the mortgage. Dr. Webster continued, "I suppose he did but I have not been over to the Registry of Deeds to see."

On Monday I tried twice to get into Dr. Webster's rooms to make up his fires. That morning the doorbell rang. I went to the front door and found a gentleman who had specs on. It was Mr. Parkman Blake who wished to see Dr. Webster. I went and told Dr. Webster, and he said, "You may let him in." I unbolted the door and let Mr. Blake in. It must have been half past ten. At half past eleven I went again to the laboratory door and found the door fastened.

About twelve o'clock the police came, Mr. Kingsley and Mr. Starkweather. They inquired of Dr. Holmes and Dr. Holmes then told me to show the police all around. Mr. Kingsley spoke of going to Dr. Webster's apartments first. I went and found his door bolted. In a few minutes Dr. Webster came and opened the door. I told him that the police had come to look for Dr. Parkman, and I don't know that he made any answer at all. We passed into his lecture room and through the back room into his lower laboratory. I showed the police all over the building and went up with them into the attics and then they left the college.

On Tuesday morning I tried all Dr. Webster's doors and found them all fastened. About half past nine or ten I should think I unlocked his door and found that he was in. I found him with a cap upon his head and with a pair of overalls on. He appeared to be busy in preparing for his lecture at twelve o'clock. I passed around his table to go into the back room and saw that he had a fire in the stove there. As I walked around the table he walked toward the back room. Again on Tuesday the police arrived to search the Medical College for the second time. One of the police officers said, "Let us go into Dr. Webster's apartments."

"I went upstairs through the entry door to Dr. Webster's lecture room door. I found it unlocked but bolted on the inside. I rapped as loudly as I could. Not hearing any answer, I rapped again. In a minute or two Dr. Webster unbolted the door, and I told him what the officers were there for.

"We all passed in to his apartments. I think it was Officer Clapp that went to the door of his little room to which I have had no access. Dr. Webster said, "There is where I keep my valuable and dangerous articles." Officer Clapp did not go in but acted as if he were afraid to. He barely looked in, and then we all passed down the laboratory stairs. At one point Officer Clapp said, "What place is this?" Dr. Webster being within three feet, I said, "That is Dr. Webster's private privy." I thought that Dr. Webster withdrew the attention of the officers from that place. He said, "Gentlemen, here is another room," and we all passed out.

One of the officers said that they wished to search the vault or

dissecting room receptacle. I told them that there was nothing there but what I had thrown in myself and that I had the sole charge of it and always kept the key. The officers went all over the building and into my cellar. I mean the apartments on the same floor with the laboratory.

I led them under the building, and we crawled across from the front to the back side of the building. They then came up, searched my rooms, and left.

About four o'clock in the afternoon that day, Dr. Webster came to the college. As soon as he unbolted his door, his bell rang, and I said to my wife, "I guess Dr. Webster has his door open now, and I can get in." I went up into his back room. He stood at the side of a table and appeared to be reading a paper which he held in his hands, a newspaper I mean. He asked me if I knew where Mr. Foster was located near the Howard Athenaeum. I asked him if it was the provision dealer. He said that it was, and he then asked me if I had bought my Thanksgiving turkey. I told him that I had not. He then handed me an order saying, "Take this order and get a nice turkey as I am in the habit of giving away two or three and perhaps I shall want you to do some odd jobs for me." I thanked him, and he gave me another order to Mr. Foster to send out sweet potatoes. I carried both orders down to Mr. Foster and picked out the turkey such as the one as I wanted, weighing eight or nine pounds. It was the first time that Dr. Webster ever gave me anything.

I came home and stayed around, until about six o'clock and then fixed myself to go to the Suffolk Lodge of Oddfellows. At this time I heard someone on the back stairs. It was Dr. Webster with a candle burning as before. He said to me, "Mr. Littlefield, are you going downtown?" I replied, "Yes, sir, I am going down to the Lodge." Said he, "You are a Freemason, aren't you?" I told him, "Yes, they call me part of one." Then we parted. There was nothing more that night. I found the door of the laboratory was bolted after I came back from Mr. Foster's.

On Wednesday morning, Dr. Webster came to the college early. I saw him come in, and I went to his laboratory and tried to hear what was going on and to look through the keyhole but the catch was over it on the inside, and I could not see through so I took my knife and undertook to cut a hole through the door but this made too much noise, so I lay on the floor on my face so I could look under the door but I could only see him as high up as his knees. I lay there about five minutes and then got up and went downtown with my wife about nine o'clock and did not return until the afternoon.

About three in the afternoon I returned and found that the walls were hot near where Dr. Webster's laboratory is. I was in close contact with the wall. I put my hand on it and found that I could hardly bear it there. I knew that the heat came from the furnace where I had never known a fire to be. I found the door leading into Dr. Webster's laboratory was bolted.

Not being able to see anything and to satisfy myself, I went out of my back door and climbed on the wall to the double window of the laboratory where the lights are on each side. I found the window unfastened, raised it, and went in. I first went to the furnace which was covered up with a soapstone cover and there did not appear much fire there. As I went upstairs I observed spots which I had never seen before. They did not look like water. I tasted them, and when I got back into the private room, I found the same kind of spots there. They were still wet. I thought them blood.

On Thanksgiving Day I went to Hoppen's Wharf and got a piece of lime for Dr. Webster which he asked me for on Tuesday. He wanted a lump "as large as my head." It is nothing unusual for him to have it. I had procured it for him every winter.

In the afternoon I went to work to dig a hole through the walls under Dr. Webster's privy. I should think that I began about three o'clock. I wanted to get under there to see if anything was there and to satisfy myself and the public because whenever I went out of the college, someone would say, "Dr. Parkman is in the Medical College and will be found there if ever found anywhere." I never could go out of the buildings without hearing such remarks. All other parts of the building had been searched, and if nothing should be found in the privy, I could convince the public that Dr. Parkman had not met with foul play in the college.

I had a lamp, and I worked an hour or an hour and a half, but found that I could not make much progress with the tools I had. I was out that night until four o'clock the next morning at a Thanksgiving ball at Cochituate Hall given by the Shakespeare division of the Sons of Temperance. There were twenty dances, and I danced eighteen out of the twenty.

On Friday I got up a little before nine o'clock. My wife had called me a little before eight and wanted me to finish digging through the walls. While we were at breakfast, Dr. Webster came into the kitchen. He came in and took up a newspaper and said, "Is there any more news? Do you hear anything further of Dr. Parkman?" I said, "There are so many flying reports of Dr. Parkman, we do not know what to believe." Dr. Webster then went upstairs.



Sometime in the forenoon toward noon I was up under the anatomical lecture room when I had some conversation with Dr. Henry J. Bigelow, who told me to go ahead with my digging through the wall. I went into the demonstrators' room and found Dr. J. B. S. Jackson at work there. I told him of my digging, and he said, "Mr. Littlefield, I feel dreadfully and do you go through that wall before you sleep tonight." He said, "You had better not go to Dr. Holmes, but you had better go to the elder Dr. Bigelow on Summer Street and tell him."

In the afternoon I went to ask Mr. Leonard Fuller to lend me a crowbar. I spoke to Mr. Fuller jokingly, and I suppose he suspected what I was doing. I put my wife to watch the doors, telling her to let no one in, unless she saw who it was. I told her if Dr. Webster came to the door not to let him in unless she first came into the kitchen and gave four raps on the floor to warn me. If anyone else came, not to disturb me.

While I was working, Mr. Kingsley and Mr. Starkweather, the police officers, arrived. I went up and talked with them on the front steps. Mr. Kingsley asked me what private place there was that had not been searched. I told him where the place was, and Mr. Kingsley said, "Let us go into his laboratory." I told him that it was locked up and that we could not get in. They then went away. I saw Officer Trenholm and, being well acquainted with him, I told him what I was doing and that I should get through in twenty minutes or half an hour, and if he could come back, I would tell him the result. I then met my wife, and she said, "You have just saved your bacon as Dr. Webster has just walked in."

While I was talking with Mr. Trenholm, Dr. Webster came out and spoke with us. He said that an Irishman had offered to change a twenty-dollar bill on the Cambridge side of the bridge to pay his toll of one cent, and the tollsman thought that it was an extraordinary thing for an Irishman to have a twenty-dollar bill, so they kept it. He said that the marshal had been suspicious and was investigating. Then Dr. Webster left.

I left Officer Trenholm and went back to my work. I took the crowbar and knocked the bigness of the hole right through. I had drilled a hole with the crowbar before I went up when Mr. Kingsley called. There are five courses of brick in the wall. I managed to get in, and I had trouble with my light as the air drew strongly through the hole. I managed to get the light and my head into the hole, and then I was not disturbed with the draft. I held my light forward, and the first thing which I saw was the pelvis of a man and two parts of a leg. The water was running down on these remains from the sink. I knew it was

no place for such things. I locked the cellar door and went upstairs and spoke to my wife. I was very much affected.

I locked the outside door and went as soon as I could to Dr. Jacob Bigelow's on Summer Street. He was not at home. I then went directly to Dr. Henry Bigelow's in Chauncy Place. I found him in and told him what I had discovered. He took me to Robert Gould Shaw, Jr.'s, in Summer Street, and I spoke to Mr. Shaw who sent for Marshal Tukey, and when the marshal came, he told me to go right back to the college, and he would soon be there. The marshal and Dr. Bigelow came to the college in ten or fifteen minutes. Officer Clapp came there before them.

The hole was about halfway between the floor and the ground. The opening is about eighteen inches one way and perhaps ten inches or twelve inches the other. From the privy hole down to the ground is a distance of some eight or nine feet. The remains were not found directly under the privy hole, but had fallen outwards toward the other or northern wall. The tide, however, penetrates the wall and fills up the trench. Sometimes the water remains in the vault five or six feet deep after the tide has fallen. When we were down under the laboratory, we heard a noise, and Marshal Tukey took out his revolver but the noise was made by my wife and by the children running over the floor overhead.

Before Dr. Webster was brought down to the college that evening, Mr. Tukey, Officer Trenholm, and myself uncovered the furnace, and I put my hand into the furnace and took out a piece of bone. The front doorbell rang. I answered it, and a police officer said, "We have got Dr. Webster here, and he is very faint." I opened the door and Dr. Webster came in. The doctor spoke to me and said, "They have arrested me and taken me from my family and did not give me a chance to bid them good night."

Dr. Webster was very much agitated. He sweat very badly and trembled, as I thought. He did not appear to have the use of his legs. I thought that he was supported by the police officers altogether.

We went into Dr. Webster's apartments, and when I got into the back room, they wanted to go into the other private rooms where the valuables were kept. I told them I never had the key of it, and Dr. Webster made the same answer as to the key that he did in relation to the other door, that he didn't have them. I was asked where the key of the privy was, and I told them that they must ask Dr. Webster, as I never saw the inside of the privy in my life.

Dr. Webster said, "There the key hangs upon the nail." They tried the key hanging on the nail and it did not fit. Then they told Dr. Webster, "This is not the privy key. It don't fit." "Let me see it," said

Dr. Webster. I did, and he said, "This is the key of my wardrobe but the other is up there somewhere." With that the privy door was broken open with a hatchet.

After this we went down under the building and brought the remains up. Officer Trenholm, Officer Clapp, and myself went down for them. The party all walked into the front cellar where the remains were deposited, and Dr. Webster was let in, and the rest of the party came in and stood within five or six feet of the remains. Dr. Webster appeared to be very much agitated and sweat very badly and tears and sweat ran down his cheeks as fast as they could drop.

At this point bloody slippers were exhibited to the witness, and he recognized them as Dr. Webster's.

I have seen these or a pair like them for a year or two about his back room.

Then a saw was exhibited to Littlefield, who responded, "I think that I never saw that saw!"

Mr. Bemis, the prosecutor, exhibited the saw to the jury and showed them some marks on it. He said that Dr. Wyman had examined it with a microscope and could not find any marks on it which were blood but he, Bemis, would submit it to the jury for what it was worth. It was marked as an exhibit in the case.

Littlefield continued:

I have seen the jackknife found in the tea chest or one exactly like it. Dr. Webster showed it to me the Monday before Dr. Parkman's disappearance. He said, "See what a fine knife I have." Dr. Webster usually wore working dress with a pair of cotton overalls. Since the arrest I have not seen them.

I know also that towels were found in the privy vault. A diaper roller and two crash towels. There were marks of *W* on the crash [linen] towels. The diaper roller I had known for two or three years. It was the only one of that kind that Dr. Webster had. I wiped my hands on it that Friday when I went up and told Dr. Webster that I could not get any blood at the hospital.

The towels and the diaper roller found in the vault were here exhibited to Littlefield, who identified them as those found in the privy. The towels were badly stained and filled with holes, but the prosecution admitted that the stains only afforded indications of acid, and not of blood.

In answer to questions by Mr. Sohier, Littlefield said:

On Friday afternoon I thought I heard someone walking in the laboratory, so I went back upstairs and tried the door. I can't precisely say what time it was. When Dr. Webster came down, he must have seen me because he passed a foot from me, but he did not speak to me.

Mr. Sohier asked, "Haven't you been in his room playing cards in the night?" And Littlefield declined to answer the question.

Mr. Sohier then asked, "Did not Dr. Webster discover that you used his rooms for gambling?" Littlefield replied: "No, sir. At any rate he never spoke to me about it."

Littlefield continued:

All during the week after Dr. Parkman's disappearance I began to think over and recollect the facts which I have testified to. I began on Sunday night, the 25th, after the conversation with Dr. Webster. I told my wife that night that I was going to watch every step that he took. I told her Sunday night I had been hunting around that day for Dr. Parkman in the empty houses, etc. I never thought of the reward then. I did not know that one was offered. I learned during the week that rewards were offered. I never told anyone that I meant to get the reward, never told Dr. Webster so, and I defy anyone to prove it.

On Monday when Dr. Samuel Parkman, Dr. George Parkman's brother, had called and was with Dr. Webster, I was thinking about the matter all the time, more or less. I suspected that Dr. Parkman had met foul play at the hands of Dr. Webster.

On Monday night I went down to Mr. Grant's Dancing Academy, went down first of the evening. I tried Dr. Webster's rooms before I went down, and I tried them all along through the afternoon, not every moment, but at various times. I wanted to get in and do up his work. I couldn't conceive why he kept his doors fastened so.

When I discovered the heat in the wall, I thought it very strange as

I never knew any heat to be there before, but when I went in, there did not appear to be much fire there.

When I got into the laboratory, I thought the spots upon the floor suspicious. I noticed spatters on the stairs more than anywhere else. They were rather red then. I thought at the time they were spots of blood.

I never have made nor intended to make any claim for either of the rewards which have been offered. I have so declared and here state that I disavow all claims henceforth.

Mrs. Caroline Littlefield testified briefly after her husband with two other minor witnesses. At one o'clock on Saturday, Chief Justice Shaw announced that proceedings would suspend for the day because of the need for "necessary relaxation" and the "necessity for adjourning over the Sabbath Day." As the crowd filed from the courtroom, Shaw instructed the bailiffs to take those of the "locked up" jury to Sabbath services where they wished to go, provided that they were in the custody of a bailiff, and to insure that "the officiating clergymen absent all allusions to the trial from the religious services."<sup>1</sup>

**E**ARLY ON MONDAY MORNING, March 25, the sixth day of the trial, the burly Cambridge to Boston expressman, Nathaniel Sawin, came to the stand. Sheepishly he glanced at his former employer seated in the prisoner's dock and said, "I know Professor Webster and must have carried packages for him two hundred times." When the knife found in the tea chest was exhibited to Sawin, he said:

I saw this knife on the 17th of November last in Dr. Webster's hands in his gardens at Cambridge. He was trimming his grapevines and standing on some steps. He came down the steps with this in his hand to speak to me. He had cut his finger so that it bled, and this led me to make a remark about it and about the knife. I noticed it a very peculiar knife, and I am positive that this is the same.

Prosecutor Bemis gave the knife which Sawin had identified to the clerk to be marked as an exhibit and announced that his next witness would be Derastus Clapp. Delighted with the spotlight role into which he had been cast, Clapp, chief of Boston's first detective bureau, took the stand.

“My name is Derastus Clapp. I am a police officer and have been one since 1828.” Two promissory notes were then exhibited to the witness and identified by him as having been in his possession. He was then asked how and under what circumstances he came to have knowledge of the notes.

On the 5th of December, I was directed, by the city marshal, to go to Cambridge, and get a Cambridge officer, and search the house of Dr. Webster. I took Officer Hopkins of Boston with me and procured the aid of Officer Sanderson of Cambridge, and went to Cambridge. We went to the house of Dr. Webster; the others went upstairs, while I remained down. This was the second search which was made there. I went to search for a particular parcel of papers in Dr. Webster's house, in consequence of directions which were given me, before leaving Boston. I asked Mrs. Webster if she had in her possession any particular parcel or package given her by the defendant at the bar. Shortly after asking this question, she left the room, in company with Mr. Sanderson, and presently returned, bringing a bundle of papers. The papers (the three first of those shown to me) not being articles named in the search warrant, I requested Mr. Sanderson to replace in the trunk upstairs where he had found them, and to bring the trunk down. The trunk was brought down; and I requested Mrs. Webster to hand the remaining papers to me, as I wished to take them to the city, and would give her a receipt for them; which I did.

I believe the officers went upstairs again; but this was all that we found or took away. The Cambridge officer had a search warrant. I did not know what the package contained, which I asked for, but I supposed that that handed me by Mrs. Webster was the one. I recognized the handwriting of Dr. Parkman on two of the papers, and put my initials on all of them, for the purpose of identification.

The first paper was a note in the amount of \$400 signed by J. W. Webster and dated June 22, 1842. It bore on it the following notation, “This is to be given up on payment of Webster's note of January 22, 1847.” On the back of this note in Dr. Parkman's handwriting was endorsed “\$483.64 balance paid November 22, '49.” Across the face of the note were two heavy traverse dashes each about two and a half inches long, from one-eighth to one-quarter inch wide. There was also a heavy traverse dash across the signature “J. W. Webster.”

The second document was a note dated January 22, 1847, signed by J. W. Webster in the amount of \$2,432. Across the face of this note were two heavy dashes, similar to those upon the other note, though still wider. The signature was also dashed out with a similar heavy stroke.

In addition there was also a memorandum from Charles Cunningham summarizing the complicated financial transactions of Webster and Parkman. It established that the \$2,432 note not only replaced the note of June 22, 1842, in the original face value of \$400, but also incorporated in it loans to Webster made by one Mr. Prescott of \$500; Mrs. Prescott, \$200; a Mr. Nye, \$200; and Charles Cunningham, \$100; all of which Dr. Parkman had assumed. On the back of the account was the following notation: "Debt to Parkman, April 25, 1849, balance due Dr. Parkman, \$456.27; interest, \$27.37; total, \$483.64."<sup>1</sup>

With this, Officer Clapp resumed his testimony:

We received various reports through the marshal that Dr. Parkman had been seen in various parts of the city on Saturday, Sunday, Monday, and Tuesday, and on Tuesday I was directed to take some officers to look over the college, all vacant houses in the neighborhood, and the lands about the jail.

On this occasion we searched Dr. Webster's apartment and we also searched the great vault, and I held a light down there myself and could see well enough. We searched every inch of Mr. Littlefield's apartment, I believe drawers, clothing, pockets, male and female clothing, crockery ware, also searched in the attics.

On Friday night, the 30th of November, I was called to the Medical College at six o'clock, and immediately went down to where the remains were found. From the college I was sent by Marshal Tukey to Cambridge. I took a coach and in company with Officers Starkweather and Spurr went to Dr. Webster's house. I met the doctor on the front steps showing a gentleman out of his door. I spoke to the doctor before he got back into his house and told him that we were about to search the college again and wished him to be present. He went into his library and put on his boots, coat, and hat. As we passed out of the house, the doctor turned and said, "I should like to go back for my keys." I told him it was not necessary as we had keys enough to unlock the college. He said, "Very well," and got into the coach.



I don't recollect that Dr. Webster said anything as we walked to the carriage. I told the driver to go over Craigie's Bridge through East Cambridge. We talked of the efforts which had been used to find the body of Dr. Parkman. I told him what distances we had been sent and the stories that had been told as to Parkman's being seen.

When we arrived near the bridge, the tide was out. I pointed it out to Dr. Webster and told him that soundings had been taken in all these waters above and below the bridge, and I told him that a hat had been found at the navy yard which was supposed to be Dr. Parkman's. I don't recollect that he made any comment or reply.

When we got to Brighton Street, the doctor said we were going the wrong way. I replied that the driver might be green, but he would probably find his way to the college in time.

When we arrived opposite the jail door at about 8:30, I got out to see if there were any spectators at the jail. There were none, and I opened the door and said, "Gentlemen, I wish you would get out and come into the jail office a few moments."

Inside Dr. Webster turned half way round to me and said, "What does this mean? Or what does all this mean?" and I said, "Dr. Webster, you recollect that I called your attention at the bridge to soundings having been had above and below the bridge. We have been sounding in and about the college and have finished looking for the body of Dr. Parkman. We shall not look for his body any more. You are now in custody on a charge of the murder of Dr. Parkman."

Dr. Webster then said, "I wish you would send word to my family." I told him it would not be necessary to do it that night as he could not see them if they came and he had better wait until morning.

I then took from him a gold watch, a wallet containing \$2.40, an omnibus ticket, and five keys. One key had a marking upon it, "privy." I then went after the marshal.

Later I saw Dr. Webster again at the Medical College at which time he appeared like a person in a fit of delirium tremens or trembling madness more than anything else that I can think of. The following day I went to Dr. Webster's house to search it. We found this bank-book in a drawer in the library and otherwise we found nothing that amounted to anything.

We also searched the professor's mineralogical cabinet at the college, and his house again that day, but did not find anything.

Seth Pettee, a bank clerk, testified next, telling of conversations he had had with Parkman concerning Webster, all uncomplimentary to the latter, and he told of a conversation he had

had with Webster concerning Parkman when Webster had stated:

Dr. Parkman is a peculiar sort of man, rather nervous and has been sometimes subject to an aberration of mind, so much so that he was obliged to, or did, put his business out of his own hands and Mr. Blake, a relative, attended to it for him.

On the morning of November 23, the day of Parkman's disappearance, Pettee had delivered to Dr. Webster a check for ninety dollars collected from students as payment for lecture fees at the Medical School.

The last witness of the sixth day of trial was the Reverend Francis Parkman, brother of the victim, and former pastor of the accused at the New North Church.

I am the brother of the late Dr. George Parkman. I have known Dr. Webster a great many years and was his pastor for several years. When Dr. Webster moved to Cambridge, I knew him as all gentlemen did who were acquainted with the college. I was called to baptize his grandchild the last Thursday in September, I think, the child of his daughter and his son-in-law who reside in Fayal, Azore Islands.

On the Sunday after the disappearance of my brother we were all in great distress and about four o'clock in the afternoon Dr. Webster came to my house. He said that he had been the gentleman who had called on Friday and had seen my brother at half past one and paid him some money. I then said, "Dr. Webster, we are very glad to see you as it is a relief to us to know who called at my brother's." Webster said that he had paid my brother at 1:30 P.M. I asked him if he was perfectly certain about the hour, to which he answered, "I am quite certain. I finished my lecture at one o'clock and I waited twenty or thirty minutes or so for your brother." I asked him if he had papers or a bundle in his hand. He said, "Yes, he had papers and he took one out and dashed his pen through it so," making a motion with his hand to imitate a sudden and rapid dash.

Dr. Webster then went on to say, "I told Dr. Parkman that he hadn't discharged the mortgage," to which he replied, "I will see to that. I will see to that," and then my brother, he said, left very rapidly.

Dr. Webster's manner, I could not but observe, was hasty and

nervous. He commenced speaking in a business manner immediately upon entering the room. I could not but remark that there was no expression of surprise and no expression of sympathy with our distress. I should describe it as a business visit. What particularly struck me was the absence of that subdued expression or tone of sympathy in which it is natural for those approaching persons in affliction to speak.

I recollect nothing more than the plain business errand that I have detailed. I should be perfectly safe in saying that Dr. Webster was not there more than ten or fifteen minutes.

My brother's domestic habits were most remarkable. He was almost the most punctual of mankind in all his ways. He was almost always at home, and seldom or never went out of town.

My brother had left a wife, a son, and a daughter. His daughter had been a great invalid and was one for whom he was perpetually anxious. His son was in Europe when he disappeared but has since returned.

Early in the morning of the seventh day of trial, police officer Samuel B. Fuller described his part in the hideous discovery of the human thorax and the experiments he performed with the human parts.

I had seen the tea chest once before but did not touch it. This time I took some minerals from the top of it and I found that it contained tan. I ran my hand into the tan and took out a hunting knife which I opened, looked at, and placed in my pocket. I then put my hand in again and, feeling something wet and cold, remarked that there was more than tan in the chest. I took the chest out to the other side of the room and turned it over when the trunk of a human body tumbled out with one of the thighs placed inside of it, the thigh tied around with a piece of twine at one end. I saw a hole in the left breast just under the left nipple. The tan was scraped off only with my hand.

The next day, Sunday, I found one of the kidneys in the ash hole.

We experimented with the privy hole which was nine and three-quarter inches across. We tried getting the thorax through it but found it would not go. The hole was not large enough. The pelvis would go through by turning it up edgewise, as I should call it.

In answer to a question by Sohier, the witness said:

The seat was up when we tried the experiment with the thorax. Littlefield, Officer Butman, and myself did this. Littlefield held up the thorax and also the pelvis. The pelvis went through very easily.

Following Constable Fuller came Constable Starkweather who had been one of the arresting officers on November 30, 1849. He testified:

After he was arrested, Dr. Webster asked me if they had found Dr. Parkman. I told him that I wished he would not ask me any questions as it was not proper for me to answer them. He said, "You might tell me something about it. Where did they find him? How come they suspect me? Oh, my children, what will they do! Oh, what will they think of me!"

I asked the doctor if anyone had access to his private apartments but himself. "Nobody has access to my private apartments but the janitor who makes the fire." There was a pause for something like a minute and a half. Then the doctor added, "That villain. I am a ruined man!" There was no further conversation.

I have had some large fish hooks and twine in my possession which I now produce. These were found just as they now are in Dr. Webster's private room after the discovery in his apartment.

The officer then exhibited the articles to the jury. The hooks were arranged in the form of grapples with lead sinkers of a pound weight or more attached to them. Pieces of twine of perhaps six or eight yards in length were wound around each other.

Officer Starkweather continued:

I saw these articles on Friday night, the night of the arrest. I took the hooks and twine on Saturday. They were rolled up in a paper on the shelf in the back private room.

Two hardware dealers followed Starkweather and testified that they had sold fish hooks to a person whom they thought "resembled" Webster, although they could not identify him. Then came William Tyler, a pompous and arrogant man who was qualified as an "expert" on hemp rope. He testified that the twine removed from the disarticulated human thigh and held in the custody of Officer Starkweather had similar characteristics of manufacture to those of a ball of twine found in Webster's laboratory.

Following this, and just before the afternoon recess on the seventh day of trial, Nathaniel Waterman testified concerning a conversation he had held with the professor on the day of his arrest. He said:

I have known the defendant for ten or twelve years. I saw him in my place of business on Friday, November 30, the day of his arrest at about ten o'clock in the morning. I said to him that if Dr. Parkman were found I believed that he would be found in one of his own houses for I do not believe the story of his going over to Craigie's Bridge. Dr. Webster said he did go to Cambridge. He said this energetically. "Only think of it, Mr. Waterman, a mesmerizing woman has told the number of the cab he went away in, and Mr. Fitz Henry Homer has found the cab and blood has been found on the lining." There was no further talk about Dr. Parkman.

He ordered a box which he said he was going to have to put small things, say books and so forth, in, and he spoke of having the handles made very strong.

During the one-week search for the missing Dr. Parkman, Marshal Francis Tukey, guardian of law enforcement in Boston, had received many written suggestions and advice in the mails. Three letters had attracted his attention and were featured at the trial.

The first was called the "Civis letter. It was dated November 31, 1849, but actually had been received by the marshal, he said, on November 30, 1849. The letter was well drawn and lengthy and obviously written by an educated person. It read as follows:

Mr. Tukey, Dear Sir: I have been considerably interested in the recent affair of Dr. Parkman, and I think I can recommend means, the adoption of which might result in bringing to light some of the mysteries connected with the disappearance of the aforementioned gentleman.

In the first place with regard to the searching of houses I recommend that particular attention be paid to the appearance of cellar floors. Secondly, have the outhouses and necessaries been carefully examined? Have they been raked sufficiently?

Dr Parkman was taken  
on board the ship - her name  
and then I dare to say  
as I shall be killed  
East Cambridge  
June

A page from the "East Cambridge" letter

Probably his body was cut up and placed in a stout bag containing heavy weights and thrown off one of the bridges — perhaps Craigie's — and I would recommend the firing of cannon from some of these bridges and from various parts of the harbor in order to cause the body to rise to the surface of the water. This I think will 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.

Another letter was very crudely written and quite illegible. It was addressed to Mr. Tukey and read as follows:

Dr. Parkman was took on bord herculan and this al I dare to say or I shal be kiled — Est Cmrbrge — one of the men give me his watch but I was feared to keep it and thod in the water right side the road to the long bridge to Boston.

The third was addressed to Francis Tukey, City Marshal, and read:

Dear Sir: You will find Dr. Parkman murdered on Brooklyn Heights.

Yours truly, M—— Captain of the Dart.

All three letters were introduced by Tukey who was recalled to the stand. They were marked as exhibits. The next prosecution witnesses were handwriting experts, a rarity in the 1850 courtroom, and the first of them was Nathaniel D. Gould, who said:

I am a resident of Boston and have been for many years. I know Dr. Webster, the defendant, and I have known him for a long time by sight but I have had no personal acquaintance with him.

I have never seen him write but I have seen what I suppose to be his handwriting. I am familiar with his signature for I have seen it appended to the diplomas given by the Medical College for twenty years in connection with those of the other medical professors, for I am employed as a penman to fill out the diplomas for the college.

Mr. Bemis showed Gould the "Civis" letter and asked, "Can you recognize the handwriting of this letter?"

I think it is in Dr. Webster's handwriting. In giving my reasons for my opinion there are some circumstances which may appear trifling to a person who is not attended to the subject but yet I consider them important.

When Bemis showed the East Cambridge letter to the witness, he said:

I have examined this letter before. I have no doubt that the characters or whatever else they are to be called were made by the same hand that wrote the letters submitted to me as specimens.

I have seen the specimens and all of them before and have spent some time in examining them. As to the East Cambridge letter, as I have said, I should not call it writing at all. I mention the words because it is my own opinion and positive opinion it was written by Dr. Webster. The Dart and the Civis letters were written by the defendant.

George G. Smith followed Gould to the stand.

I am an engraver. In the course of my business I have been obliged to acquaint myself with penmanship, especially for the purpose of engraving handwriting.

I am acquainted with the defendant's signature from seeing it appended to the medical diplomas. In regard to the Civis letter I am compelled to say from the attention which I have given it that it is Professor Webster's handwriting. I am very sorry to say that I feel quite confident of this.

In regard to the Dart letter I find certain peculiarities which resemble Dr. Webster's writing, but I am not prepared to express in this case the same degree of confidence as in the other.

Of the East Cambridge letter I should only speak with the same degree of confidence as of the last.

The day after the handwriting experts finished their testimony, defense counsel Sohier received a letter from "Civis" dated the day before, swearing that he, "Civis," whoever he was, and not Webster had written the original "Civis" letter



and declaring in its text that the testimony of the handwriting experts Gould and Smith showed "the utter fallibility of human judgment."

The handwriting and the style of this letter, the so-called second Civis letter, completely resembled that of the first. Unquestionably both had been written by the same person, and yet, the second Civis letter was never introduced into evidence by Sohier nor argued at the trial of the case at all.

As soon as Mr. Smith had left the witness stand, Bemis called one additional minor witness, and then, leaning on the prosecution table, turned to Chief Justice Shaw and said, "The prosecution here rests its case in chief."

*march*

ON THE AFTERNOON OF WEDNESDAY, MAY 27, Edward D. Sohier arose to make his opening statement for John Webster. The *New York Globe* reported that Sohier had "fifteen volumes of law drawn up in a formidable array on the table before him."<sup>1</sup> The correspondent of the *Boston Daily Mail* wrote that the courtroom had been "crowded from an early hour to hear the opening for the defense," and that Sohier was "listened to with deep attention."<sup>2</sup> The opening lasted two hours and twenty minutes.

Sohier began with a fiery plea to the jurors to put prejudice against the defendant from their minds, referring to the great community shock when Parkman's disappearance had been announced. Said Sohier:

Men quit their avocations; clustered together in the Exchange, in workshops, street corners, and on the porches of churches — can you forget the burst of indignation so credible to this community but so dangerous to the defendant, Webster, threatening not only the defendant himself, but the safety of the harmless Medical School — is it a fact that there can be no prejudice? By no means!

In this same vein and with great eloquence Sohier bemoaned the widespread assumption of Professor Webster's guilt which he said arose from the *ex parte* proceedings before the coroner's jury and from the pretrial publicity given the case. He argued:

Consider, I say, how we proceed. We seize upon a man, tear him from his family, and lock him up in jail, charged with some enormous and horrible offense; and while his mind is paralyzed by the very idea of the crime imputed to him, by the danger of his situation, and by the grief and despair of his family, we tell him to prepare for his defense. What next? Why, *ex parte* proceedings go on. The matter is heard and adjudicated by a coroner's jury, where he is not present. It is afterwards tried before a grand jury, where he is not represented. An indictment is found; and then, with an accumulation of public opinion against him, necessarily formed upon these proceedings, he is brought into court, and put upon his trial. What is his situation then? He is placed at the bar, and his mouth is closed; his statements are not to be received; and, being thus placed, thus muzzled, as it were, witnesses are let loose upon him by the government. And who are they? Perhaps interested witnesses; interested for rewards, interested to swear crimes from off themselves, interested sometimes from worse motives; but, what is more dreadful to contemplate, they are sometimes malicious, revengeful, uncharitable witnesses, anxious or willing to destroy the life, the reputation, or the prospects of a defendant. Now, in this situation, thus placed, and thus presented before a jury, what chance would many and many an innocent man have of an acquittal?

After this eloquent and strong introduction to his opening for the defense, Sohier suddenly and unexpectedly launched into a lengthy discussion regarding the legal differences between murder and manslaughter. Before he had even outlined the evidence which he expected to introduce, he said to the jury:

Murder is defined to be "the killing of any person with malice, pretense, or aforethought, either express or implied by law."

Manslaughter is when death ensues from sudden transport of passion or heat of blood, if on reasonable provocation and without malice. Thus manslaughter is the reverse of murder by express malice. Manslaughter is not deliberate killing but killing in the heat of blood not without but with provocation or in sudden combat. If the blood of the perpetrator was, at the time of the commission of the homicide, heated by provoca-

tion or by mutual combat, he is deemed to have committed a manslaughter.

It is your duty, jurors, to keep the line of demarcation between murder and manslaughter distinct in your minds, for on one side of the narrow line is death, on the other, life, life burdened perhaps by long and severe imprisonment — still life.

Here follows a commentary by an anonymous "Member of the New York Bar" in 1850.

From the moment we understood that Mr. Sohier was talking to the jury about manslaughter, we gave over Dr. Webster's chance of acquittal. So suicidal a policy was never known in a criminal case. Dr. Webster, if guilty of homicide, was guilty of murder. Where was a shadow of evidence in this case which could suggest manslaughter? Here was a counsel debating the question of manslaughter and the various shades of homicide!<sup>3</sup>

Surprisingly, defense attorney Sohier went on to say that Dr. Webster actually had a three-pronged defense, and the many witnesses who were to testify for him supported three propositions:

First of all, Professor Webster was not the type of person who could commit the crime as charged.

Secondly, Dr. George Parkman had left the Harvard Medical School after his interview with Webster and had been seen abroad in the streets long after 2 P.M. on November 23, at times which would clearly demonstrate that Webster had not had a hand in harming Parkman.

Finally, the calm activities and demeanor of Dr. Webster in the week following the Parkman disappearance were completely inconsistent with the hypothesis of guilt of a heinous crime.

The remainder of the eighth day was devoted to the testimony of sixteen witnesses who described Professor Webster's quiet, familial reputation in the community.

Included among these witnesses were Joseph T. Buckingham; United States Congressman John G. Palfrey, who had served many years as the Secretary of the Commonwealth of Massachusetts; George P. Sanger; Nathaniel I. Bowditch, son of the

astronomer; Convers Francis; Joel Giles, attorney-at-law; John A. Fulton; James D. Green, mayor of Cambridge; Charles F. Hovey, a merchant of Boston; and Daniel Treadwell, Rumford professor at Harvard College.

On the ninth day Jared Sparks, President of Harvard College, took the witness stand for Webster. Sparks told of knowing Professor Webster intimately as a neighbor in Cambridge and as a colleague on the Harvard faculty. He testified slightly longer than the other character witnesses, and he was most firm in his avowal that Professor Webster was a gentle man.

Nine other substantial persons in the community followed President Sparks to the witness stand, including Abraham Edwards, the police marshal of the city of Cambridge, who said:

I have known Professor Webster for fifteen years, have lived in the same ward with him. I have never known anything to the contrary of his being a quiet, peaceable, and humane man.

The next section of the defense was concerned with showing the normality of the defendant's activities during the week of Dr. Parkman's disappearance. The first witness, an elderly Middlesex County judge of probate, Samuel P. P. Fay, said that he had lived in Cambridge for forty years and had known Dr. Webster ever since he became a professor. For the last fifteen or twenty years he had been an intimate acquaintance and near neighbor of Dr. Webster.

I understand his reputation is that of a kind man, eminently social, by no means passionate or violent. I say that he is esteemed benevolent, and I have never heard anything to the contrary.

I remember the day of Dr. Parkman's disappearance. I saw Dr. Webster that Friday in the evening at Professor Treadwell's about nine o'clock when I arrived, and Dr. Morrill Wyman and his wife were there. I have no particular recollection of Dr. Webster's appearance that evening but there was nothing in it to attract attention. He seemed as usual and conversed about common topics of the day and scientific subjects.

I saw Dr. Webster several times during the following week. I was at his house on Sunday evening and again Tuesday evening. I think I called him on that Sunday to inquire about Dr. Parkman, supposing that Dr. Webster would be likely to know the news. Another evening, Monday or Tuesday, I spent two or three hours at his house playing whist with himself and his family. Dr. Webster and his daughter played against Mrs. Webster and myself. I am confident of having been at his house two evenings out of three, Sunday, Monday, and Tuesday.

Joseph Kidder, a druggist, testified:

I know Dr. Webster, and I remember the day of Dr. Parkman's disappearance. It was on Friday, the 23d, at about five o'clock, perhaps about quarter before five. Dr. Webster came into my shop and purchased some cologne. I am positive as to the day for I have a bill for the articles which he bought.

Cross-examination by Bemis disclosed that Webster had purchased one box of the cologne, asking to be billed for it.

The next witnesses were Marianne Webster, Harriet P. Webster, and Catharine P. Webster, all daughters of the defendant, and Ann Finnigan, a domestic in the Webster household.

These lovely, tearful, innocent young ladies established for the jury and for the throngs of observers Dr. Webster's activity from the date of the disappearance of Dr. Parkman until the date of Dr. Webster's arrest. Apparently the truth of the assertions of these witnesses was conceded by the prosecution, for in each case cross-examination was waived.

The girls were called to the stand by order of age, and Marianne, twenty-one years of age, was the first to testify.

I am the daughter of Dr. Webster. Since his arrest I have tried to recollect my father's conduct during the week succeeding Dr. Parkman's disappearance.

On Friday, the 23d, Father was at home for tea a little before six o'clock. He remained at home until eight o'clock and then took my sisters and myself to a neighbor's house to a small party and left us at the gate, Mother staying with him. When we returned home at half past twelve, he opened the door for us. We remained up a half an hour

talking with him; and he retired to his room at one o'clock. We all went upstairs at the same time.

I saw him again Saturday afternoon a little after one o'clock when he dined at home with us. I did not see him again until dark. Miss Hodges took tea with us. I remember seeing Father come from his study to the tea table. That evening he stayed at home, reading aloud and playing whist with my sisters and me. He went to bed about ten o'clock.

On Sunday, I saw Father at church and after church he went to take a walk with my mother and my sister and returned to dinner at half past twelve. We generally dine at one on Sundays but dined earlier that day in order that he might go to Boston to inform Dr. Francis Parkman of his having seen his brother the Friday before.

On Monday, Father dined at home. He came home from town just at two o'clock which is dinner time on weekdays. He was not at home after dinner. I saw him at tea at four-thirty but think he was away during the afternoon. In the evening Judge Fay called in and played whist. I went to bed at ten o'clock.

On Tuesday Father was at home at dinner and a little while after dinner. I don't recollect what happened that afternoon. He was at home at tea and during the evening. I distinctly recall seeing him between ten and eleven o'clock. That evening we played whist among ourselves, and there was a fire in the direction of Porter's Hotel. I remember Father being at home when there was the alarm of fire.

On Wednesday I saw Father at eleven o'clock in the forenoon when he came into the house. I was in the dining room reading, and he came in and made some remark about the book. He went out into the garden to trim the grapevines and worked there until two o'clock. He dined at home and remained at home until twenty minutes after six when he took us into Boston to a family party at Mr. Cunningham's. We left Mr. Cunningham's at half past ten and took the eleven o'clock hourly omnibus to Cambridge. Father was up when I went to bed that night, sitting in his dressing gown, and reading a newspaper.

Thursday was Thanksgiving Day. Father was at home and did not go to Boston. As far as I know he spent the entire morning in the garden. He spent the evening at home. I retired about ten and he was at home then.

I saw Father on Friday at dinner at 2 P.M. He was at home about a half an hour after dinner, then again at sunset, also a part of the evening until his arrest.

I have a married sister living in Fayal. There is a pretty constant letter writing between us and her family there, and we keep a journal from which we write our letters to her. It is from this journal that I have refreshed my memory.

The testimony of Harriet and Catharine Webster corroborated but added little to that of their sister. Harriet mentioned that her father had read aloud to them from a new volume of Milton's "L'Allegro" and "Il Penseroso" on Saturday, and seventeen-year-old Catharine said:

On Wednesday, in the evening we went to Mr. Cunningham's and took the eleven o'clock bus for Cambridge from Boston. While waiting at the tollhouse, I noticed the posted handbill offering a reward for the discovery of Dr. Parkman. My sister pointed it out to my father who read it aloud to us.

Later Sohier called to the stand Webster's close friend and neighbor, Daniel Treadwell, Rumford professor at Harvard College, to testify concerning Webster's deportment after Parkman's disappearance. Professor Treadwell said:

I remember the day of Dr. Parkman's disappearance. I live in the neighborhood of Dr. Webster in Cambridge and saw him at my house at about half past eight on Friday, November 23. He called there with Mrs. Webster. Dr. Morrill Wyman and his wife and Mrs. Treadwell and myself were present when they entered, and Judge Sam Fay afterwards came in. A general conversation ensued on a variety of topics, and Dr. and Mrs. Webster left at about ten o'clock.

Professor Webster conversed upon any subject that was introduced and appeared cheerful and perfectly self-possessed, and there was no appearance of distraction or absentmindedness in his manner.

I saw Dr. Webster again twice in the ensuing week. The first time was Tuesday evening between his house and the Unitarian Church in Cambridge. This was at 6 P.M. or after. We stopped and conversed together. I met him again on some other occasion, but I cannot say when. At both interviews I noticed nothing unusual in his demeanor.

We talked of Dr. Parkman's disappearance among other things, and Dr. Webster spoke of it with no change in his pleasant manner.

Sohier next began to move into the field of medical testimony with his witnesses Dr. Winslow Lewis, Dr. George Gay, and Dr. Oliver Wendell Holmes, all of whom had already testified for the prosecution. Dr. Lewis said that the professor's reputation "had always stood fair as a man of humanity and kind feelings.



He was very far from being esteemed a man of violence." He mentioned also that:

For many years Dr. Webster has locked his doors at his Medical School apartments against intrusion. I have often found difficulty in gaining admission even when the college was at the old building at Mason Street.

The rest of his testimony, as well as that of D. Gay and Dr. Holmes, was devoted to the nature of the cut in the disarticulated thorax and the general appearance of the remains.

The potential successor to Webster's professorship, Dr. Eben N. Horsford, was the next witness to testify.

I am an instructor in chemistry at Harvard University, and since Dr. Webster's arrest I have conducted the course of chemical lectures at the Medical College. I occupy Dr. Webster's laboratory.

Human blood is not infrequently used for chemical experiments. At the request of the police I sent out various articles of clothing from the laboratory to his house at Cambridge. There was an old blanket — perhaps more than one; two pairs of pantaloons, I think; one or two coats; a pair of blue overalls; and a light-colored summer cap. I sent them out about the 1st of January, I believe. I examined the overalls very cursorily at that time; but have since looked at them with more care and can find no trace of blood upon them. By all appearance they were in the same condition at the time of this last examination as when I first saw them. I found them in a small private room in plain sight. In fact, I think the policeman on guard there used them for a pillow.

In the entire laboratory there were no more than four or five bottles of nitric acid which contained altogether a gallon to a gallon and a half and weighed thirteen to sixteen pounds. The quantity of nitric acid required to dissolve a human body I should fix at something more than the weight of the body itself. One would need an iron vessel to do this, and no iron vessel was in the laboratory.

Certainly the most publicized witness at the trial was the next to be called for the defense, Dr. William T. G. Morton, a dentist. To appreciate the role into which this witness was cast, it is only necessary to recall the tearful, emotion-packed testimony of Dr. Keep, who claimed to have been the manufacturer of Dr. Parkman's false teeth.

Less than three years before, Dr. Morton had demonstrated his discovery of ether anesthesia. Tall, handsome, and youthful, he was the medical celebrity of his time. After identifying himself to the jury and after being handed the mold and the teeth which were so dramatically and tearfully identified by Dr. Keep, Dr. Morton said:

I am a physician, and have practiced dentistry for about eight years. I usually manufacture the mineral teeth which I have occasion to use.

I am familiar with Dr. Keep's mode of making mineral teeth.

Dr. Morton held the teeth so that the jury could see.

I see no particular marks about these teeth by which to identify them. I should think that nothing could be judged from the material. I should say that they have been ground after being finished, but this is by no means an unusual thing. I have used platinum pins and so do others. It is common material with which to attach the teeth to the plate. I see nothing peculiar in the absorption of the lower jaw as indicated in what is said to be the plaster cast of Dr. Parkman's lower jaw. My impression is that if it were placed among a dozen others which I can produce, I should not be led to pick it out from any peculiarity.

I don't think that the teeth as they now are fit these blocks which were introduced by Dr. Keep with any great degree of exactness. I have blocks of my own which fit the right side of the cast of the lower jaw of Dr. Parkman perfectly.

Here the witness produced from his pocket several plaster casts of jaws. These casts, he testified, were taken from the mouths of living persons and the teeth marked as exhibits fitted well into the molds.

There are no marks about the teeth previously identified by Dr. Keep by which it would be possible for him or anyone else to identify them. Perhaps the teeth might be susceptible to identification if they had not been subjected to the fire. I can identify my own work in many cases. I could also identify individuals among my patients who have as prominent a lower jaw as Dr. Parkman, but prefer not to do so from motives of professional delicacy.

**T**HE FINAL PHASE OF THE DEFENSE concentrated the hypothesis that Dr. Parkman did leave the Medical School after his interview with Dr. Webster and that he was seen alone or in the company of others on the streets of Boston long after it would have been possible for him to have been harmed by Professor Webster.

The first witness to support this assertion was a housewife, Philena G. B. Hatch, who had been referred to in Oliver Wendell Holmes's pretrial letter to Clifford as the "respectable woman in Vine Street" who had seen Dr. Parkman late in the afternoon of November 23, 1849.

I am the wife of Joseph Hatch of Boston. I had known Dr. Parkman for fourteen years. I last saw him on Friday, the 23d of November, in Cambridge Street between Blossom and North Russell Street. I was going toward home in the direction of the Cambridge Bridge, and he was walking in the opposite direction toward Court Street, away from the Medical College. This was shortly before ten minutes before two o'clock. When I got into the house, it was ten minutes to two.

I fix the day because my husband started the morning before, the 22d, on a journey to Vermont and that same night, the 22d, my sister came to stay with me from the state of Maine on a

visit. The next day, the 23d, I went up to the South End to inform her daughter, my niece, of her mother's arrival, and it was on my way back that I met Dr. Parkman. When I returned, I mentioned to my sister that I had met Dr. Parkman. I said I had met "the Chin" in the street. She asked me who I meant, and I told her Dr. Parkman. Everybody knows he had a very large chin.

As soon as the roar of laughter from the crowd subsided, Sohier called William V. Thompson, the clerk of the Middlesex County Registry of Deeds in Cambridge, to the stand. He said:

I went to Professor Webster's house on Sunday evening, November 25, in company with Officer Fuller of the Boston Police. I would think it was about six o'clock. We found Professor Webster at home, and we had an extended conversation in his study about the cancellation of the mortgage. I saw nothing peculiar about Dr. Webster. He made notes of the dates which he gave to me, and I had a great deal of conversation with him. I did not notice any trembling.

I am well acquainted with Dr. George Parkman, and I have known him for ten years. I have seen him very frequently during the last five years recording mortgages with me in the registry. I saw him last on Friday, the 23d of November, in Causeway Street in this city. I should think that it was ten or fifteen minutes after two o'clock in the afternoon. I was going down the street toward Charlestown, and he was coming up toward Leverett Street. We met somewhere near Portland Street.

I fix the day because I collected a fee from a merchant in India Street for whom I had done a title examination. I have with me a copy of the receipt which I gave then dated November 23. I also paid for the coat I am now wearing on that day. I had not been in Boston before for nine days.

I started from Cambridge to walk over to Boston at three or four minutes of two. According to the clock on the courthouse it was just about two. The first place I called at in Boston was the store of Otto N. Towne at the corner of Elm and Hanover Streets. This was just after I had met Dr. Parkman. It was then twenty-five minutes past two.

Dr. Parkman was dressed in a dark frock coat, dark pants, and dark hat. When I saw him, he had his hands behind him, and he appeared excited as if angry about some matter. He was walking at the time. I remembered the encounter on the following Sunday and mentioned it to Mr. James H. Blake, Dr. Parkman's nephew, at about five o'clock on that afternoon.

After cross-examination, Sohier asked Mr. Thompson to identify a Mr. Andrews to whom he had referred. He replied:

Mr. Andrews is the secretary of the coroner's inquest. He has since been employed in collecting testimony for the government, I believe. He came to the registry of deeds and inquired of me about the interview.

I told him that either Dr. Webster said that two persons, one of whom was the janitor of the college, were present when the money was paid or the moment before, or that that was my impression of what he said. I told him that I could not swear to it, but he said that I might as well put it down and sign my name to the paper; and I did so. He said that he only wanted a rough outline. This was the only occasion upon which he called on me.

Again slowly returning to the defense table, Sohier turned and called the grocer, Samuel A. Wentworth, who entered the courtroom and took the stand.

I am a provision dealer, at the corner of Lynde Street and Cambridge Street.

I had known Dr. George Parkman for two years. I last saw him in Court Street, Friday, the 23d of November, between half past two and half past three in the afternoon. I fix the time, for my dinner hour is at one o'clock. I went to dinner and returned, and then my young man went to his dinner at two o'clock. After he returned, having been gone for more than half an hour, I went downtown to get my marketing for Saturday. I went toward Haymarket Square and in Court Street I met Dr. Parkman opposite Mrs. Kidder's medicine store. He was on the same side of the street with me, going toward Bowdoin Square when he stopped. I first remembered this Saturday evening when I went home from my shop about half past ten. My wife told me that two men had been there to inquire about Dr. Parkman. I immediately made the remark, "I guess that he hasn't gone a long way, for I saw him in Court Street yesterday afternoon."

In response to cross-examination by Bemis, Wentworth said:

There was another lady present who was staying at our house when I told this to my wife. After the remains were found I also told it to a man by the name of Henry L. Foster, who lives in Blossom Street. I

can't be precise as to the time I met Dr. Parkman. I should think it was about three o'clock. It was certainly after half past two.

A very elderly woman, Sarah Greenough, who had known Dr. Parkman personally for many years, testified:

I believe I saw Dr. Parkman last on Friday of the week before Thanksgiving. It was in Cambridge Street in this city between Belknap and South Russell Streets. It was about ten minutes before three o'clock in the afternoon.

I saw Dr. Parkman as I think it was on the opposite side of the street. I know it was the Friday before Thanksgiving because on that day I had an engagement to take tea with another lady and I wished to see my son beforehand.

The next witness was Samuel Cleland, a former tenant of Dr. Parkman who knew him well.

I last saw Dr. Parkman on Friday, the 23d of November, in Washington Street between Milk and Franklin Streets between a quarter past three and half past three in the afternoon.

When I first noticed him, I thought that he was walking with a laboring man and that attracted my attention. We passed on the same side of the street nearly touching each other. I did not speak to him, as I have not done so for many years.

I first communicated the fact of my meeting Dr. Parkman to my partner on Monday morning when he read the notice of Parkman's disappearance in the newspaper.

My reason for not mentioning it further was that I met Mr. Knapp, the clerk of the police court, and told him of it, and Knapp said it was unnecessary for me to speak about it as Dr. Parkman had been seen at a later hour at the South End.

Mrs. Abby B. Rhoades and her daughter Mary were next called. The elderly Mrs. Rhoades said that she had

known Dr. George Parkman for twenty-five years. I last saw him on Friday, the 23d of November, in Green Street near the corner of Lyman Place and in front of Souther's Apothecary Shop. I think that it was quarter before five o'clock in the afternoon. It was just before dark. There was another man with him. I was on the inside of the

sidewalk, and my daughter who was walking with me was between me and the doctor. Dr. Parkman was going towards Bowdoin Square. We bowed, that is, Dr. Parkman and myself, as we passed.

My daughter and I had been shopping at Mr. Hovey's store in Winter Street, and the purchase which I made there was eleven yards of muslin de laine at twenty cents a yard, coming to \$2.20. I paid for it.

I communicated my recollections of meeting Dr. George Parkman to his brother, the Reverend Dr. Francis Parkman, on the Tuesday following. My daughter brought this to my attention on Tuesday, she having been in Lexington from Saturday till Tuesday.

I cannot be mistaken in the day. I remember all my engagements before and after seeing Dr. Parkman.

I have been a parishioner of the Reverend Dr. Francis Parkman and as a result felt a great interest in the matter of his brother's disappearance. I don't remember or didn't know the gentleman who was walking with Dr. Parkman, but it was not Dr. Webster. He was somewhat taller and stouter.

Mrs. Rhoades was followed in the witness box by her daughter, who said:

I am the daughter of Mrs. Rhoades who has just testified. I knew Dr. Parkman by sight and had known him for ten years. I saw him last on Friday, the 23d of November, in Green Street opposite Mr. Souther's apothecary shop. My mother was with me. We had come from Mr. Hovey's store in Winter Street. Dr. Parkman was walking with another gentleman and bowed to Mother as he passed. He was nearer to me than to my mother, and I had to move my bundle to avoid hitting him. The bundle was some muslin de laine which we had bought at Mr. Hovey's.

I have worked very hard to fix the time when I saw Dr. Parkman. The hour was between half past four and five I should think, near dark.

Apparently to support the testimony of Mrs. Rhoades and her daughter, a salesman from C. F. Hovey & Co. next testified. His name was Samuel Dean. He said:

I am a salesman for C. F. Hovey & Co. in Winter Street in Boston. I sold eleven yards of muslin de laine on the 23d of November at twenty cents a yard, coming to \$2.20. There was no other cash sale that day of that kind of article. From the position of the entry in the books, I

conclude that it was the latter part of the day when the sale was made.

Sohier at this time stated that the defense had no further testimony to offer, and he rested.

Taken altogether the defense was forceful. Sohier had firmly supported each of the three points he had set out in his opening statement.

More than two dozen of the most respected and prominent members of the Cambridge and Boston communities had sworn that Professor Webster had always been a kind and peaceful man, and that they had heard "nothing to the contrary." Cross-examination had been waived in virtually every case.

Secondly, Webster's close friends and family established that the defendant had acted in a most usual and consistent manner during the week of Dr. Parkman's disappearance, and once again there was virtually no cross-examination by the prosecution. It did not seem possible that anyone but a most callous and experienced criminal could maintain such behavior if guilty of the crime for which Webster stood accused. The testimony of Webster's daughters set forth details of their father's whereabouts during the week which were uncontested by the prosecution and yet which were at variance with Ephraim Littlefield's testimony.

Finally, and perhaps most importantly, seven witnesses, all of whom knew Dr. Parkman to some degree, swore that they had seen him abroad on the streets of Boston long after the time it would be reasonable to assume that he had come to harm by Webster's hand.

For the defense, Dr. W. T. G. Morton's evidence had attacked the evidence concerning the identity of the human remains. Dr. Keep had testified for the prosecution that he recognized the remains of false teeth found in the furnace at the Medical School because he had manufactured them himself and because they matched Dr. Parkman's distinctive jaw features. Dr. Morton, the dentist who was most respected in medical matters, testified that nothing remained of the false teeth to aid



in identification since the fragments were mutilated beyond any recognition. Morton added that Parkman's jaw was not particularly rare and showed plates of false teeth which fitted Dr. Keep's molds of Parkman's jaw perfectly. Since the only positive identification of the remains at the Medical School had been made by Dr. Keep, Morton's testimony was a specific and forceful rebuttal to the prosecution's identification of the body.

In rebuttal to the defense testimony, the prosecution offered the testimony of three Boston dentists, Drs. Daniel Harwood, Joshua Tucker, and Willard W. Codman, who were introduced to testify that they believed that Dr. Keep could indeed recognize and identify his own dental artistry notwithstanding the fused condition of the false teeth.

Then Samuel D. Fuller, a toll keeper on the West Boston Bridge, was introduced by the government to testify that the clock upon the courthouse at East Cambridge was sometimes inaccurate and had varied five or ten minutes from other clocks.

Then at this final stage of the proceeding, Attorney General Clifford arose and in the presence of the jury announced that he had four or five witnesses whom he wished to call in rebuttal to establish that there had been walking the streets of Boston at the time of the disappearance a person who bore a strong resemblance to Dr. Parkman, and, Judge Lemuel Shaw, acting for the court, rejected this testimony as being "too remote."

Chief Justice Shaw was later to charge the jury with regard to this inadmissible evidence as follows:

Some evidence was offered by the prosecution to prove that at the time a person was in town resembling Dr. Parkman; this evidence was too remote — I do, therefore, allude to this fact not as proved but to submit to you whether from your observations there are more resemblances in height, shape and appearance amongst persons in the street that a casual observer would in consequence be likely to mistake one person for another.

Only the closing arguments of counsel and the chief justice's charge to the jury now remained.

**T**HE TESTIMONY ENDED ON FRIDAY, March 29, 1850, the tenth day of the trial, and Pliny Merrick made his only substantial contribution, the concluding argument for the defense. He spoke from eleven-thirty in the morning until seven-thirty that night. Relying heavily upon the testimony of the seven witnesses who had seen Parkman on the streets of Boston long after the murder was supposed to have been committed, Merrick challenged, "Is George Parkman really dead at all, dead from violence, or dead from any other cause?" He also reminded the jury of the notice inserted in the newspapers by Robert Gould Shaw which had declared the possibility of Parkman's "mental aberration" which might have led him to have "wandered from home," and said: "They say, in the advertisements which they put forth to the community, that he might have strayed away, under the influence of some sudden aberration of mind. They thought that reasonable, or they would not have said it. They would not have put forth a suggestion of that sort under a reward of \$3000 without believing it. And yet they did it."

Seeming both to ignore and to undermine these valid

contentions, Merrick then discussed Dr. Jeffries Wyman's "catalogue of bones" testimony in great detail, which had enumerated all of the fragments of human remains which had been discovered in the Medical College, and then characterized Dr. Keep's testimony as "conclusive." Finally, and incredibly, he returned at length to the distinction between manslaughter and murder, and he prefaced these remarks with this unfortunate choice of words: "I must assume that the homicide was committed by the prisoner at the bar." With this Attorney Merrick closed his argument to the jury.

The *Boston Journal* wrote that the argument had been "most ably arranged. Judge Merrick's manner was impressive and earnest, and his delivery energetic. The courtroom was densely crowded; the utmost silence prevailed, and the closest attention was paid to the counsel while he was addressing the Court and jury."

At nine o'clock on the following morning, Attorney General Clifford addressed the jury in summation for the prosecution. The *Journal* noted that "the attendance of spectators was tremendous" as Clifford delivered a seven-hour analysis of the testimony of the one hundred and twelve witnesses. Carefully woven into the fabric of this long and dull argument was the constant repetition of the statement that the defense had conceded that acquittal was not a possibility, and that the jury's choice was between a verdict of guilty of manslaughter and a verdict of guilty of murder. At five o'clock in the evening Clifford, exhausted, sank into his chair at the prosecutors' table. Then, in spite of the lateness of the hour, Chief Justice Shaw arose, in the words of Bemis, "after a consultation among the members of the Court, and with a voice greatly moved by emotion, and a countenance indicative of sorrow and distress, delivered the charge to the jury."

Before considering the substance of the jury instructions, however, it is important to note that there is some considerable confusion as to what precisely the chief justice said in his charge.



*Chief Justice Shaw*

During the trial Dr. Stone, who had been a witness, had "phonographically" recorded the charge of Chief Justice Shaw and the opening and closing arguments of all counsel. This reporting used an early Pitman method of shorthand.

Six or eight people had transcribed the "phonographic" notes, and a report of the evidence was obtained from the newspapers and edited by Phillips, Sampson & Co., Boston publishers. This compilation appeared a few weeks after the trial in book form as "an accurate report of the trial for preservation and future reference."

In the preface, Dr. Stone wrote, "The charge of Chief Justice Shaw and the arguments of Mr. Clifford have been carefully corrected by them, while we regret to say that the haste with which the work has been stereotyped has prevented the arguments of Messrs. Sohier and Merrick from being revised, either by themselves or Mr. Stone." We shall see just how often the charge of Chief Justice Shaw was, in fact, revised and refined to that version which now appears in the *Massachusetts Reports* at 5 Cushing, page 295.

George Bemis, the principal prosecutor in the Webster case, published later in 1850 a compilation of his notes of the trial in complete book form, with addenda. Bemis says in the preface to his publication that the chief justice had favored him with a copy of the charge after it was "written out and revised with care." Since Stone's Report allowed Shaw less time to revise his words, it is probably the most accurate account of the charge as it was delivered to the jury. What follows is an abridgment of Stone's version of the chief justice's words.

Gentlemen of the Jury:

It is with the deepest sense of the responsibilities which devolve upon me that I rise to address you upon the most important and interesting subject that can be called to the attention of a Jury.

But this case has continued so long, it has been brought now to such a crisis — the whole of the evidence, and the whole argument being before you — that we feel unwilling, notwithstanding the lateness of the hour, painful, responsible, laborious as it is not to go on with the cause, that you may proceed to consider of your verdict.

For this purpose . . . I shall be more brief than I should otherwise be. . . . It is, after all, mainly a question of evidence. The principles of law, for which the Court are responsible, are few, plain, and simple. I shall be able to state them briefly; and it will be my duty to consider the rules of law, rather than make an examination of the evidence itself. . . .

The Jury have their duty; the Court have theirs; and each is responsible for its own. It is the province of the Court to lay down and state what the laws are; to regulate the course of proceeding in a particular case; to direct what shall or shall not be considered competent evidence, and, generally, to conduct the trial.

But it is for the Jurors to take this mass of evidence into consideration — to apply their best judgment and their best efforts to ascertain the truth, and then to declare that truth in what is called the verdict, that is, in the declaration of truth. . . .

With these preliminary considerations, I will consider this case.

This, Gentlemen, is an indictment charging the defendant, the prisoner at the bar, with the crime of murder. . . .

I ought to have said that, in rising to address you, it would have been, certainly, more satisfactory to have taken more time. But this would have prevented you from entering on your duty immediately.

But, Gentlemen, I will state, therefore, from a former memorandum, revised for this purpose, that an unlawful homicide is distinguished into murder and manslaughter.

Murder, in the sense now understood, is the violent killing of any person, under the peace of the Commonwealth, with malice prepense or aforethought, either express or implied by law. Malice is used in a technical sense, not only including hatred and revenge, but every other unjustifiable motive. . . .

Manslaughter is the unlawful killing of another, without malice; and may be either voluntary, as that done with a real design and purpose to kill, but through the violence of sudden passion, occasioned by some provocation, which, in tenderness to human nature, the law considers sufficient to palliate it and rebut the presumption of malice; or from accident, when not accompanied with any intention to take life. Hence, it will be seen that the characteristic distinction between murder and manslaughter is malice express or implied. . . .

The authorities . . . proceed to state that the implication of malice arises in every instance of intentional homicide, the fact of killing being first proved. . . . If there is no justification or excuse in the attendant circumstances, the case will be such as to warrant the conviction of the party. . . . If there be any . . . provocation, as the law allows, as to make it manslaughter, the act is deemed to be without malice aforethought.

It is a settled rule that no provocation with words only will justify a mortal blow. Then if, upon provoking language, the party intentionally revenges himself with a mortal blow, it is unquestionably murder. It is a settled rule that no provocation by words only, however opprobrious, will justify a mortal blow, intended to inflict death. . . . It must be at least an assault. . . .

Where death ensues, and there is no evidence of provocation, or of heat of blood, or mutual combat, the fact of killing implies murder, and the Jury would be warranted in finding a verdict of murder. There seems to have been little evidence, in the present case, that the parties had a contest. There is some evidence of angry feelings. But angry words are not sufficient. . . . Without going more minutely into the law, we will proceed to the further consideration of this case.

The party is charged with having committed the crime of murder upon the deceased. In order to establish this fact, two things are to be proved. In the first place, that death has been inflicted upon the party alleged to be deceased; of course, where he is dead, that this has been inflicted by violence; that it has been inflicted under such circumstances as to exclude, beyond reasonable doubt, any supposition of its being done either from accident or suicide.

If a dead body is found, and seems to have been destroyed by violence, three questions should be asked. Did he destroy his own life? Was it caused by accident? Or, was it from violence upon him by others?

In most cases, there are facts and circumstances which surround the case, which answer the questions at once. If you see the effect, and the cause is apparent, there is no more deliberation. . . .

Before the law, all are equal; and whatever may be the circumstances of the individual, it makes no difference. Life has been destroyed by violence. Therefore, the law institutes proceedings. And whether, as in one of the most recent cases which occurred, it be a colored child in a country alms-house, or whether it be one of the most eminent individuals in the community for science and wealth, it makes no difference. The same apparatus is provided. . . .

This, however, is a case in which a person suddenly disappears; in which evidence has been laid before you to show that he was deprived of life at or about a particular time, under such circumstances as to lead to a strong belief that some person or other had done the act which led to this result.

Now this is to be proved by circumstantial evidence; that is, nobody saw the act done. And, therefore, it becomes important to state what circumstantial evidence is. . . .

The distinction between direct and circumstantial evidence is this: Direct or positive evidence arises where a witness can be called to prove the precise fact which is the subject of the issue in the trial. . . . Circumstantial evidence may be of such a nature as to warrant a conclusive belief that somebody did it; and it would be injurious to the best interests of society to have it so ordered that circumstantial proof cannot avail. If it were necessary always to have positive evidence, how many of the acts committed in the community, which destroy its peace, which subvert its security, would go entirely unpunished? . . .

But, in a case of circumstantial evidence, no person having witnessed the fact, you arrive at it by a series of other facts, which, by long experience, we have so associated with the fact in question, that they lead to a conclusion as direct, as positive, as satisfactory, as if it was derived from positive proof itself. . . .

Each fact which is necessary to the conclusion must be distinctly proved. It is not, therefore, that you may offer partial proof of a variety of facts, and then ask the Jury to draw an inference from them. Each fact must be proved, as I have said; that is, each fact necessary to the conclusion.

It does sometimes happen, as it does in the present case, that facts are offered in evidence, not because they are necessary to the conclusion, but to show that they are consistent with it, and not repugnant to it. If the proof of one of these facts fails, it does not destroy the chain of facts; it fails only to give them that particular corroboration. . . . If any one fact is wholly inconsistent with the hypothesis of guilt, it, of course, breaks that chain of circumstantial evidence, and puts an end to the case. Of this character, Gentlemen, is an *alibi*. And what is an *alibi*? A man is charged with crime. He says, I was elsewhere — *alibi*, the Latin word for *elsewhere*. Well, if that is true, that cannot be consistent with the fact of his being there at that time. . . . With a little contrivance, and a little arrangement of proof, a person may seem to have been in one place when he was in another. . . . But wherever such proof is attempted, there must be the most rigid and strict inquiry whether the fact is proved to the satisfaction of the Jury; and false testimony, in the attempting to prove that a man was in another place from his real one, is open to all the various suggestions of contrivance, such as the appearance of sudden riding from one place to the other, and various other modes of that description.

. . . How is that conclusive tendency [of circumstantial evidence necessary for proof] to be shown? Whether the party had or had not the motive to do the act may be shown; that there was an advantage to be gained by it; plunder to be obtained. The circumstances which the



party fails to prove, when he might prove them; the attempt to create and impose false evidence; the attempt to withdraw attention from himself to a third person; to suppress actual facts, and various other modes of this description — these all tend to show that circumstances which might have affected that party, as well as any other party, were such as to implicate him because of something wrong. . . . The facts should be, to a moral certainty, exclusive of any other reasonable hypothesis besides the one proposed to be proved. . . . They must be such not only as are consistent with the guilt of the party, but must exclude and overthrow every other reasonable hypothesis. They must have a tendency to show that no other individual could, under any reasonable presumption, have done the act which is alleged to be done by the party. They must prove the *corpus delicti*, or the offence committed — the fact that the crime has been committed. The evidence must prove not only, in the case of homicide or death by violence, the hypothesis presented, but, to a reasonable extent, it must exclude a reasonable hypothesis by suicide, or by the act of another party. This is to be proved beyond reasonable doubt.

Now, then, Gentlemen, what is reasonable doubt? It is not possible doubt only, because everything is doubtful. It is that doubt which, after the entire consideration of all the evidence has been taken, leaves the Jury uncertain. It is not a mere probability, arising from the doctrine of chances, that it is more likely to be so than otherwise; but a reasonable, moral certainty; that is, a certainty that weighs upon the mind . . . that, without leaving any other hypothesis, the facts are such as to implicate the defendant, and do not implicate anybody else. This we take to be proof beyond reasonable doubt; because, if it went beyond that, if it required absolute certainty, as it is of a moral character, this species of evidence would always be insufficient. . . .

Now, we are to consider these rules as applying to the present case. . . . In the first place, it is necessary to ask what is the indictment.

. . . The general rule is that no man shall be held responsible for crime, in any form, until it has been substantially set out in some charge. . . . It therefore often becomes necessary to set forth several counts. . . . But we are to consider that a party who draws the indictment often does not know which charge will be proved; but, in order to meet the evidence, he may set them forth in as many counts as he pleases, and aver as many modes of death as he chooses, and if any one of them is proved, that is all that is necessary to sustain the indictment. Satisfactory proof of any one mode of death is sufficient.

It is said that there are various forms of indictment adapted to many

of the modes in which death may be inflicted. But is not science continually discovering new modes? Suppose, in the chemical laboratory a person might be held fast while chloroform was placed over his mouth until he dies. Suppose such a case has never before occurred. Shall such a party escape on that account? I think not. . . .

The last count [of the indictment] is as follows: “. . . that the said John W. Webster of Boston . . . in a certain building known as the Medical College, on the 23d day of November last past, in and upon the said George Parkman, feloniously, wilfully, and of his malice aforethought, did make an assault on him, the said George Parkman, in some way and manner, and by some means, instruments and weapons, to the Jury unknown, and did then and there, feloniously, wilfully, and of his malice aforethought, deprive of life, so that he, the said George Parkman, then and there died. . . .”

The Court are of opinion, and for the purposes of this trial adapted, that this is a good count of the indictment; and, from the necessity of the case, it is so; because circumstances may be imagined in which the cause of death could not be introduced into an indictment. Some books enumerate various modes in which death may be inflicted — strangling, smothering, and depriving of breath; but if new modes occur, as the use of ether, or chloroform, continued so as to produce death, the body may be put into such a condition that no one can determine how death was occasioned, and it may be said, “to the Jurors unknown.” . . . This is all, I believe, it is necessary to state with regard to the form of the indictment. . . .

In the first place, then, Gentlemen, it seems to be proved, by testimony that is unquestionable, that he [Dr. Parkman] disappeared some time in the forenoon, so far as his family are concerned, on Friday, the 23d of November, and that he did not return that day to dinner. . . .

Perhaps, as the first point on the part of the defendant was on the score of the *alibi*, it may be as well to refer to that; because, if, after the time when, by the probable circumstances of the case, it would appear from the proof that his [Dr. Parkman's] life was destroyed in the Medical College, if at all, he was seen elsewhere, of course, that would be a circumstance inconsistent with the allegation that he was last seen entering the Medical College. If the *alibi* is made out, it is conclusive in his favor.

Now, the question is whether he was seen. . . .

“The witnesses in favor of the *alibi* of Dr. Parkman are Mrs. Hatch, Mr. Thompson, Mr. Wentworth, Mr. Cleland, Mrs. Rhoades and her daughter, and Mrs. Greenough. . . . Gentlemen, perhaps it is somewhat peculiar to our own country, but it is perfectly well known to all

men of experience, that, when a great event of this kind arises which fastens upon the mind of the public, the whole community are resolved, at once, into a body of inquirers. Everybody tells to everybody else whom he has seen, and what he has seen, within the last twenty-four hours, or within the last week. . . .

There are two circumstances which apply to proof of *alibi*. In the first place . . . a witness is always liable to be mistaken. Then, in order to establish the fact, it must be proved, beyond reasonable doubt, that the party was seen at the precise time and place where he is alleged to have been seen by the witness. And that is the difficulty with regard to proof of *alibi*. There is always room for the difference of time to be explained, owing to the difference of time-pieces, which sometimes vary five or ten minutes.

. . . Now, he [Dr. Parkman] was a person very well known. Perhaps no man of his age and situation was better known here, in person, than himself. Now, notwithstanding this proof, the question is whether he would have been likely to have been seen by many persons if he had been moving through the streets in the manner indicated by this testimony. Judge for yourselves. Would there not have been hundreds or thousands of persons who would have seen him and have testified to it? This, however, is negative testimony. But if anything happens and persons do not see it, if they were placed where they might have seen it, this, though negative, leads to an affirmative result. That is one of the modes to lead you to a view of the truth. If you are satisfied that there were a great number of persons along the streets where he was said to have been seen — Cambridge, Court, Washington streets, etc. — would there, or would there not, have been a great variety of persons who would have confirmed that statement? If so, it is a comparison of the testimony, negative on one side, positive on the other. . . .

Owing to the dimness of the hour at which he was said to have been seen by Mrs. and Miss Rhoades, it is possible that they were mistaken in the individual. They may have been mistaken, also, in the day. If a person says, 'I know it was the day, because I wrote a note on that day,' he may have misdated it at the time, which is a matter of common experience. . . .

One remark with regard to those different persons who saw him [Dr. Parkman] in the course of Friday afternoon. They do not come to establish any one theory. Now, if he had been seen by one person in one place, and subsequently by another person in that direction, and so on a certain length of distance and time, then they would have tended to corroborate each other.

Mrs. Hatch is not relied upon. The other testimony is that he was

seen by Mr. Thompson, who came from East Cambridge, and who estimated his time by the East Cambridge Court-house clock — a new clock, and proved by some witnesses to be irregular. . . .

If the other evidence is sufficient, it goes to show that this [*alibi*] must have been a mistake. But this is proper evidence to compare with the other evidence; and, therefore, if of such a character as to raise in your minds a reasonable doubt, and if the contrary be not proved beyond such reasonable doubt, the case of the Government is lost, and the defendant is entitled to an acquittal.

. . . Inasmuch as all the proof, on the other side, tends to establish the fact that he did go, about a quarter of two o'clock, into the Medical College, and that he did not come away, then it would have a tendency to control that proof and render the fact doubtful. . . .

Then the question is, whether the defendant was there upon that day, and did meet Dr. Parkman by appointment, and did act upon that temptation to kill Dr. Parkman. . . .

. . . If Dr. Parkman is not seen afterwards — then the conclusion seems to be strong that, having gone there in good health, and in one week found bereft of life, he came to his death, not by accident, not by the visitation of Providence; because, if it had been by accident, it would have been known — there would be no motive to conceal it. The concealment, therefore, has a tendency to show, from the facts and circumstances under which this body was found — if that was his body — that he came to his death by violence. You will judge whether that is a natural and proper conclusion.

If so, then the question arises, Were these his remains? . . . It has sometimes been said by Judges that a Jury never ought to convict, in a capital case, unless the dead body is found. That, as a general proposition, is true. It sometimes happens, however, that it cannot be found, where the proof of death is clear. . . . These [The remains] are thought, by the witnesses, to be parts of one human body. . . .

. . . These parts were laid in juxtaposition, and . . . they appeared to correspond in height and figure with the body of Dr. Parkman. . . . If this had been alone relied upon as proof of identity, it would be left doubtful. . . . If there be, in the teeth, sufficient evidence of the specific identity of these remains with those of Dr. Parkman, then the fact that they did not differ in shape, size, or height from those which did belong to him would [conform to the supposition that this was the body of Dr. Parkman]. . . . You are, then, to determine whether the body was identified by the teeth.

. . . Dr. Keep, with his assistant, Dr. Noble, think that they can identify these blocks of teeth. Dr. Morton is of opinion that there is

not enough to enable an artist to identify them. And with regard to all that, Drs. Harwood, Codman, and Tucker have testified the other way.

You are to determine, by all the testimony, whether those were the teeth of Dr. Parkman and belonged to the same body as the other parts; and, if so, it has a strong tendency to a proof of death by violence, and then the *corpus delicti* is established. . . .

But if this is satisfactorily proved, then the next question for the Jury is, By whom was it done? . . .

Gentlemen, I shall pass over all that has been said in regard to Mr. Littlefield. I am not aware that the conclusion depends upon his testimony. You are to judge of, and give that weight to it, as you think it deserves, so far as it should command attention. . . .

With regard to the conduct of the defendant at the time of the arrest and since, it strikes us that not much can be drawn from it. Such are the various temperaments of people, such is the rare occurrence of an arrest for this crime, who can say how a man ought to behave? . . . The facts are before you regarding his conduct and language. They are a part of the evidence, but it strikes me that they cannot be very important. . . .

Then there is a great variety of circumstances tending to show the acts of the defendant in concealing the remains. Now, if it be surmised that these remains were placed there after the death of the party, and without the knowledge of Dr. Webster, of course this concealment would not affect him. But I have already stated that the three portions were so situated, with regard to each other, that whoever had a motive to conceal one probably had a motive to conceal the other. And if this was done under circumstances so as to render it necessary that it must have been done with the knowledge of Dr. Webster, that strengthens the conclusion that it was done by him, or, at least, with his concurrence. . . .

. . . Gentlemen, whoever undertook to destroy these remains, whether the defendant or any other person, had access to the rooms of the defendant, and undoubtedly would use all the means within reach, whether under lock and key or not; to a person with such views, a lock would be of little avail. . . .

Then, Gentlemen, the question of the anonymous letters. . . . The facts cannot be proved certainly; and unless they are proved beyond reasonable doubt, they are not material. . . . You will judge for yourselves whether any of them [the letters] were written by the defendant.

If this act of homicide was committed by Prof. Webster, and there is

not sufficient proof to mitigate the crime to manslaughter, then the conclusion would be that it was murder by implied malice. If the other assertion is proved, that it was intended to decoy him to the College, to do this deed, that is express malice. If it is not proved that *he was there*, then there must be a general verdict of acquittal.

There is another point. It is competent for a person accused to give evidence of character. . . . But where it is a question of a great and atrocious crime, it is so unusual, so out of the ordinary course of things, he must have been influenced by such facts and circumstances as to create effects which have unfrequently been produced upon a human mind, so that the evidence of character may be considered as far inferior to what it is in the case of smaller crimes. Against facts strongly proved, character cannot avail. . . .

Gentlemen, I am sensible that there are a great many facts here. It is impossible that a great many things should not be omitted. . . .

Gentlemen, we commend this case to your serious consideration. Weigh it under the rules of law. . . . And, Gentlemen, when it is said that it is possible to err, that is true. It is nothing more than to say that we are human. It is always possible to err. . . . Take sufficient time, weigh the evidence, and give such a verdict as will satisfy your own judgment, and your own sound conscience, and I am sure it will be a true one.

Shaw's charge was something less than unanimously well received in 1850. One pamphleteer at the time, identifying himself only as a "Member of the Legal Profession" wrote:

It seems scarcely credible that Judge Shaw could have given utterance to the language published in his "charge to the jury." From the beginning to the end it is but an argument against the prisoner.

An argument with all the moral force of a dictation to the jury, a dictation which makes a pretended trial by twelve men a mockery and a farce. . . . What ulterior purpose was to be accomplished, or what feeling of interest or resentment was to be gratified by such an extraordinary judicial usurpation as this we do not pretend even to conjecture; but we do not hesitate to declare that to find a parallel for such an unscrupulous prostitution of dignity, such an unblushing betrayal of the judicial office, we must go back to the days of Jeffreys.<sup>1\*</sup>

\* In 1685 King James II sent Judge George Jeffreys to Winchester to punish West Country citizens who had participated in the Duke of Monmouth's rebellion. The public record shows that three hundred and twenty persons were hung, drawn, and quartered, with their heads placed

Let us now briefly examine those aspects of the chief justice's evening instructions which were the subjects of the most widespread criticism among lawyers who were shocked that Shaw seemed to have departed from the most fundamental procedural concepts of law.

A sound definition of *corpus delicti* is the body of the crime, or the fact of the offense. Thus when one says, for example, that there is some question about the *corpus delicti*, he is asking: "Did the crime actually take place at all?" In the Webster case it would appear that this problem was a plaguing one.

Starkie, McNally, and Roscoe, the leading authorities upon the law of criminal evidence in 1850, made it quite clear that the fact of the *corpus delicti*, or the commission of the homicide, had to be proven by direct evidence to an absolute certainty, or beyond the least doubt. After this had been established absolutely, then the burden of proof was on the prosecution to show that the defendant had committed the crime beyond a reasonable doubt. These legal authorities of the English-speaking world were firm on this point, and they advanced the explanation that this rule of certainty of the fact of the homicide was altogether warranted by the melancholy experience of the conviction and execution of supposed murderers of "victims" who had in fact survived their "murder."

In his charge, however, Shaw set a new standard for the degree of proof required to show the commission of the homicide. He stated that the *corpus delicti* was to be proved "beyond a reasonable doubt" only, and then the guilt of the accused "beyond a reasonable doubt" also. He further instructed the

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on spikes in the Winchester churchyard, and the various other parts of their bodies sent to villages about the countryside to encourage loyalty to the king. In addition to this, many other hundreds were transported and sold into slavery in the West Indies.

Probably a great many of those sentenced had been in the rebellion, but most of the cases never received a hearing. This mockery of justice has come to be called the "bloody assizes." The king, however, was well satisfied with Jeffreys's work and appointed him lord chancellor of England the very next year.

jury that the *corpus delicti* could be established beyond a reasonable doubt by circumstantial evidence alone.

Remarkably, today it is clear that the case law with regard to *corpus delicti* in homicide cases is, in many states, as Shaw created it in 1850. Certainly in Massachusetts the several cases decided on this issue since 1850 rest upon Shaw's opinion in the Webster case.

The same contemporary bar member whom we have already quoted was indignant with Shaw's unprecedented lawmaking:

This is law manufactured for the occasion. It is not the law of the land. It is not the common law of England. It is not the law of Massachusetts.

It will be found nowhere but in the charge of Chief Justice Shaw. To verify his position he cites no authority — for none exists.

We affirm that the *corpus delicti* cannot be established by circumstantial evidence and that Shaw cannot find authority or precedence for his assertion — the well-settled law is precisely the reverse of that stated by the judge to the jury.

Proof of homicide requires positive evidence of the perpetration of the crime or the actual production of the body.<sup>2</sup>

Following the discussion of *corpus delicti*, Shaw concerned himself in his charge with the acceptability of the last and indefinite indictment against Webster. This count accused Webster of killing Parkman "in some way and manner, and by some means, instruments, and weapons to the jury unknown . . . so that he, the said George Parkman then and there died."<sup>3</sup> The defense had said this appeared too vague, unjust, and showed the lack of conclusive evidence in the hands of the prosecution.

In defending this count, Shaw said, "Is not science continually discovering new modes [of inflicting death]? Suppose in the chemical laboratory a person might be held fast while chloroform was placed over his mouth until he dies. Suppose such a case has never before occurred? Shall such a party escape on that account? I think not."

Presumably for emphasis for the second time Shaw referred to the use of ether and chloroform as follows: "Some books



enumerate various modes in which death may be inflicted — strangling, smothering, and depriving of breath; but if new modes occur, as the use of ether, or chloroform, continued so as to produce death, the body may be put into such a condition that no one can determine how death was occasioned, and it may be said, ‘to the jurors unknown.’”<sup>4</sup>

It is astonishing that the chief justice should charge in this suggestive vein, and all the more extraordinary when it is certain that there was not one scintilla of evidence which concerned itself with ether or chloroform throughout the entire course of the trial. The *Boston Daily Times* reported this section of the charge as follows: “Dr. Parkman may have been assaulted with chloroform or ether, which stupefied and made him insensible, and then death may have been caused by weapons ‘to the jury unknown. . . .’”<sup>5</sup> This possibly had been modified to the less accusing words of Stone.

We shall see later the intriguing exchange between Chief Justice Shaw and George Bemis regarding the deletion of Shaw’s reference to ether and chloroform in his “revised” charge for Bemis’s *Report*. Of course the passage did finally appear, albeit greatly modified.

The chief justice also discussed the efficacy of the testimony of the witnesses who swore they had known and recognized Parkman in the late afternoon of the day of his disappearance. He totally dismissed some of the evidence thus: “Mrs. Hatch is not relied upon,” and instructed the jury with regard to “alibi” testimony, “With a little contrivance, and a little arrangement of proof, a person may seem to have been in one place when he was in another.” If Parkman had been where defense witnesses had sworn he was, Shaw charged, “Would there not have been hundreds or thousands of persons who would have seen him, and have testified to it?”<sup>6</sup> On this point the chief justice’s critics were later to ask: Does not this statement place the burden of proof upon the defendant? Does this not fly in the face of the presumption of innocence doctrine? Does this not violate a basic constitutional concept that a person must be

proven guilty by the prosecution and has no burden to prove his innocence?

Perhaps it does, perhaps it does not, but Shaw's words are still cited and used in Massachusetts courts today to clarify alibi. But the version used is the "revised" charge as it appears in the *Massachusetts Reports*, 5 Cushing. It discusses alibi as follows:

Of this character is the defence usually called an *alibi*; that is, the accused was *elsewhere* at the time the offence is alleged to have been committed. If this is true — it being impossible that the accused should be in two places at the same time — it is a fact inconsistent with that sought to be proved, and excludes its possibility.

This is a defence often attempted by contrivance, subornation, and perjury. The proof, therefore, offered to sustain it, is to be subjected to a rigid scrutiny, because, without attempting to control or rebuke the evidence of facts sustaining the charge, it attempts to prove affirmatively another fact wholly inconsistent with it; and this defence is equally available, if satisfactorily established, to avoid the force of positive, as of circumstantial evidence. In considering the strength of the evidence necessary to sustain this defence, it is obvious, that all testimony, tending to show that the accused was in another place at the time of the offence, is in direct conflict with that which tends to prove that he was at the place where the crime was committed, and actually committed it. In this conflict of evidence, whatever tends to support the one, tends in the same degree to rebut and overthrow the other; and it is for the jury to decide where the truth lies.\*

\* Almost precisely the same language has been upheld by the Supreme Judicial Court of the Commonwealth of Massachusetts as recently as *Commonwealth v. Rogers* in 1967 (351 Mass. 522). In the *Rogers* case, however, the Supreme Judicial Court qualified its endorsement of Chief Justice Shaw's "revised" charge with the following language:

Instructions concerning the alibi testimony were given in connection with a full charge on the subject of the Commonwealth's burden of proof beyond a reasonable doubt and of the proper consideration of circumstantial evidence. The jury were told that the Commonwealth "must show . . . that the defendant was the murderer" and "that the accused had the opportunity and means to commit the crime." The specific instructions with respect to the alibi testimony were given in language closely similar to that found in *Commonwealth v. Webster*, 5 Cush. 295, 319. See *Commonwealth v. Geagan*, 339 Mass. 487, 518, cert. den. 361 U.S. 895. The charge taken as a whole did not place any improper burden of proof upon *Rogers*.

Judge Shaw then turned to the score or more of character witnesses who had sworn and testified that Webster was a "kind and humane" man, a man not likely to commit a crime. The weight that the jury should give to the testimony of these witnesses headed by the president of Harvard University was discussed by the chief justice in the following language: "Against facts strongly proved, good character cannot avail."<sup>7</sup>

At 8 P.M. on Saturday, March 30, the chief justice ended his charge and the jury was ordered to deliberate. Less than three hours later at 10:50 P.M. they returned to the court with their decision. Bemis wrote in his diary:

The Court were to be sent for in case of an agreement of the jury before 11. Such word having been sent, & it being whispered in the room, I went & took my seat to hear the result & watch its effect upon the prisoner. Coroner Pratt came in & intimated that it was an acquittal. G. T. Bigelow began to spread the news. Presently the jury came in & spoke for themselves. Webster quivered a little, but had nerve enough to stand up.

"Gentlemen of the Jury, have you agreed upon a verdict?" intoned George Wilde, clerk of the court for Suffolk County.

"We have," was the response.

"Who shall speak for you?" asked Wilde.

"The foreman," was the unanimous answer.

"What say you, Mr. Foreman, is John White Webster, the prisoner at the bar, guilty or not guilty?"

At that moment an awful silence descended upon the crowds in the gallery; every eye was directed to the lips of the foreman.

Then came the single word, "Guilty."

The clerk turned to the court: "Guilty, your Honor, guilty he says!"<sup>8</sup>

Dr. Charles T. Jackson, a former student of Webster's and Dr. Morton's antagonist, described this tense scene to his sisters in a letter written the following day.

Dr. W. stood up with his right hand raised. When the Verdict Guilty was pronounced he STARTED AS IF SHOT & his hand instantly dropped.

He then hung down his head & subsided into his chair. There was solemn silence for 5 minutes. Many of the Jury in tears. Judges much moved. Webster's council Judge Merrick went to prisoners dock & whispered a few words to him supposed to be concerning sending word that night to his family. Webster for first time shed tears — pushed up his spectacles & covd his eyes with his h'dkf. Then shut his eyes & sat with his head down & in deep thought or perhaps SILENT PRAYER. So it seemed to me. 5 minutes more & the Court adjourned. Prisoner ordered to be remanded to "jail." Sat still some time — then suddenly said take me away — why have me here to be gazed upon! It was a most painful scene and many in the court were moved to tears.

Information was not sent to Dr. W's family that night that he was found guilty but preparation of the minds of his wife & children was made first by their friends. Next day the fatal news was communicated to them by Mr. Prescott. The cries of his children were heard in the streets some distance from the home. It was a dreadful scene I doubt not.

I did not go to hear the sentence. I did not wish to hear more. The verdict was enough to know.<sup>9</sup>

The terrible gloom which swept the courtroom and the galleries represented the great sympathy felt in Boston and the country for Webster. Chief Justice Shaw emotionally dismissed the jury, ordered the gallery cleared by the police, and recessed the court until Monday, April 1.

Meanwhile, in the gallery and on the streets below, the scattering throngs were in an uproar. Now a Boston newspaper reporter cornered a gallery spectator, Ephraim Littlefield, for a brief interview. "Had I uttered from the witness stand one single word that I had any doubt about," said Littlefield, "I would never forgive myself."<sup>10</sup>

Thus had the field been won by Attorney General John H. Clifford, by George Bemis, by Ephraim Littlefield, by Robert Gould Shaw, by Dr. Jeffries Wyman, by Dr. Oliver Wendell Holmes, by Dr. Nathan Keep, and by the contemporary press. It was ended.

On the twelfth and last day of the trial, the court convened for sentencing, without the jury. (On this day Mr. Justice Richard Fletcher joined his four colleagues on the bench.)

From his central position on the bench, Chief Justice Shaw addressed Dr. Webster, the teeming gallery, and press for fifteen minutes before pronouncing sentence. The substance of his remarks were his views on the wisdom of the guilty verdict; some words of moral advice to Webster, obviously coming too late for application; and some rhetoric with regard to the loss of Dr. Parkman. Then tearfully he said:

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 these 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* [The court, jury, members of the bar, and gallery rising],

*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 ON YOUR SOUL!"

Webster leaned against the bar, placed his handkerchief to his face, and burst into tears.

**I**T SEEMS ODD TO US NOW, but John White Webster was not permitted by law to utter one single word of testimony in his own defense during the preliminary procedures or until the trial had been concluded. Until sixteen years after the Webster case, a defendant in a criminal case in Massachusetts had absolutely no right to testify on his own behalf. This legal doctrine was not based on the philosophy of *nemo tenetur seipsum accusare*, "no one shall be held to accuse himself," but grew out of the general distrust of criminal defendants who, because of their self-interest, were considered "incompetent" to testify.

Some time before the Webster trial, however, the practice had been developed that the defendant could address the jury in a capital criminal case at the conclusion of the trial, although not under oath, and not subject to cross-examination. Today this option is still available to a defendant in Massachusetts murder cases.

Chief Justice Shaw asked Professor Webster if he wished to make an unsworn statement to the jury before their deliberation. Against the advice of his counsel, Webster arose and thrilled the crowds moving in and out of the

courtroom gallery with a scathing and dramatic accusation of his own attorneys.

On all the points testimony had been placed in the hands of my counsel, and my innocence would have been fully established if they had produced it. They were highly recommended to me and acting under their direction I have sealed my lips during my confinement, trusting myself from the first moment entirely to them. But in their superior wisdom they have not seen fit to bring forward the evidence that had been prepared for them by me and which would have exonerated me from a variety of these acts.<sup>1</sup>

Webster had prepared one hundred and ninety-four pages of notes which outlined and established his own defense. He had addressed these notes to Edward D. Sohier, his attorney, who never alluded to them in any way either at the trial itself or, as far as it appears, at any time thereafter. In truth, their existence was not disclosed until one hundred and twenty years later.

Whether Sohier could have established Webster's innocence to the jury by using Webster's notes and suggestions, we shall never know, but it must be said that, in the eyes of a present-day practitioner, any adequate defense counsel using such material should surely have directed the case along more convincing lines.

Webster's notes in his defense were addressed to his counsel and preserved in confidence by Sohier throughout his lifetime, consistent with the lawyer-client relationship. During most of his legal career, Attorney Sohier was friendly with Ebenezer Rockwood Hoar, a Massachusetts lawyer and judge of distinction, and his brother, George Frisbie Hoar, an outstanding United States Senator from Massachusetts in the latter part of the nineteenth century. When Sohier died, Judge Hoar helped conduct the memorial services in his friend's memory on behalf of the Suffolk County Bar.

Both the Hoar brothers were interested in the preservation of documents and manuscripts of historical value, and their friend

Sohier's professional papers eventually came into their hands. In late life Senator Hoar was president of the American Historical Association and president of the American Antiquarian Society.

Judge Hoar died in 1895, and nine years later the senator died at their home in Worcester, Massachusetts, leaving a very large collection of papers and documents of varying degrees of historical importance.

From the time of Senator Hoar's death in 1904 until 1961 this great mass of documents was stored at their former residence, a large old house located in Worcester, Massachusetts, which Worcesterites very carefully referred to as "the Hoar residence."

In 1961 "the Hoar collection" was turned over to the Massachusetts Historical Society by the surviving heirs of the distinguished brothers. Only recently were Professor Webster's statements and notes found to be a part of this collection.

The notes begin with Webster's detailed account of his own movements from Friday, November 23, the date of Dr. Parkman's disappearance, until the night of his arrest one week later. He lists the places where he had been and the times when he had been there. He gives the names of persons whom he had seen and those who undoubtedly had seen him and could be used as witnesses on his behalf. This diary dovetails with the testimony given by the defendant's three daughters, and it is at variance with testimony from prosecution witnesses.

Webster had given Attorney Sohier an arsenal of facts to fire at Littlefield in cross-examination. For example, Littlefield swore that he had seen Webster on the back stairs of the Medical College on the evening of the disappearance, but Webster explains that he was at home at that same time, and his statement could be supported by witnesses. When Littlefield said that he was spying on Webster the Wednesday morning before the arrest, Webster notes that at that very moment he was in fact chatting with his daughter in Cambridge after breakfast, and his youngest daughter, Catharine, corroborated this.



To demonstrate the dimension of the potential defensive strength, here is a table of the events of November 23 through November 30, arranged to show the testimony of Littlefield contrasted with Webster's account of his own activities.

DAY AND TIME	LITTLEFIELD'S TESTIMONY	WEBSTER'S NOTES
Friday, November 23 1:30 P.M.	Webster's lab was locked; he was inside. Checked doors several times.	Dr. Parkman arrived and left shortly, with money owed.
2:15		
3:00		Left college for dinner at Brigham's restaurant.
4:10		On way home.
4:30		Boarded bus, then went to Cambridge Post Office.
4:45		Bought cologne from Kidder, the druggist.
5:15		Arrived home; went into study.
5:30 to 6:00	Saw Webster leaving the Medical College by the back stairs.	Was at home; seen by daughters Marianne and Harriet at tea.
Evening 10:00	Webster's lab bolted.	Spent evening playing whist with Professor Treadwell, Judge Fay, Dr. Morrill Wyman and wives.
12:30 A.M.		Let daughters in after evening out.

DAY AND TIME	LITTLEFIELD'S TESTIMONY	WEBSTER'S NOTES
Saturday, November 24		
Morning	Tried Webster's door and it was locked.	Breakfast; went to Hooper and Blake's and left about 9:30.
10:00 to 11:00	Webster arrived.	Arrived at school.
11:00	Saw Webster enter- ing school again.	
11:30		Left the school.
Afternoon	Heard Webster in lab.	Was not at school; met with Parsons at 12:30.
1:00 P.M.		Had dinner at home with family. Out for evening in Cam- bridge; bought book and remained home.
Sunday, November 25		
Morning	Webster's rooms	Went to chapel.
2:00 P.M.		Dinner at home.
3:00	locked all day.	Went to see the Rev. Francis Parkman.
4:00 to 4:30		At home.
4:45 to 5:00		Met with Paige at his Cambridge home.
5:15		Arrived home.
Sunset	Conversation with Webster in front of Medical College.	At home.
5:30		Saw Thomas Fuller; remained home all night.

DAY AND TIME	LITTLEFIELD'S TESTIMONY	WEBSTER'S NOTES
Monday, November 26		
7:30 to 8:00 A.M.	Webster's rooms	Breakfast with Mari- anne.
8:30	locked.	On bus to Cambridge.
9:10		Arrived at college.
10:30	Blake arrived.	Blake arrived.
12:00	Police arrived and searched Webster's rooms.	Lectured from 12:00 to 1:00.
1:00 P.M.		Conversation with Littlefield. He said Dr. Parkman found at Salem, "crazy as a coot."
2:00		Home for dinner.
3:30		3:30 or a little after went out to Dana's. Home at 4:00.
Tuesday, November 27		
7:30 to 8:00 A.M.		Breakfast at home.
9:10	Unlocked Webster's door and found him there.	
10:00	NOTE: Police said they searched Webster's rooms at this time.	
11:00	Police searched Web- ster's rooms.	
12:00		Police arrived to search.
1:00 P.M.		Littlefield spoke of the reward; gave him present of Thanksgiving turkey.

DAY AND TIME	LITTLEFIELD'S TESTIMONY	WEBSTER'S NOTES
2:00		Home for dinner.
3:15		On bus to Boston.
4:00	Webster gave me gift certificate for Thanksgiving turkey.	Not at college.
4:15 to 5:30		At Hooper and Blake's Apothecary in Cambridge; met Miss Treadwell walking home. Had tea with family and remained home all night.
6:00	Saw Webster on the back stairs and talked with him.	At home.
Wednesday, November 28		
7:30 to 8:00 A.M.	Webster at school "early" and I spied on him until about 9:00 when I left.	Breakfast with Harriet. Talked with Catharine and went to Post Office.
8:15		
9:00 to 10:00		Saw Mr. Sales in Cambridge.
11:00		Home with family and worked in the garden.
3:00 P.M.	Walls of Webster's lab "hot"; searched the lab and found stains.	At home and did not go to school all day.
3:30		Batchelder visited.
Evening	Did not see Webster.	Out at party until late.

DAY AND TIME	LITTLEFIELD'S TESTIMONY	WEBSTER'S NOTES
Thursday, November 29 3:00 P.M.	Began digging through wall, then went dancing.	Home with family all day.
Friday, November 30 7:30 to 8:00 A.M.		Breakfast at home.
8:15		On bus to Boston.
9:00	Webster came into my kitchen and talked. He had come from Henchman's Apothecary.	
9:30		Arrived at Hooper and Blake's.
10:30		Arrived at Medical College.
12:00		Left the college.
12:15 P.M.		At Thayer's and helped pregnant woman; then took omnibus home.
2:00		Arrived home for dinner.
3:30		Went to Post Office and Mrs. Bent's; went home and remained there until the arrest.
4:00	Talked with Professor Webster near the college.	At Cambridge.
Evening		Arrested after Littlefield discovered remains.

The notes also cover a variety of relatively minor points cogently but briefly. For instance, "Expressman Sawin and his brothers know I give turkeys for Christmas and Thanksgiving, and I also gave Littlefield tickets to the exposition at Masonic Temple this year and he used them."<sup>2</sup>

With regard to the towels found in the privy he wrote: "The towels and the diaper roll were in my apartment and he had complete access to them, as to the twine also. Littlefield gathered all dirty towels from my rooms and Mrs. Littlefield washed them regularly."

There is this note from Webster about the overalls mentioned by Littlefield:

The overalls are at my home now. They were often taken home for hard work. They were such as masons wear, they have not been washed.

Littlefield knew that I never had anyone work with me in my laboratory, that I was always alone there preparing my lectures, etc. — knowing this, he could invent anything.

I did not return to the College Sunday night when Littlefield says he saw me. Was there not a police officer there all day on guard? Would not he have seen me if I returned?

Tan sent to me one year ago to experiment with leather by Mr. Southwick, 50 Fuller Place — to find a new mode of making leather. I asked Sawin to bring the bags to Cambridge long ago. He said he needed his large wagon. He arrived on 27th to do this and left bags of tan outside my door at the Medical College. Littlefield took them in and stored them. I could not lift a bag. It was much too heavy.

Tea chest taken by Sawin from Cambridge in September since contents were not used by me last summer (chemicals and glass). It was placed by Littlefield in a storeroom for furniture, and I never touched it. Burr, the carpenter, would know this.

Littlefield told Dr. Ware on Tuesday, the 28th, that if he could get the large reward, it would be as much money as he should ever want.

Littlefield has got me blood several times before and pieces or parts of subjects.

Finally, and most importantly, in his notes Professor Webster documented his suspicions of Ephraim Littlefield as being the

person responsible for placing the human parts in his rooms. He said:

Littlefield was a "resurrectionist" and quite reckless about getting subjects for years, both at the old college and at the new.

Ask him how many bodies he got last summer and had to throw away they were so offensive? What is the usual price of a subject? \$25.00. Many got by railroad from New York by him — the barrels sometimes were broken open and the bodies discovered. He went for them. Resurrectionists cut off heads and sold them. Was Littlefield concerned in taking a body from Wheeler's tomb, bottom of Common which was discovered? Lately a deficiency of bodies — one used 6 weeks — this might lead him to take any that was offered. Littlefield was paid \$200 for cleaning out the bodies accumulated in the vault of the old College by Dr. Lawrence. Body of a New Hampshire girl brought to the College by Littlefield. Dr. J. C. Warren can testify how Littlefield got bodies from the Neck [Roxbury Neck] and Dr. Sam Parkman as to difficulties getting them to buy at \$25.00. Resurrectionists cut off heads and sold for \$5.00. New Hampshire girl was claimed by her family. Trouble about it involved Littlefield. Ask Littlefield how many bodies he procured last summer. Boasted of procuring 200 (bodies). Dr. Lawrence.

The body [found in and under my apartments] was probably brought to the College to sell as a subject — if Littlefield bought it to sell again to the students it was probably at night when he would not notice the features — and it may have been in a sack (the usual mode). On discovering whose body it was, it would be the first impulse to get rid of it — the fire having been left burning in the furnace it was easy to pass from the dissecting room to it. The dissecting room has arrangements for blood running off to the salt water, any traces there would not be noticed as unusual.

Not daring to throw any part down the vault as it would be the most likely place to be examined if a search were made, and knowing where the key to my privy was always hanging, and being able to pass from the lecture room downstairs by the door on the right of the glass case (between that and the case containing the air pump) Littlefield, having keys that opened that door and having one to the door behind the lecture table it was easy to do anything. I have more than once found the privy door unlocked when I knew I had left it locked and Littlefield had taken large things through the door between the glass cases before.

For Mr Lohier

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The body was probably brought to the College to sell as a subject - if I bought it to sell again to the students it was probably at night when he would not notice the features, & it may have been in a sack (a usual mode) -

On discovering whose body it was it would be the first impudic to get rid of it - the fire having been left burning in the furnace it was easy to pass from the dissecting room to it. The dissecting room has an arrangement for blood running off to the rest water. any traces there would not be noticed as unusual.

Not daring to throw any part down the vault, as that would be the most likely place to be examined if search were made, & knowing where the key of my prison was always hanging, & being able to pass from the lecture room down stairs by the door on the right of the glass case (between that & the case containing the air pump) I - having keys that opened that door - & having one to the door behind the



Webster's accusations of Littlefield should be considered in the light of the Massachusetts anatomy laws of 1850. Two legislative acts passed in 1812 and 1815 had made it impossible for human bodies to be obtained for medical experimentation, but in 1830 the Massachusetts Medical Society convinced the state legislature to pass a so-called "anatomical law," which was in force until 1902. This allowed the procurement of human specimens for experimentation, provided the mayor, the board of aldermen, the directors of the Home of Industry, and the overseers of the poor had all assented. The stringent requirements for approval made this law almost impossible of compliance, especially when compounded with public revulsion against the dissection of human bodies. Not surprisingly, a widespread and profitable trade had grown up from the illegal purchase and sale of human specimens for dissection.

Scarcely any bodies received by the anatomical department at the Harvard Medical School could be legally accounted for.\*

Webster wrote to Sohier in his "notes":

For 20 years I haven't opened a body. Littlefield had constant opportunity of seeing dissections, and it was his duty to sew up the specimens after Dr. Warren's lectures and dissections and after Dr. Holmes's also. He must have seen hundreds of bodies cut up, and also post mortem examinations, and had done it himself or assisted for years. He might be called an expert. He knew all the ways and difficulties of separating joints and sternum. He knew how to prevent blood flowing.

Then Professor Webster recommended a cross-examination of Littlefield to establish his complete access to the Medical College and to Webster's rooms in particular. Specifically he mentions keys which Littlefield possessed and the use of windows as

\*To dramatize the need for human specimens for medical experimentation, Dr. J. C. Warren, a faculty colleague of Professor Webster's and himself a professor of anatomy at the Harvard Medical School, willed his own body to Harvard for purposes of dissection and for the preservation of the skeleton. The latter, gleamingly whitewashed, hangs today in the Warren Museum at the Harvard Medical School.

possible means of access. "Littlefield emptied ashes in my laboratory between Friday, November 23, and Monday. How did he get in, if locked?"

Then follows a written discussion of Littlefield's practice of opening windows for washing, for snow removal from the building roof, and to let out noxious gas created by chemical experiments.

Littlefield procured potash [evidence of the presence of potash was found on some of the human parts] — it was not for me — he no doubt thought he would destroy the remains with it — must have been Monday — I had no use for it [potash] then — besides I only use what chemists know as "pure potash" and it comes sealed up. I get it at Brewster, Cushing & Stevens usually. The common potash is quite another thing and very impure. I have only small quantities of potash in my rooms and that of the pure potash prepared with alcohol in small bottles and sealed up and expensive. A bottle is there now. A chemist would never use potash — it is an alkali would use opposite — an acid.

Littlefield told Dr. Ware that if he could get the large reward, it would be as much money as he should want.

In spite of the availability of this retaliatory information which Sohier held, his cross-examination of Littlefield was not only weak but also afforded an opportunity for Littlefield to repeat his terribly damaging testimony against the defendant.

Obviously none of the suggestions which Webster wrote to Sohier were used by the latter in cross-examination. But it would seem that even the most inexpert cross-examiner should have stressed the two glaring weaknesses in Littlefield's testimony: that Littlefield lived and worked almost twenty-four hours a day in the building in rooms exactly contiguous to and a few feet from where the human parts were discovered, and that Littlefield said he was attempting to search Webster's rooms as early as Friday — before the disappearance of Parkman was known at all — and he suspected and accused Webster of murder on Sunday, November 25, five days before the remains

were "discovered" and when no one, including Parkman's own family, thought Parkman was dead.

These weaknesses in Littlefield's testimony, if lost on the defense counsel, were certainly not lost on the prosecution. Let us turn to the notes of Attorney General Clifford, made during the trial, about the testimony of his star witness.

Extraordinary conduct that he should have gone to Webster's room Friday night. So of all of his conduct. Creates distrust of his integrity.

The idea of fixing the charge upon Webster is inadmissible because the mode would probably have been to have left the body as perfect as possible and then informing against him.<sup>3</sup>

Attorney General Clifford writes: "If Dr. Parkman was killed in the college and his body never carried out but subsequently conveyed into Webster's rooms for concealment or consumption, then Webster or Littlefield must have been in the secret."

The breadth of imagination and sense of justice (or lack of it) which propelled the attorney general in his prosecution of Dr. Webster is clearly seen in his next few handwritten notes made during the trial.

No one else killed Dr. Parkman than Professor Webster — LITTLEFIELD EXCLUDED — because there has appeared nothing whatever in four months to point to or to implicate any such third person.

Was the body killed outside of the college and brought into Webster's apartments? If so, it must have been for one of three purposes: concealment, consumption, or to fix the charge on Webster.

It really lies between Littlefield and Webster according to Webster's own showing.

"Nobody has access to my apartments but the janitor" and "Why don't they ask Littlefield? He has the key to the dissecting room."

These two final quotations the attorney general remembered from the remarks of Webster upon his arrest.

That Littlefield killed Parkman or was involved in his death was considered by Clifford to be a "rational hypothesis," and he uses that phrase in his handwritten notes.

What chance had Littlefield to do the deed Friday?

Heat on wall, high as his [Littlefield's] face — yet when he went in he found fire down — how could this be?

Why in searching Webster's privy he didn't go through the door and down through the privy instead of breaking through the wall?

Attorney General Clifford's feelings are probably best portrayed by this handwritten entry: "Somebody must answer! . . . Has a solemn oath of religion been performed over unknown bones? [Dr. Parkman's funeral] . . . His estate administered upon — others succeeded to and entered upon the grave responsibilities that belonged to him."

**A**S SOON AS THE SENTENCE OF DEATH was pronounced, a tremendous surge of public opinion arose in Webster's favor. Few, if any, observing thought that a just verdict had resulted from a fair trial. The public was evenly divided between those who believed Webster innocent and those who believed him guilty but not proven so.

In the press there was bitterness and resentment against all law officials connected with the trial, perhaps caused by a collective guilty conscience.

After the trial Chief Justice Shaw received a great deal of censorious and harshly critical mail from Webster sympathizers and from professionals in the law. The author of an abrasive and even contumelious pamphlet in 1850, who discreetly identified himself as "a member of the legal profession," said the following about the charge to the jury:

We turn now with indignation and with amazement to Judge Shaw who directed their verdict to the jury. Indignation that the judge should have been allowed, without a word of disapproval, to misstate and misdirect the law of the Webster case and so to argue against the prisoner upon the facts. Amazement that a

judge exists capable of such a performance in this high noon of the nineteenth century of Christ and in the heart of the Commonwealth of Massachusetts.<sup>1</sup>

Shaw was not alone in being criticized. The prosecutor, George Bemis, and the attorney general, John H. Clifford, were harshly assailed for their sharpness and ruthlessness, and Attorneys Sohier and Merrick, the defense counsel, were criticized for their lassitude and ineptness.

Judge Merrick received one letter appraising the entire proceedings from James I. Roosevelt, a forebear of President Theodore Roosevelt and a member of the New York Supreme Court from 1851 to 1859. He wrote:

I had no acquaintance with Professor Webster or his family — yet I can readily appreciate the anguish of their condition — especially that of his poor wife and daughters. Like the jury, as they say, “I have sought counsel of heaven,” and the result is a clear and firm impression that “under the law and evidence,” the verdict was utterly unjustifiable and its execution would be adding another to the already too long catalogue of judicial murders.<sup>2</sup>

Even the victim, Dr. Parkman, was bitterly censured in the uproar. An editorial in the *Boston Daily Times* said:

The Tiger Creditor, Parkman, was an old man burdened with his riches, hunting down his victim, Webster, knowing Webster would not dare resist; a Shylock seeking his pound of flesh; Parkman's activities were more revolting than Dr. Webster's, haunting Webster at his home, at his place of business, at his place of repose, not only insulting Webster but his wife and children, threatening him with poverty and a blasted character, ruin for his family and much more, with the utmost ferocity of manner.

How can this “Tiger Creditor” [Parkman] face his victim in the world which lies beyond? Who will stand better before The Tribunal?<sup>3</sup>

The “Southern” newspapers (New York and Philadelphia) were especially savage in their criticism of all aspects of the trial. Attorney General Clifford saw his hopes that the Webster

case would elevate him into the governor's chair being dashed. The Boston police and Marshal Tukey were ridiculed for transporting Professor Webster to the Harvard Medical School to view the remains on the night they were discovered. The facetious suggestion was made that the police expected blood to flow from the remains at the sight of the pudgy, bespectacled Webster.

In short, the nation's press, reflecting popular opinion, trained its disfavor upon the Massachusetts system of the administration of justice. Only the *Boston Traveler*, published by the prominent Henry Flanders, appeared to remain loyal to the establishment, at least to the extent of refraining from unfavorable or provocative editorials.

After the close of the trial, several events served to intensify this public dissatisfaction with the course of justice.

First, one of the trial jurors, Albert Day, wrote a letter to the editor of the *Boston Traveler*, giving a detailed account of the proceedings in the jury room, which was published two days after the verdict was rendered. Here is part of what Juror Day wrote:

When the witnesses for the defence had given their testimony and counsel for the prisoner announced the evidence on their part closed, a feeling of pain and anguish came over the minds of every juror. What? Can no more be said, no more be done, on behalf of the unhappy prisoner? Is that the evidence — the ONLY evidence — on which we are to place our verdict of Not Guilty?<sup>4</sup>

The publication of this juror's letter was not only improper, but also seems to show that the jury had been convinced that the burden of proof was upon the defendant to prove his innocence.

Second, on May 3, 1850, one month after the close of the trial, a writ of error was filed by Webster's attorneys on his behalf with the Supreme Court of Massachusetts. Since the Supreme Judicial Court was the highest court of Massachusetts and in accordance with the 1850 procedure, the four trial justices, Shaw, Wilde, Dewey, and Metcalf, now became appellate judges to

assess the wisdom of their own actions taken several weeks before while presiding at the trial. The conviction of Webster by the trial court was affirmed by the appellate court.

This odd and unfortunate judicial practice did have a certain mystique, straight from the pages of *Alice in Wonderland*, but it did not encourage public confidence in the court's part in the result of the Webster trial.

The third and perhaps most significant criticism of the trial was in an article which appeared in the *Massachusetts Monthly Law Reporter*. This was the most prestigious law periodical in nineteenth-century Massachusetts, edited by the brilliant Stephen H. Phillips, a legal scholar and a giant of the bar who, ironically, was to succeed Clifford as attorney general of the Commonwealth.

Phillips's analysis of the Webster trial appeared in the May 1850 edition of the *Reporter*, and if the beleaguered judicial-legal fraternity of the Webster case looked for solace and support from this source, it looked in vain.

First attacking Chief Justice Shaw's role in the trial, Phillips said:

Professor Webster had occupied a conspicuous position in society, and it was very easy to raise a cry against the Court if any unusual leniency should be shown to him. This evidently forced the Court into  
THE OPPOSITE EXTREME.

In the next place, the excitement had become so intense that a proper regard for the peace of the community required that the whole procedure should be closed at the earliest practicable period. The Court evidently thought it necessary to secure an unanimous verdict and such a verdict as would correspond with public opinion. This is the only way which we can account for the extremely ARGUMENTATIVE character of the charge of Chief Justice Shaw.

The whole community shudders at the law of malicious homicide as expounded by the Chief Justice:

"There are 2 theories on which this [the Webster case] is thought to be murder. One is that it was by express malice; and the other is that it was by implied malice; that is, if the express malice is not proved, still, in cases where there is not accident or suicide, it is murder by implied malice."



Of Shaw's reference to the jury of the application of chloroform to kill, Phillips wrote:

If this does not contain a suggestion in about as plain language as the Court can use, that, in their opinion, Dr. Parkman was killed by chloroform, we do not understand the meaning of words. It is most extraordinary when we remember that no evidence had been introduced in regard to chloroform.\*

Turning to Bemis and Attorney General Clifford, the article recited the "vehemence of attack not required of a prosecuting officer" and the pressing of facts upon the jury which were prejudicial to the defendant but "clearly were not proper evidence."

The counsel for the defence manifested great embarrassment in the management of their case, and this was so apparent that it, MORE THAN ANYTHING ELSE, injured Webster's case in the estimation of the public and of the jury. The public and the jury seemed to take it for granted that they [Sohier and Merrick] were satisfied their client was guilty.

The jury reflected back the impressions given them by the Attorney General and the Chief Justice. It was NOT their deliberate verdict upon the law and upon the evidence.

After castigating the court, the prosecution, the defense, and jury, his article concluded:

We feel that upon the evidence fairly before the jury the prisoner ought not to have been convicted of the crime of murder. This is a result which has been arrived at only after a careful examination of the evidence. We greatly fear that the verdict was the result of a preoccupied public opinion brought to bear most violently upon the court, the counsel, and the jury, and the intensity of public excitement prevented a fair trial.

About the same time as Phillips's article appeared, the *Report of the Trial of Professor John W. Webster* by Dr. James W.

\* By a twist of irony, Stephen H. Phillips, who had so severely criticized Chief Justice Shaw for his conduct of the Webster case, was, eleven years later, selected to deliver a eulogy, on behalf of the bar, upon the occasion of the death of Chief Justice Shaw in 1861.

Stone was published. Whether by design of the publisher, or by inaccuracy and inadvertence, the contents of the hastily prepared volume brought the legal participants of the Webster trial to near panic. They felt the *Report* was a "travesty."

Correspondence between Sohier, Clifford, and Bemis reveals that Professor Webster and his impending execution were all but forgotten in their efforts to control the vast surge of criticism directed against the entire juridical performance.

Sohier wrote to Attorney General Clifford just before the release of Stone's *Report* to express the alarm of the defense counsel about the publication.

*Boston, 10th April 1850*

Dear Clifford,

After the receipt of your letter sent by Mr. Brigham I called on P & S [Phillips and Sampson] and shure [*sic*] enough the reports of our arguments as about to be published are the vilest caricatures which can possibly be imagined, that Report if published as it now is will justify all the stupid abuse the Southern papers have contained. Judge M [Merrick] & myself have expostulated with P & S & offered to write out our arguments for them if they would publish correct versions, but to no purpose. They say they have expended much money in the paper & types & will not consent to loose it, but offer to state IN A NOTE that THE COUNSEL HAVE HAD NO OPPORTUNITY TO CORRECT THEIR ARGUMENTS; so we are to be sacrificed to the interests of these gentlemen who expect to make money by pretending to publish a correct account of the trial — I have been urgent with Judge M to publish a card at once stating that no reliance can be placed upon the Report as it is to be issued but he & Mr. B. R. Curtis who represents you deem it best to wait until the publication is out, so I have acquiesced.

STONE the reporter has stated to me that he considers the EVIDENCE to be very incorrectly stated & that he is not responsible for that portion of the work. I wish of all things you could undertake to get out a correct Report. Judge M & myself will certainly write out our arguments & give other aid if we can. I know I shall be much engaged but will cheerfully pay \$100. towards the expenses.

Very truly yrs,  
Edward D. Sohier.

P.S. The first sentence I saw of my argument as printed is as follows: "If they get excited, on equal terms, & they commence their quarrel with the fist & afterward have some other weapon it is excused as caused by heat of blood excited by the body."

Ought not the reporter or myself be damned beyond ALL PER-ADVENTURE!!<sup>5</sup>

George Bemis shows his awareness of the situation in this passage from his personal papers: "The Governor is beset by applications from all parts of the Union from the highest legal authorities asking for a suspension of proceedings on account of the injustice of the conviction" [of Webster].<sup>6</sup>

In response to this uproar, Bemis himself decided to compile a "report" for international consumption. Each interested participant would edit or rewrite his part, as he wished it to be recorded. The opening and argument of Clifford were rewritten by Clifford and Bemis, and the charge of Chief Justice Shaw was rewritten by the chief justice and Bemis; the arguments of Merrick and Sohier, by Merrick and Sohier; and the whole was finally edited by George Bemis.

This literary effort was published by Little, Brown in November 1850 as Bemis's *Report of the Case of John W. Webster*, which was always to be accepted as at least a quasi-official account of the trial.

Bemis addressed himself to his London publishers as follows:

The design of the publication was not for profit but to vindicate the character of our state judiciary — a character which, you will allow me to add, was most severely drawn in question on the other side of the water for the insufficiency of the evidence to justify a conviction of Webster and for the harsh and unwarranted charge of the judge.<sup>7</sup>

Chief Justice Shaw's charge in the Webster case as it appears in the *Massachusetts Reports* in 5 Cushing published in 1852 is today considered an all-time classic in the field of criminal law. We have read most of Stone's version, which was the least revised, but we shall see that improvements were made for Bemis's *Report*.

Bemis's diary entries below show, however, that Shaw was dissatisfied with his own charge even as rewritten and that Bemis and others contributed to the second revision to a considerable extent. The judge's language as it appears in the Bemis *Report* varies from the language in his first version of the charge in Stone's *Report*, and falls short of the *Massachusetts Reports* (5 Cushing) version published two years later. Evidently a third "revision" or rewriting occurred subsequently. At any rate one fact comes through loud and clear. The charge of Shaw as it appears in the *Massachusetts Reports* of 1852 is not at all the charge delivered to the jury in March 1850.

Bemis details some of the revisions of the charge in this passage from his diary:

. . . that I spent two mornings with the Chief Justice in part (after having first spent a week or so in correcting his manuscript) in which the Chief honored me with the greatest freedom of suggestion & alteration & then spent nearly another week in recorrecting the manuscript & revising proof. Nearly every correction made on this latter occasion was adopted bodily and in some instances previously I had stricken out whole sentences as repetition, & recast others as disconnected or of doubtful [*sic*] expediency. The Chief in return wrote me one or two civil notes & at his house took pains to go back to father's reference. Clifford also has yielded the greatest latitude to me, & after revising together, & when in print, I added very important omissions. Perhaps I ought to record one of the Chief's saying. He called on me at the office to leave his manuscript; & after speaking with some tone of disparagement of the entire accuracy of his charge as he had been able to rewrite it, & adding in acquiescence with my remark that it was as accurate as could now be made, I told him that I hoped he had made the correction as to the remark about the use of chloroform to the jury, which Phillips had criticized so much, adding how sure J [Judge] Bigelow, Clifford & Myself was of his having added the qualification that it was only for example's sake. "No," said he, "I haven't; but if any such little things occur to you, you may." I afterwards inserted a paragraph & he assented to it.<sup>8</sup>

Undoubtedly, more time and effort were expended by the chief justice on the various "revisions," "rewritings," and

manuscripts than on the preparation of the charge as actually delivered to the jury at the trial. Bemis describes his efforts:

Sunday, Nov. 3d, 1850. The longest gap perhaps in my journal for ten years; and for reason of the hardest task, the "report of the trial of John W. Webster," as my title page now reads. This too is a Sunday; & about the fourth or fifth that I have given up to this job. But thanks to a kind providence I have got to the index & that now nearly revised in manuscript; but it is only after about five months' close & constant application. Why has it taken so long? I have asked myself time & again; & cannot find a satisfactory answer. I believe that it has had much to do with the inefficiency of my printer, (Forbes, late a school-master friend of Dr. Parkman, employed by Little & Brown, out of their ordinary course) & I know that it has had a great deal to do with the omissions of my associates. Clifford's arguments needed at least two days work to every twelve pages, the Chief Justice's charge three, & Sohier's four. S [Sohier] delayed the prep a clear fortnight, Merrick (by our disagreement as to language about Dr. P [Parkman]) some days, & then his & the Chief Justice's absence from town occasioned further delay in correcting proof. . . . But let past labors be quiet; & let me pick out of them only the pleasant reminiscences. And these have been agreeable — very intimate interviews, with Clifford, sometimes occupying nearly whole days & evenings together; friendly intercourse with Sohier, only impaired by Welch's opinionativeness or friendly jealousy, a few quite friendly interviews with the Chief Justice, & some pretty searching though eventually entirely harmonious intercourse with Merrick.

A few days since (in fact a fortnight ago Monday) the whole court took upon themselves to correct my preface. When I went into the lobby of a Monday before the Court went to Taunton, I found the Chief Justice with the manuscript in his hand & the rest of the judges apparently listening. The Chief Justice told me that I had come in time & I sat down & had the benefit of their judgment. Since, Clifford has written me a note upon the same subject & also revised it.

With Merrick the controversy is mainly on paper in the letters between us, tho there was some pretty direct personal intercourse between us. As to Sohier, I had to do much of the re-writing as well as revision. The printer (Dame) said of him, "I shall be glad when we get done with that man."<sup>9</sup>

Bemis wrote to Clifford suggesting that he change the recording of his opening statement and lamenting the Southern (New

York and Philadelphia) newspapers' wariness of the "Bemis Report," in these words:

*Boston, July 6th, 1850*

Mr. Clifford,

Dear Sir,

I write to inquire if I shall see you soon in town again? You notice probably in today's Advertiser, Little & Brown's advertisement, at last, of the Report. It becomes necessary to hurry on, and I write to say that if you propose to come up shortly I think that you had better re-touch your opening before committing it to the printer.

I have not been all over it, but after looking at three or four pages I concluded that you had felt too much tramelled by the phonographic report of it, & had not exercised sufficient latitude of departure.

I would undertake the alterations but occasionally they are more than verbal & I should not dare go into the substance so far as I might wish to, without your concurrence.

I wish also to see you (though I wd not trouble you to come out of your way for this) about inserting a paragraph of Stone's dictation, which does not exactly suit me.

I should also like to see you about deciding upon some other matters connected with the report; among others the number of copies to be printed, which L & B [Little & Brown] say will have to be fixed shortly after beginning to print & which is important to the guaranty. But I will not enumerate them.

The most important thing which I wish to urge is the correction of the opening, which I think has not been revised with sufficient care, & which it seems to me will need your own finishing stroke.

From the looks of things I allude to the re-mutterings of Southern newspapers now the confession has reached them & the equivocal position of the Law Reporter — every word of the report is going to be criticized, and it is not best to leave them even matters of phraseology to harp upon.<sup>10</sup>

This letter to Clifford shows that three months after the preceding correspondence of July 6 from Bemis and almost two months after Professor Webster had been hanged, changes were still being made in the final format of the *Report*.

Boston, Oct. 26th, 1850

Mr. Clifford,  
Dear Sir,

Not hearing any tidings from you since your return, though after inquiry from some who I thought would have heard if your indisposition had been serious, I conclude that no news is sufficiently good news to venture to trouble you with perusing the intended preface of my report.

I send you one copy corrected by the Chief Justice after revision (inter nos) of the whole court, & another partial re-draft, which I think preferable. But, as you will see, both to some extent connect you with the phonographic, &, I wish to know, if with sufficient caution & accuracy.

Give any other attention & friendly criticism to it which you may have to spare.<sup>11</sup>

As the book was in its final stage of preparation, Bemis demonstrates his cynicism:

I tuck (?) a few other odd ends of the Sheriff's & Andrews' communications in the Appendix which you have not seen, which may help to bait the hook for the mouth of the public. Let them make up their mouths to bite about next Saturday or the first of the week following, & I don't care how greedily.

You will return this Monday & oblige

Yrs. very truly  
G. Bemis<sup>12</sup>

And so the *Report* was published and given wide circulation. Although some sections had little relation to what occurred in court, it did, of course, have a somewhat pacifying influence on the indignant citizenry, but with good reason a great shadow of doubt still hung over the entire proceedings.

**I**N JULY OF 1850, while Bemis was working on his *Report*, the Committee on Pardons of the Massachusetts Executive Council undertook to hold "full, careful, and patient" hearings to determine if the Executive Council should recommend to Governor Briggs a commutation of the death penalty imposed on John White Webster. Prior to this, at the end of April, Professor Webster had addressed a letter to the governor pleading for clemency and mentioning what we now know to be the notes which he had made for his council during the trial.

When first charged with this dreadful crime, I did not publish to the world a declaration of my innocence or any explanation of the circumstances tending to bring suspicion on me solely in consequence of entire ignorance of the course I ought to adopt, and of implicit reliance on the calmer judgment of others. I had however prepared for publication a document to that effect; but as there was a strong disposition from the first to misinterpret and misrepresent my every look, action and expression, it was deemed most advisable for me to preserve and maintain silence. The document was, therefore, with no little struggle on my part, withheld.<sup>1</sup>



Webster's request for clemency, based on an avowal of his complete innocence of all the charges, was mysteriously withdrawn a month before the council hearings.

A few days before they commenced in July, a Reverend George Putnam, pastor of the First Church in Roxbury, came forward with a statement attributed to Webster for the committee's consideration. Here is his presentation.<sup>2</sup>

"I am enabled, to present, from Dr. Webster's own lips, a statement of the facts connected with the homicide. The credibility and value of his statement must depend partly on the date of it, and upon the circumstances under which it was made. Before reading it, therefore, I will relate those circumstances to the committee.

"My acquaintance with Dr. Webster before his trial had been of the slightest and most casual kind. Soon after his sentence, I received from him a request that I would visit him as a clergyman during his imprisonment. It was a service not to be declined.

"I had followed the reports of the trial, and acquiesced in the verdict as a righteous one, and had no thought but that the sentence was to be, and ought to be, carried into execution. I did not make it my object to draw a confession from him early, or to lead him to commit himself, one way or the other, on the question of his guilt or innocence. I carefully avoided every remark and inquiry that might tempt him to make any false declaration. He seemed to understand me, and neither denied nor declared his guilt. I expected he would finally be induced to communicate to me whatever he knew about the disappearance of Dr. Parkman, and about the remains found at the College. But I was in no hurry about this. I thought I should be more likely to obtain from him the exact truth, by waiting till a favorable time. Accordingly, it was my object, for the first weeks, to become acquainted with him, to win his confidence and attachment by attention and sympathy, and to endeavor to make those impressions of a moral and religious nature which

were suited to his situation as a more or less sinful, and certainly dying man. As time passed, I seemed to myself to have succeeded in these objects, almost beyond my hopes.

“At length, on the 23d day of May, I had made up my mind to address him in a wholly new strain, and to demand of him a full statement of facts. I then believed myself to be on such terms with him, that I could abruptly and authoritatively demand his confidence. I did do so, and I was not disappointed in the result. On entering his cell that day, I told him that I was going to broach a new and important subject to him, and he must listen to me seriously, and not reply till I had done. I then said to him, that he must have felt all along that there was one barrier to our free communication; one point on which we did not understand one another; that the embarrassment which attended the avoiding of that point obviously went far to defeat the satisfaction and profit to himself which ought to result from our interviews. I said that he must certainly have some knowledge, respecting the fate of Dr. Parkman, which I had not, and that the unshared secret must be to him an oppressive and intolerable burden; that the time had come when he ought to share it with some one, and, under the circumstances, with me; that I had scrupulously foreborne hitherto to press him on this point, and urged it now, only because I believed it would be for his relief and peace of mind, that I thought he must feel, by this time, that he owed me the truth, and that he could trust me; that he need not fear to tell me the whole truth, for I was not there to reproach him, nor to judge him, but to comfort him in his conscience, and to assist him, if I might, to live while he lived, and die when he should die, with the humility of a sinner and the firmness of a man, and, I trusted, the hope of a Christian; that, in order to my being of any real service to him, there must be truth and true relations between us. I cautioned him not to answer me hastily, not to speak till he was prepared to tell the whole and absolute truth; that I would endeavor to put a favorable construction upon his silence; that I was in no

hurry; and that he might take a day or two more to consider whether my advice to him to make a full disclosure was not reasonable and good.

"I spoke to him some time in a strain which I have thus indicated. He seemed to me much affected by what I said; and, when I paused, he said immediately, 'I am ready to tell you all. It will be a relief to me.' He then proceeded to relate the facts which I have since embodied in the statement now to be presented; and I put to him a great number of questions, all of which he answered promptly, and with every appearance, it seemed to me, of an honest purpose to tell the truth. Some of the minor facts and explanations were given by him on a subsequent day; but the outline of the whole narrative and the more important details were given at the interview of May 23d.

"It is important to observe, that, at that date, the writ of error was pending, and also that Dr. Webster's petition for a full pardon, with strong declarations of entire innocence, was in the hands of the Governor. If the writ should fail, he considered everything as staked upon that petition, the declarations it contained, and the documents and affidavits which he believed would be obtained for its support. His immediate family, firmly and sincerely believing him entirely innocent, were engaged in seeking facts and papers to sustain his petition. I am confident that, at that time, he had not the remotest idea of approaching the Executive in any other way than according to the tenor of that petition, nor began to contemplate the question, whether commutation would be a practicable or even a desirable alternative. His whole thought, so far as he entertained any hope, was of pardon on the ground of innocence. Once, in the course of his narrative, he suddenly paused and said, with an appearance of anxiety, 'What if the writ should be granted, and a new trial follow, might not you be summoned and compelled to reveal all that I have said to you?' I told him, No; that the Government would not put me into his cell as his confidential friend, and then try to use me as a spy; that it would be an outrage not to be thought of; and that I would not consent to be so used,

whatever might be the consequences to myself. I had previously told him that I should never reveal his statements to any one while he lived, without his consent; and that, if I survived him, he must leave all to my discretion. I feel sure that it had not occurred to his mind, that his statements to me could ever be used by me with a view to his advantage; but he had a moment's solicitude lest I might be compelled to reveal them to his harm. He seemed to me to make his disclosures simply because he was unwilling to deny my earnest request and wished to manifest his confidence in me, and because, at the same time, he was glad to have the opportunity of relieving his mind of its dreadful secret.

"I will add here, that I did not make my demand of Dr. Webster at the suggestion of any legal or other friend of his, nor did any person know of my intention to make it. And neither Dr. Webster's statement, nor the fact that he had made any, was communicated by me to any person until more than two weeks after it had been received by me. Since that time no steps have been taken by me without the concurrence of Dr. Webster and his recognized legal adviser.

"Two or three days after I received Dr. Webster's statement, I advised the withdrawal (temporary, at least, and I hoped final) of his first petition to the Executive, and it was withdrawn."

PROF. WEBSTER'S CONFESSIOAL STATEMENT  
*as Reported to The Council by Rev. Dr. Putnam.*

"On Tuesday the 20th of November, I sent the note to Dr. Parkman, which, it appears, was carried by the boy Maxwell. I handed it to Littlefield unsealed. It was to ask Dr. Parkman to call at my rooms on Friday the 23d, after my lecture. He had become of late very importunate for his pay. He had threatened me with a suit, to put an officer into my house, and to drive me from my professorship, if I did not pay him. The purport of my note was simply to ask the conference. I did not tell him in it

what I could do, or what I had to say about the payment. I wished to gain, for those few days, a release from his solicitations, to which I was liable every day on occasions and in a manner very disagreeable and alarming to me, and also to avert, for so long a time at least, the fulfilment of recent threats of severe measures. I did not expect to be able to pay him when Friday should arrive. My purpose was, if he should accede to the proposed interview, to state to him my embarrassments and utter inability to pay him at present, to apologize for those things in my conduct which had offended him, to throw myself upon his mercy, to beg for further time and indulgence for the sake of my family, if not for my own, and to make as good promises to him as I could have any hope of keeping.

“I did not hear from him on that day, nor the next (Wednesday); but I found that on Thursday he had been abroad in pursuit of me, though without finding me. I feared that he had forgotten the appointment, or else did not mean to wait for it. I feared he would come in upon me at my lecture hour, or while I was preparing my experiments for it. Therefore I called at his house on that morning (Friday), between eight and nine, to remind him of my wish to see him at the College at half-past one, — my lecture closing at one. I did not stop to talk with him then; for I expected the conversation would be a long one, and I had my lecture to prepare for. It was necessary for me to save my time, and also to keep my mind free from other exciting matters. Dr. Parkman agreed to call on me, as I proposed.

“He came, accordingly, between half-past one and two. He came in at the lecture-room door. I was engaged in removing some glasses from my lecture-room table into the room in the rear, called the upper laboratory. He came rapidly down the steps and followed me into the laboratory. He immediately addressed me with great energy: ‘Are you ready for me, sir? Have you got the money?’ I replied, ‘No, Dr. Parkman’; and was then beginning to state my condition, and make my appeal to him. He would not listen to me, but interrupted me with much vehemence. He called me ‘scoundrel’ and ‘liar,’ and went

on heaping upon me the most bitter taunts and opprobrious epithets. While he was talking, he drew a handful of papers from his pocket, and took from among them my two notes, and also an old letter from Dr. Hosack, written many years ago, and congratulating him (Dr. P.) on his success in getting me appointed professor of chemistry. 'You see,' he said, 'I got you into your office, and now I will get you out of it.' He put back into his pocket all the papers, except the letter and the notes. I cannot tell how long the torrent of threats and invectives continued, and I can now recall to memory but a small portion of what he said. At first I kept interposing, trying to pacify him, so that I might obtain the object for which I had sought the interview. But I could not stop him, and soon my own temper was up. I forgot everything. I felt nothing but the sting of his words. I was excited to the highest degree of passion; and while he was speaking and gesticulating in the most violent and menacing manner, thrusting the letter and his fist into my face, in my fury I seized whatever thing was handiest, — it was a stick of wood, — and dealt him an instantaneous blow with all the force that passion could give it. I did not know, nor think, nor care where I should hit him, nor how hard, nor what the effect would be. It was on the side of his head, and there was nothing to break the force of the blow. He fell instantly upon the pavement. There was no second blow. He did not move. I stooped down over him, and he seemed to be lifeless. Blood flowed from his mouth, and I got a sponge and wiped it away. I got some ammonia and applied it to his nose; but without effect. Perhaps I spent ten minutes in attempts to resuscitate him; but I found that he was absolutely dead. In my horror and consternation I ran instinctively to the doors and bolted them, — the doors of the lecture room, and of the laboratory below. And then, what was I to do?

"It never occurred to me to go out and declare what had been done, and obtain assistance. I saw nothing but the alternative of a successful removal and concealment of the body, on the one hand, and of infamy and destruction on the other. The first

thing I did, as soon as I could do anything, was to drag the body into the private room adjoining. There I took off the clothes, and began putting them into the fire which was burning in the upper laboratory. They were all consumed there that afternoon, — with papers, pocket-book, or whatever else they may have contained. I did not examine the pockets, nor remove anything except the watch. I saw that, or the chain of it, hanging out; and I took it and threw it over the bridge as I went to Cambridge.

“My next move was to get the body into the sink which stands in the small private room. By setting the body partially erect against the corner, and getting up into the sink myself, I succeeded in drawing it up. There it was entirely dismembered. It was quickly done, as a work of terrible and desperate necessity. The only instrument used was the knife found by the officers in the tea-chest, and which I kept for cutting corks. I made no use of the Turkish knife, as it was called at the trial. That had long been kept on my parlor mantel-piece in Cambridge, as a curious ornament. My daughters frequently cleaned it: hence the marks of oil and whiting found on it. I had lately brought it into Boston to get the silver sheath repaired.

“While dismembering the body, a stream of Cochituate was running through the sink, carrying off the blood in a pipe that passed down through the lower laboratory. There must have been a leak in the pipe, for the ceiling below was stained immediately round it.

“There was a fire burning in the furnace of the lower laboratory. Littlefield was mistaken in thinking there had never been a fire there. He had probably never kindled one, but I had done it myself several times. I had done it that day for the purpose of making oxygen gas. The head and viscera were put into that furnace that day, and the fuel heaped on. I did not examine at night to see to what degree they were consumed. Some of the extremities, I believe, were put in there on that day.

“The pelvis and some of the limbs, perhaps all, were put under the lid of the lecture-room table in what is called the

*well*, — a deep sink lined with lead. A stream of Cochituate was turned into it, and kept running through it all Friday night. The thorax was put into a similar well in the lower laboratory, which I filled with water, and threw in a quantity of potash which I found there. This disposition of the remains was not changed till after the visit of the officers on Monday.

“When the body had been thus all disposed of, I cleared away all traces of what had been done. I took up the stick with which the fatal blow had been struck. It proved to be the stump of a large grape vine, say two inches in diameter, and two feet long. It was one of two or more pieces which I had carried in from Cambridge long before, for the purpose of showing the effect of certain chemical fluids in coloring wood, by being absorbed into the pores. The grape vine, being a very porous wood, was well suited to this purpose. Another longer stick had been used as intended, and exhibited to the students. This one had not been used. I put it into the fire.

“I took up the two notes, either from the table or the floor, — I think the table, — close by where Dr. P. had fallen. I seized an old metallic pen lying on the table, dashed it across the face and through the signatures, and put them in my pocket. I do not know why I did this rather than put them into the fire; for I had not considered for a moment what effect either mode of disposing of them would have on the mortgage, or my indebtedness to Dr. P. and the other persons interested; and I had not yet given a single thought to the question as to what account I should give of the objects or results of my interview with Dr. Parkman.

“I left the College to go home, as late as six o’clock. I collected myself as well as I could, that I might meet my family and others with composure. On Saturday I visited my rooms at the College, but made no change in the disposition of the remains, and laid no plans as to my future course.

“On Saturday evening I read the notice in the Transcript respecting the disappearance. I was then deeply impressed with the necessity of immediately taking some ground as to the char-



acter of my interview with Dr. P.; for I saw that it must become known that I had had such an interview, as I had appointed it, first, by an unsealed note on Tuesday, and on Friday had myself called at his house in open day and ratified the arrangement, and had there been seen and probably overheard by the man-servant; and I knew not by how many persons Dr. P. might have been seen entering my rooms, or how many persons he might have told by the way where he was going. The interview would in all probability be known; and I must be ready to explain it. The question exercised me much; but on Sunday my course was taken. I would go into Boston, and be the first to declare myself the person, as yet unknown, with whom Dr. P. had made the appointment. I would take the ground, that I had invited him to the College to pay him money, and that I HAD paid him accordingly. I fixed upon the sum by taking the small note and adding interest, which, it appears, I cast erroneously.

“If I had thought of this course earlier, I should not have deposited Pettee’s check for \$90 in the Charles River Bank on Saturday, but should have suppressed it as going so far towards making up the sum which I was to profess to have paid the day before, and which Pettee knew I had by me at the hour of the interview. It had not occurred to me that I should ever show the notes cancelled in proof of the payment; if it had, I should have destroyed the large note, and let it be inferred that it was gone with the missing man; and I should only have kept the small one, which was all that I could pretend to have paid. My single thought was concealment and safety. Everything else was incidental to that. I was in no state to consider my ulterior pecuniary interests. Money, though I needed it so much, was of no account with me in that condition of mind.

“If I had designed and premeditated the homicide of Dr. P. in order to get possession of the notes and cancel my debt, I not only should not have deposited Pettee’s check the next day, but I should have made some show of getting and having the money the morning before. I should have drawn my money from the

bank, and taken occasion to mention to the cashier, that I had a sum to take out that day for Dr. P., and the same to Henchman, when I borrowed the \$10. I should have remarked, that I was so much short of a large sum that I was to pay to Parkman. I borrowed the money of Henchman as mere pocket-money for the day.

“If I had intended the homicide of Dr. P., I should not have made the appointment with him twice, and each time in so open a manner that other persons would almost certainly know of it. And I should not have invited him to my room at an hour when the College would have been full of students and others, and an hour when I was most likely to receive calls from others; for that was an hour — just after the lecture — at which persons having business with me, or in my rooms, were always directed to call.

“I looked into my rooms on Sunday afternoon, but did nothing.

“After the first visit of the officers, I took the pelvis and some of the limbs from the upper well, and threw them into the vault under the privy. I took the thorax from the well below, and packed it in the tea-chest, as found. My own impression has been, that this was not done till after the second visit of the officers, which was on Tuesday; but Kingsley’s testimony shows that it must have been done sooner. The perforation of the thorax had been made by the knife at the time of removing the viscera.

“On Wednesday, I put on kindlings and made a fire in the furnace below, having first poked down the ashes. Some of the limbs — I cannot remember what ones or how many — were consumed at that time. This was the last I had to do with the remains.

“The tin box was designed to receive the thorax, though I had not concluded where I should finally put the box. The fish-hooks, tied up as grapples, were to be used for drawing up the parts in the vault, whenever I should determine how to dispose of them. And yet, strange enough, I had a confused double

object in ordering the box and making the grapples. I had before intended to get such things to send to Fayal; — the box to hold plants and other articles which I wished to protect from salt water and the sea air, — and the hooks to be used there in obtaining coralline plants from the sea. It was this previously intended use of them that suggested and mixed itself up with the idea of the other application. I doubt even now, to which use they would have been applied. I had not used the hooks at the time of the discovery.

“The tan put into the tea-chest was taken from a barrel of it that had been in the laboratory some time. The bag of tan brought in on Monday was not used, nor intended to be used. It belonged to a quantity obtained by me a long time ago for experiments in tanning, and was sent in by the family to get it out of the way. Its being sent just at that time was accidental.

“I was not aware that I had put the knife into the tea-chest.

“The bunch of ‘filed’ keys had been long ago picked up by me in Fruit Street, and thrown carelessly into a drawer. I never examined them, and do not know whether they would fit any of the locks of the College or not. If there were other keys fitting doors with which I had nothing to do, I suppose they must have been duplicates, or keys of former locks, left there by the mechanics or janitor. I know nothing about them, and should never be likely to notice them amongst the multitude of articles, large and small, and of all kinds, collected in my rooms. The janitor had furnished me a key to the dissecting-room for the admission of medical friends visiting the College; but I had never used it.

“The nitric acid on the stairs was not used to remove spots of blood, but dropped by accident

“When the officers called for me on Friday, 30th, I was in doubt whether I was under arrest, or whether a more strict search of my rooms was to be had; the latter hypothesis being hardly less appalling than the former. When I found that we went over Craigie’s bridge, I thought the arrest most probable. When I found that the carriage was stopping at the jail, I was

sure of my fate; and before leaving the carriage, I took a dose of strychnine from my pocket and swallowed it. I had prepared it in the shape of a pill before I left my laboratory on the 23d. I thought I could not bear to survive detection. I thought it was a large dose. The state of my nervous system probably defeated its action, partially. The effects of the poison were terrible beyond description. It was in operation at the College, and before I went there; but more severely, afterwards.

“I wrote but one of the anonymous letters produced at the trial, — the one mailed at East Cambridge.

“The ‘little bundle,’ referred to in the letter detained by the jailer, contained only a bottle of citric acid, for domestic use. I had seen it stated in a newspaper, that I had purchased a quantity of *oxalic* acid, which it was presumed was to be used in removing blood-stains. I wished the parcel to be kept untouched, that it might be shown, if there should be occasion, what it really was that I had purchased.

“I have drawn up in separate papers an explanation of the use I intended to make of the blood sent for on Thursday, the 22d, and of the conversation with Littlefield about the dissecting vault.

“I think that Pettee, in his testimony at the trial, put too strongly my words about *having settled* with Dr. Parkman. Whatever I did say, of the kind, was predicated on the hope I entertained that I should be able to pacify Dr. Parkman and make some arrangement with him; and was said in order to quiet Pettee, who was becoming restive under the solicitation of Dr. Parkman.”

*Dr. Putnam* proceeded with his own narrative.

“After Dr. Webster had stated most of the facts recorded above, on the 23d day of May, with all the earnestness, solemnity, and authority of tone that I was master of, I abruptly addressed him, in substance, thus: — ‘Dr. Webster, in all probability, your days are numbered. You cannot, you dare not,

speaking falsely to me now. You must not die with a lie in your mouth, and so prove to yourself, that your repentance for the sins of your life is insincere and ineffectual. Tell me the truth, then, in a confidence to be kept sacred during your lifetime, and as much longer as my regard for the happiness of your family shall seem to me to require, and the interest of truth and justice to permit.

“Search to the bottom of your heart for the history of your motives, and tell me, before God, Did it never occur to you, before the death of Dr. Parkman, that his death, if you could bring it to pass, would be a great advantage to you, or, at least, that personal injury to him might possibly be the result of your expected conference with him? As a dying man, I charge you to answer me truly and exactly, or else be silent. — Had you not such a thought?”

“No, never,” said he, with energy and feeling. ‘As I live, and as God is my witness, never! I was no more capable of such a thought, than one of my innocent children. I never had the remotest idea of injuring Dr. Parkman, until the moment the blow was struck. Dr. Parkman was extremely severe and sharp-tongued, — the most provoking of men; and I am irritable and passionate. A quickness and brief violence of temper has been the besetting sin of my life. I was an only child, much indulged, and I have never acquired the control over my passions that I ought to have acquired early; and the consequence is — all this.’

“But you notified Dr. Parkman to meet you at a certain hour, and told him you would pay him, when you knew you had not the means of paying him?” ‘No,’ he replied; ‘I did not tell him I should pay him; and there is no evidence that I told him so, except my own words spoken after his disappearance, and after I had taken the ground that I had paid him. Those words were one of the miserable tissue of falsehoods to which I was committed, from the moment I began to conceal the homicide. I never had a thought of injuring Dr. Parkman.’”

Dr. Putnam finished reading his notes of the statement made by Dr. Webster and submitted the following Supplementary Explanations of various occurrences testified of at the trial, which were in Webster's handwriting.

"My having sent Mr. Littlefield for blood, has been brought forward and made to produce an influence against me.

"I have had occasion to use blood, every year, both in lectures and for the study of its chemical properties and of the effects of chemical agents upon it. It has been obtained for me, most commonly, by some student; I having requested any one who might have occasion to bleed a patient, to save some of the blood, which he has brought to me, or left on my table shortly afterwards. I have also before sent for it to the Hospital.

"Littlefield is mistaken in his statement, that I said I wanted the blood for my lecture of the following day. He must have misunderstood me, or have allowed himself to imagine, since my arrest, that I said so. . . .

"These are the facts in relation to my having sent for blood. It was wanted for *my lectures*; but I did not say that I wanted it for my *next lecture*."

. . . . .

"In regard to the gas from the vault, I was desirous to examine it, as it had been very offensive. Not only was it perceived in the lower laboratory, but it penetrated up into the lecture-room, and often by the pipe that conveyed the heated air for warming the room. I had suggested modes of correcting this, and of purifying the air every year; and recently had recommended the use of sulphate of iron. . . . I was moreover very curious to ascertain what gases were evolved from the animal matter in the vault, to which the *sea-water gained admission*, and to discover if the products of decomposition were modified by this circumstance. I was the more desirous of examining this mixture of gases, as the attention of medical men and the public had been so recently turned to the consideration of the effects of the gases from cemeteries upon health, and

many startling statements had been made, especially in London. It was one object with me to make experiments upon the gases with various chemical agents, for the purpose of arriving at the cheapest and simplest method or material for neutralizing their injurious effects. To ascertain if the gases would support combustion, I suggested putting a lighted candle down the vault; and for collecting the gas, to fill a bottle with water and invert it; the gases would take the place of the water, and could then be subjected to experiment."

. . . . .

"My having appointed to meet Dr. Parkman at the time I did, and the fact that I sent a billet to him, have been brought forward to my disadvantage; whereas they ought to have had an entirely different effect, and will, I trust, be found to be circumstances in my favor. That I should have desired Dr. Parkman to call on me at an hour and in a place where more than an hundred persons were assembled, while individuals were always passing in or out, — where his entrance must be seen, — where our interview was liable to interruption by persons calling upon me, or by students, — must make it obvious that I had not the most distant idea of injuring him.

"Dr. Parkman had not only frequently called upon me, and interrupted me in my operations before a lecture, when I had no time at command, but had come to me during my lecture — sometimes coming up from the lower room and entering behind me; at other times coming before the lecture closed, taking a front seat, and immediately on my finishing the lecture, coming round and asking for money. He went to Cambridge several times, and always stopped me in the street when he met me in the city, and always demanding money or reminding me of my debt to him.

"He had left me in a state of great excitement, and with threats, the day before I wrote the billet which I gave to Littlefield to take to him. I wrote the billet in haste, merely begging him to give me more time, and not to call during my lecture; but that, if he would wait until after my lecture of Friday, I

should then be quite at leisure to talk with him. The billet was handed to Littlefield, not sealed, but hastily folded, and given him. I certainly should not have done this, had my intentions been wrong towards Dr. Parkman. Nor should I have called at his house in the morning, and in presence of his servant have inquired if he received my billet, and if I should see him after my lecture, as I did.

“The hour at which I desired Dr. Parkman to call was that which I had long been in the habit of naming to persons as the one when I should be generally disengaged; and I had often told the janitor to name the same to persons calling at the College to see me previous to or during my lecture.”

. . . . .

“. . . As the College is open often, at times and seasons when there are no lectures, and as not only students but strangers and many persons visit it when I am absent, and as it was desirable that there should not be free access to my rooms, containing valuable apparatus and costly chemical articles,—I had the additional locks put on, leaving the *lecture-room* accessible; this being the only room of much interest to strangers who might wish to see the arrangements in the new College.”

. . . . .

“The tea-chest was not sent in that week, but had been in the lower room several months; having been sent on from New York with glass.

“The tan had been in the laboratory two years, having been furnished, with two prepared skins, by Mr. Southwick, 50 Fulton Street, Boston, for the purpose of making experiments on a new method of preparing leather. There were two large bags of tan, and two skins; these were sent to Cambridge by Mr. Sawin;—the experiments I made there, using but a small part of the tan. In 1848, I sent one bag into Boston, thinking it might come in use for some other chemical purpose. The other bag was left in a room over my wood-house, and was never opened. At the time I was sending in the grape vines, Mrs. Webster remarked that the bag of tan was in the way, and



wished I would send it in to my laboratory, as I had done with the other bag; and I did so, but without any expectation or idea of using it in any way. . . .”

Dr. Putnam then presented an argument to the committee in favor of the commutation of the prisoner's sentence.

At the time, many felt that the “confession” of Dr. Webster, delivered by the Reverend Dr. Putnam, was a hoax or a “scheme” to relieve the Massachusetts system of jurisprudence from the pointing finger of shame directed at it from virtually every outside legal source. This accusation has considerable foundation in arguable evidence.

A close examination of the “confessional statement” itself and the statements made on behalf of Professor Webster by the Reverend Putnam reveals that all of the *verbal* statements which the Reverend Putnam attributes to Professor Webster are definitely confessional in character. On the other hand, when the Reverend Putnam supports what he alleges to have been Webster's spoken “confession” with *handwritings* of Webster, it is clear that these addenda in no way allude to the professor's guilt and that they are clearly and completely exculpatory in substance. Furthermore, they seem to have been taken out of context. There is also a marked difference between the style of Webster's own writing and his expression of thoughts “quoted” by Dr. Putnam.

Secondly, it is odd that the vicarious “confession” was made by the Reverend Dr. Putnam when the professor himself was perfectly healthy, intelligent, very articulate, and certainly very accessible since he was lodged only a few hundred yards from the state house in a cell at the Leverett Street jail.

It is possible that the germ of an idea was planted in someone's mind by a letter found in the personal files of Attorney General Clifford and dated April 4, 1850, three days after the jury returned its guilty verdict. This letter was written by the Reverend E. B. Hall of Providence, Rhode Island.

Dear Mr. Clifford:

. . . Expecting to go to Boston in a week or so, I am very desirous of visiting Dr. Webster — partly as a friend who has known him before, and partly as a minister, in the faint hope of sounding his own real conviction. Will it be allowed? To whom shall I apply for admission? Judge Merrick I know well & Judge Shaw slightly.

I know not where or when this will find you — but hope you will pardon the liberty taken.

Truly yours  
[Rev.] E. B. Hall,<sup>3</sup>

The Reverend Putnam would have qualified professionally as a confidant and confessor as well as the Reverend Hall, but he probably was about the last person to whom Webster would have turned for comfort or sympathy.

Scores of other clergymen who were friends of the professor had shown sincere sympathy for his plight and had offered their services to him. Webster's relationship with Putnam was as remote as Putnam admits, so that the two were virtual strangers.

Although Webster would not have known this, Reverend George Putnam was closely acquainted with Attorney General Clifford. During the course of the twelve-day trial, Reverend Putnam appears to have been most anxious for Webster's conviction. Just before the closing arguments he wrote to Clifford suggesting points to use for the prosecution. For example, in reference to the testimony of Joseph Kidder, the druggist, who had testified that Webster had purchased cologne in his shop at about quarter to five, November 23, the day of Parkman's disappearance, Putnam offered advice which Clifford eventually used.

*March 28, 1850*

My dear Clifford:

I heard the testimony about Dr. Webster's buying the box of Cologne on Friday P.M. Nov. 23d. Perhaps in your closing argument, you will have occasion to speak of the use he intended to make of it &

of the insufficiency of the whole box to make his hands clean — If so, you may quote Macbeth (Act II, Scene II).

*Will all great Neptune's ocean wash  
this blood  
Clean from my hand? No; this my hand  
will rather  
The multitudinous seas incarnadine,  
Making the green — one red.*

Yours sincerely  
Geo. Putnam

Again, act III, scene iv.

*The times have been  
That, when the brains were out, the man would die,  
And there an end: but now, they rise again,  
With twenty mortal murders on their crowns,  
And push us from our stools.<sup>4</sup>*

Although there is no direct evidence, it seems likely that the Reverend Dr. Putnam could have volunteered to attempt to elicit a confession from Professor Webster, under the direction of the prosecution counsel and George F. Parkman, lawyer son of the deceased. Correspondence from this time suggests that the younger Parkman could have originated the plan.

The following is part of a letter written by Bemis to Clifford in July of 1850:

*Boston*

Dear Sir

Since I hold my pen, I will add that Geo Parkman has submitted to me his draft of a letter to Dr. Putnam, as suggested by yourself. I have made some pencil-mark corrections which he will doubtless enclose to you to-day. I do not mean to consider the whole scheme a perfect one *de novo*, but only as a correction upon his project. Indeed, I have not yet settled my stand-point, (as the Germans say) as to the proposal, & reserve that till further conference with yourself.

Yrs very truly  
Geo. Bemis<sup>5</sup>

My dear Clifford

I heard the testimony about Dr. W's buying  
the box of Cologne on Friday P.M. Nov 23. -

Perhaps, in your closing argument, you will have  
occasion for to speak of the use he intended to  
make of it. So of the insufficiency of the whole  
box to make his hands clean - If so, you  
may quote Marbeth. (Act II. scene II).

"Will all great Neptune's ocean <sup>wash</sup> this blood  
Clean from my hand? No; this my hand will rather  
The multitudinous seas incarnadine,  
Making the green - one red."

Yours really

Geo Putnam

Again, Act III. Scene IV. -

"The times have been  
that, when the brains were out, the man would die,  
And then an end: but now they rise again,  
With twenty mortal murders on their crowns,  
And push us from their own stools:"

Korber  
Mar 28. 50

Letter from the Reverend Putnam to Attorney General Clifford  
written during the trial

Immediately after the announcement of the "confession," Bemis wrote to Clifford another letter which follows and which would seem to justify Bemis's lack of confidence in the "scheme" or George Parkman's "project" as he had previously called it. This letter from Bemis to Clifford speaks for itself.

Dear Clifford:

The confession of course interests you. In today's papers you see that the medical gentlemen have been called upon for opinions.

Dr. W. J. Bigelow was in my office today & says that he was one among them: & that the Council are inquiring into the probability of Webster's having been able, as he states, to cause the death instantaneously, or nearly so, with the grape vine.

They had before them a piece of grape vine of the described size, & as I understand, the scientific statement renders it in the highest degree improbable that any blow could be struck with it on the head so as to cause immediate death. Bigelow says that if a man falls off a building & jams his head all to pieces he will generally survive for hours. Besides they have in mind the fact of Dr. P's being prepared to receive the blow with an outstretched arm. . . .

Yrs very truly  
G Bemis<sup>6</sup>

The press of the day, certainly not a party to the above correspondence which we have available, but having scrutinized the "confession," labeled Reverend Putnam's "confessional statement" a "hoax."

The *Boston Traveler*, which had been the first to announce the "confessional statement," editorially complained that the other newspapers had labeled Putnam's version as a hoax but they, despite puzzling aspects, were convinced that the "confession" was genuine.

Throughout the month of July, Professor Webster was languishing in jail awaiting the hangman's noose, and Mrs. Webster and her daughters were making daily visits to him. George F. Parkman, Reverend Dr. Putnam, and Attorney General Clifford were carrying on a busy correspondence.

Ironically, these letters show that the younger Parkman had

felt the language which Putnam had used for Webster to describe the peculiarities of Dr. Parkman's personality was offensive. But Putnam had adopted a strong position and declined to retract the sharpness of his words. Here is what Dr. Putnam wrote to Parkman, Jr., about their disagreement.

My "imputations" against Dr. Parkman, as you are pleased to call them, were based on the general impression, the common tone of remark which I found prevailing in the community. They were derived from what seemed to be the universal testimony.

Since the receipt of your communication, I have availed myself of every opportunity to make further inquiries, & I am constrained to say that I find, everywhere, strong confirmation of the impression which dictated the remarks to which you object. If general notoriety is sufficient authority in regard to the peculiar traits which I ascribed to Dr. Parkman, I am compelled to believe still as I believed at first, that I stated the truth, & stated it with due moderation. If I have fallen into an error respecting those traits, it is an error which I share in common with a large portion of the community in which he spent his life. . . .

I cannot retract the language which has given you offence. I heartily wish it were in my power to retract it honestly; but I have every reason to believe the language to be true.

George Putnam<sup>7</sup>

After Webster's execution, according to Bemis, Putnam delivered to the *Boston Evening Transcript* and other newspapers a copy of a letter allegedly also sent to the Parkman family containing a posthumous apology and a request for forgiveness from Professor Webster. This was published on September 2, 1850. Here is a letter from George F. Parkman addressed to the editor of the *Boston Evening Transcript* dated the following day:

*Boston, September 3, 1850*

To the Editor of the Boston Evening Transcript

. . . No request for forgiveness has ever been addressed by John W. Webster to the immediate family of his victim. Such an application would have met with no response from them without a full retraction

having been first made by him of the falsehoods he has caused to be given to the world and from which his sincere repentance could have been inferred.

George F. Parkman

The Executive Committee on Pardons held hearings on July 5, 8, and 18, 1850.

This committee consisted of Lieutenant Governor John Reed and four other councillors, including Councillor Samuel Wood. The hearings were thronged; many petitions from many states, bearing thousands of signatures, all requesting clemency and reconsideration were introduced and considered. Mrs. Webster and her lovely daughters pleaded tearfully for clemency.

The most significant testimony during these hearings was from a Dorchester physician, Dr. Edward Jarvis, who testified that Dr. George Parkman had visited him several days before his disappearance and that thereafter Dr. Samuel Parkman asked his impressions of his brother Dr. George Parkman's mental condition. Dr. Jarvis said the Parkman family was concerned that Dr. G. Parkman had been having a recurrence of a previous mental aberration.

But some days later Jarvis was to retract these statements in the following words to the Governor's Council:

*Dorchester, 18th July 1850*

To the Committee of the Honorable Council  
Gentlemen

I beg now to correct a statement or suggestion which I made in my note to the committee on the 8th inst. respecting the health of the late Dr. George Parkman.

It will be remembered that I gave no opinion of my own, but only the impression which, I supposed, was conveyed to me by another, and that I did not offer this as conclusive evidence of a party but as suggestive of further enquiry.

In my letter to Dr. Bell, I gave an account of the impressions which, I thought, I received from Dr. Samuel Parkman, in a conversation which we had, in November last, at the office of the late Dr. Fisher.

But I added to this account, "I do not know whether it is proper to offer you this secondary testimony. But, knowing your extreme desire to do right, I venture to offer it; and if I am wrong it will go no

Confidential

Council Chamber

July 17, 1850

Friend Clifford

The Committee will recon-  
-mend ~~the~~ <sup>the</sup> ~~case~~ <sup>case</sup> August 30<sup>th</sup> for the  
Council to have Prof. Webster executed.

Yours truly  
S Wood

Letter from Committee on Pardons member Samuel Wood to  
Attorney General Clifford, dated prior to the end of the hearing



farther; or if I am right, you will pursue the enquiry to see what reliable result will come from it."

In my letter to the council, I gave some general account of this letter to Dr. Bell. I did not read that letter, but at the request of one of the council, I gave an account of its contents. I refused the request of two reporters for the press to give them these papers, preferring to leave these suggestions in the hands of the committee alone.

On the 10th inst. I had an interview with Dr. Samuel Parkman. From his assurance & for reasons which he gave me, I am convinced that I was mistaken in attributing to him the opinions which I did. And although I used these opinions to explain, first, the disappearance of the late Dr. Geo. Parkman, and afterwards the possible manner of his death, and recently suggested them to this committee, yet I now avail myself of this opportunity to make this explanation.

Very respectfully  
Edward Jarvis

So far as I am concerned, I agree to the above.

S. Parkman<sup>8</sup>

The hearings were to raise further suspicion concerning the involvement of Attorney General Clifford in what Bemis had characterized as "the scheme" or "Parkman's project."

The following note marked CONFIDENTIAL is now among Attorney General Clifford's personal papers, and it was addressed to him by Executive Councillor Samuel Wood, one of the four members of the Committee on Pardons. The note is dated July 17, 1850, before the last hearing day. One wonders why Clifford retained such obviously incriminating evidence of conspiracy.

CONFIDENTIAL

*Council Chamber*  
*July 17, 1850*

Friend Clifford

The Committee will recommend Friday, August 30th for the Council to have Prof. Webster executed.

Yours truly  
S Wood<sup>9</sup>

**T**HERE IS NO MORE TO THIS SAD STORY but to note that Bemis in his *Report* stated that Webster's wife and daughters were kept unaware of the exact date of the professor's hanging. This seems impossible because the newspapers had revealed in screaming headlines that Governor Briggs and the Governor's Council had chosen August 30 for the execution. For several weeks the public had been made aware of the approach of Webster's day of doom, so that uncontrollable thousands thronged the area of the Leverett Street jail on the morning of August 30, 1850.

For several months on their daily visits to Professor Webster, his wife and daughters had been in the habit of sitting together in the small cell and reading at length from the New Testament, taking the chapters in their regular order without skipping. Late on August 29,<sup>1</sup> the last night of Professor Webster's mortal existence, his daughter Marianne reached and read the passage for the day from the fifteenth chapter of St. Paul's first Epistle to the Corinthians: "Oh death, where is thy sting? Oh grave, where is thy victory? The sting of death is sin, and the strength of sin is the law."

One of the most mysterious sequels to this bizarre story concerns the disposition of Professor Webster's body after his hanging.

John Langdon Sibley, Harvard University librarian, recorded the following in his confidential diary two days after the hanging on September 1, 1850, in a fine firm hand. "Hundreds were at Mt. Auburn gate in expectation of seeing the procession enter. The Doctor's wishes as to the time and place of his funeral were not complied with. It is said that the turf by his tomb was removed on Friday P.M. and had been replaced by the succeeding forenoon. The public was misled."

No public explanation was made of the disappearance of the executed corpse\* and consequently the city was swept by ghoulish rumors and outlandish speculation.

Dated January 12, 1876, twenty-six years after Webster's hanging, appears the following entry in Mr. Sibley's diary. Sibley was now nearly totally blind and he wrote in a shaky, scarcely legible hand — as he put it, "with infirm fingers."

January 12, 1876. From Ship Bigelow, an acquaintance of Mr. Sohier, John White Webster's counsel, I learn that Mr. Sohier is now the only person who knows what disposition was made of Professor Webster's body. After his execution Mr. Sohier took the body into his private carriage in the evening, put over it robes or blankets and carried it away. Not long after the execution Professor Treadwell told me that only three persons knew what became of the body and that he himself was one of the three. The family, on making inquiry about it, were bluffed off or discouraged from pushing their inquiry.

It appears that with the secret of the handwritten notes, Mr. Sohier also took the mystery of the location of Professor Webster's burial place with him to his grave. At least it can be said that he scrupulously observed complete confidence of client communication. Oddly, just as with Webster's notes, the professor's grave site has been revealed in the past decade.

\* A 1970 inquiry to the Mount Auburn Cemetery authorities revealed that there was no record of the burial of a John White Webster. In addition, the final probate account filed by the widow, Harriet F. Webster, administratrix of the insolvent estate, reveals that there were no funeral expenses.

In the archives of the Countway Library at the Harvard Medical School is a letter written in 1961 by Dr. F. William Marlow of Brookline to the late Dr. C. Sidney Burwell, then the dean of the Medical School. Both doctors were enthusiastically interested in the Webster case. Dr. Marlow wrote that while a young man in the 1920's, he was accustomed to visit the family of Louisa Sohier in Wellesley on Sunday afternoons. Living there was Edward Sohier's son, Will, who was then a very elderly gentleman. Dr. Marlow states that he had often spent enjoyable hours at the Sohier home listening to Will Sohier reminisce. He wrote to Dean Burwell:

His favorite story, which he told me on more than one occasion, concerned the famous Webster-Parkman murder case. . . . This period, as you know, was in the so-called "body-snatching" era, and Sohier and the jail keeper were extremely anxious not to have Webster's grave known. They therefore arranged for a burial in the middle of the night and the performance was carried out. The two older men and young Will Sohier, who was then in his early teens, buried Webster in an unmarked grave in the Copp's Hill Burying Ground. Will Sohier drove the hearse, and according to the story which he told me nearly seventy-five years later, the flat stone marking the site, with no name of any kind on it, is still in place.

I contacted Dr. Marlow and went with him on a beautiful Indian Summer day in the fall of 1970 to the Copp's Hill Burying Ground in the shadows of the famous Old North Church in Boston's North End. The secretary of the Copp's Hill Historical Society accompanied us and explained that no recorded burials had taken place in the cemetery since 1846, but that there had been and still were several empty plots. Dr. Marlow had gone to the burying ground once before many years ago, and found the site that Will Sohier had described as marked with a plain, flat marker. As we walked through the gravestones, we noticed that nearly all had been grossly vandalized. Finding the site again, there was only a two-by-three-foot indentation in the ground where a flat marker had once been. It was there that the remains of Professor Webster had rested for more than one hundred and twenty years.

## **APPENDIXES**

# A

From the *Manchester Messenger* [a New Hampshire newspaper]:

“The following communication from a daughter of Professor Webster, in reply to a letter addressed her, has been handed us by the gentleman to whom it was directed with a request for its publication. Without comment we lay it before our readers:

*Cambridge*  
*April 8, 1850*

“Daniel Marsh, Esquire

“Sir:

I this morning received the very kind letter you address to me and which I hasten to answer to thank you in the name of my mother, my sisters, and myself, for the *true* sentiments you entertain respecting my beloved father. You believe him innocent, and you believe *what is true*, he is the victim of circumstances, a deeply injured man — that he is innocent, we his family *know*, and nothing on earth will ever take from us this conviction. We have never, from the moment he was snatched from his home, had a shadow of doubt on our minds and whatever the world may say or do, we shall ever have that feeling to support us. The knowledge of his innocence supported my father during the hours of suffering in the courtroom; that it is that gives him and us calmness now, amidst the many sources of sorrow that have overwhelmed us.

“Far different from what we anticipated, was the result of the trial,

for we had been assured throughout the winter that our father could not but be restored to us, and at the trial, he must receive justice for the many wrongs that had been heaped upon him. But justice fled from the courtroom, and prejudice took her place.

“Yet hope still lingers with us, and we trust the public voice will be raised against the gross injustice that has been committed, and will not allow our country to bear such a stigma on her name, such an everlasting stain, as will be that of the sacrifice of one so truly innocent as my father. And if one word from us, sir, can add a feather’s weight to the efforts that are being made, Oh, may we give you the deep assurance of our heart, that we feel grateful for the deep interest that you express and feel, and for what you are doing in our behalf. May God in his infinite mercy, look down upon you, and bless the efforts that are being made, and if it is in His will to bring the truth to light, and to allow this awful mystery to be explained, may He enlighten the minds of those into whose hands the case will pass.

“I must again thank you, sir, for the kind feelings you express towards my dear father. Nothing that the world can do now, gives us greater consolation, than the knowledge that others believe him innocent. Sympathy has flowed abundantly from many hearts towards us, his family, but how much more prized by us is that sympathy when for him.

“That our beloved father may be restored to us, is the fervent prayer of our hearts, and we wait tremblingly in the hope, that those who are now to decide in this case, may see the terrible injustice that has been committed, and has inflicted so much suffering on so many. Believe me, sir,

“Gratefully yours,  
“Harriet P. Webster”

## B

If Harvard College can be said to have had an official historian in its three hundred and thirty-four years, it was John Langdon Sibley, class of 1825. Sibley was assistant librarian, librarian, and librarian emeritus of Harvard College throughout a period of forty-four years in all from 1841 to 1885. Obviously, Sibley's span of service to the college embraces all times material to the telling of the story of the Webster case.

Webster and Sibley enjoyed a cordial working relationship as fellow members of the Harvard College faculty, and they were, in addition, warm friends socially.

During his lifetime Sibley published three volumes of *Sibley's Harvard Graduates*, a compilation of biographical sketches of early Harvard College graduates. (By will he left money to the college to continue his project after his death, and this is being done.) These publications have considerable historical significance as well as their obvious genealogical importance.

At his death Sibley left a lengthy handwritten diary which relates the happenings at and around the college in Cambridge on a day-by-day basis for the many years he was connected with the college as its librarian. This diary has never been published, although it should be, and reposes in the Widener Library at Harvard and is marked *Sibley's Confidential Diary*.



An entry dated December 1, 1849, the day following Webster's arrest says:

*Saturday.* The community has been greatly excited for a week and today is thrown into consternation. On Friday P.M. November 23d, Dr. George Parkman of Boston made an appointment and met J. W. Webster, MD, Professor in the University, to receive from him some money. After about 12 o'clock P.M. various rumors were circulated the next day when his friends became anxious on account of his disappearance. Statements as to his having been seen by the tollsman on Craigie's Bridge and by others were made with so much confidence that it was thought that in the throes of mental aberration he might have wandered off, been lost in the woods, or committed suicide. A reward of \$3,000 for his discovery was offered. Various suspicions of his being found were credited from time to time until at last his friends offered \$1,000 for the recovery of the body. Great activity was shown on the part of the police who worked very quietly, and various persons, stimulated by the desire of the reward, dragged the rivers, explored places, etc. By questioning persons closely and narrowing the field, suspicion, amounting almost to conviction, arose that Dr. Parkman never went out of the Medical College on Grove Street after he entered it. The movements of the police after Tuesday centered about the Medical College. Yesterday, a part of the body of a man was found in a place in the building which was particularly appropriate to Dr. Webster, and under such circumstances that last evening he was arrested at Cambridge or rather was taken from Cambridge between seven and eight o'clock under the pretense that his presence was wanted at a further examination of the Medical College and placed in Suffolk County jail in Leverett Street, Boston. The standing of Dr. Webster, his uniform tenor of conduct since the disappearance of Dr. Parkman, his artlessness and unfamiliarity with crime of any kind, have been such that the excitement, the melancholy, the aghastness of everybody are incredible. The professors pooh at the mere supposition that he is guilty. The vicinity of the Medical College, State Street, the newspaper offices are crowded and thronged. People cannot eat; they feel sick.

A second entry dated December 4, 1849, reads:

*Tuesday.* The plot thickens. If ever a man could be convicted on circumstantial evidence, it seems as if there is no chance of escape for Dr. Webster. The jaw or a piece of it has been found at the bottom of

the ashes of his private furnace. Dr. Parkman's family have identified a part of the body. Another part of the body has been found in a tea chest in a corner of Dr. Webster's private room and a knife with it. His expressman was, after 23 November, directed to leave his parcels without going into the Doctor's rooms as he had before. Many more circumstances of a similar nature make things look dark. The public sentiment and feeling is more intense but not so much exhibited in public. People cannot sleep and look sad. The newspapers are filled with details, truths and falsehoods. Column after column is printed and the public is gorged.

I cannot but think it next to impossible for a man who is not a great man and one who has sustained so good a character as he always has had in Cambridge to make a plunge into the most outrageous of crimes and afterward, for a week, to meet all his old friends and continue his lectures at the Medical College in so natural a manner, even when conversing on the subject of Dr. Parkman's disappearance, as never to have excited during the week a suspicion in the minds of those who saw him and conversed with him that there was anything unnatural.

The next entry made by Mr. Sibley is as follows:

*Saturday, December 8, 1849.* The excitement continues. There is a strong feeling against Dr. Webster in the minds of the people but I have not seen any evidence yet which satisfies my mind that he is guilty. If he were a bad man, the circumstantial evidence would be strong, and if there be evidence against him which has not yet been brought to light, I may be wrong; but it will take more than I can believe will be adduced against him to convince me that he is not the subject of a conspiracy or a plot laid, not so much against him as to divert the attention of the public from others and to secure the reward for finding the body of Dr. Parkman. The effects which this murder has had upon the minds of people in exciting their nerves and disqualifying them from business and depriving them of sleep are beyond anything which I could have imagined.

The chest [the thorax], the fragment of the jaws, the small portion of the lower part of the body and the thigh and part of the leg which have been found have been placed in a leaden box made for the purpose, the box filled with spirits [alcohol] and the whole enclosed in a proper coffin. Funeral services for Dr. Parkman were performed at his late residence, 8 Walnut Street, Boston, and the remains entombed under the Trinity Church.

Not long before Dr. Parkman's death he was at the College library

and borrowed a book, gave me minutes of his birth, marriage and said he would draw for me a sketch of his life, which I might have whenever I would call at his house. Not long after I saw him at the Boston Athenaeum where he, supposing I had not seen the book, called my attention particularly to Wimberley-Jones's edition of DeBrahm's Georgia, on account of its beautiful typographical execution.\* This was the last interview I had with him.

An entry of December 14, 1849, discusses in some detail the returning of the findings of the coroner's jury. Here also Mr. Sibley notes that there was a rumor which was on that day currently abroad that Dr. Webster had had an accomplice and that this accomplice had turned state's evidence.

On the same day Sibley relates in his entry, visits to the jailed Webster made by various professors of Harvard College, including Professor Henry Wadsworth Longfellow. In addition he relates the visit of Harvard University President Jared Sparks to the jail. Here is what Sibley writes in this regard:

President Sparks, I learn from another source visited him [Webster] this afternoon at the jail and spoke of the interview as one of the most painful he ever had; that Professor Webster told him that he was not allowed to speak of his own affairs and poured out a full tide of feeling and sympathy for his distressed family.

The newspapers of the evening state that Dr. Webster, on learning of the verdict of the coroner's jury in the morning papers which were passed in to him, was calm and did not manifest emotion. No evidence has transpired to lead me to think him guilty.

The effect of this affair has been to check the hilarity and parties in Boston which were just beginning for the winter and to put a stop to any kind of parties in Cambridge for the winter. In Boston there is a spontaneous and general understanding among the different circles that the subject of the murder shall not be introduced. Near and intimate friends meet and part without speaking of it. The minds and feelings are closed.

For the next several months it appears that Mr. Sibley was traveling and the next interesting entry concerning the Webster

\* It is odd, in light of this, that the letter from Oliver Wendell Holmes introduced into evidence at the trial refers to Dr. Parkman's being seen in Georgia.

case which he makes in his handwritten and confidential diary is dated August 31, 1850, the day after the execution of Professor Webster:

This evening heard of the execution of Dr. Webster. The newspapers of all kinds contain detailed accounts of the solemn event and as each gives its own, each contains some incidents not contained in the others. His family, I learned, after I got to Cambridge were not aware of the time when the execution would take place and knew not of it 'til Dr. Putnam went to them at Cambridge directly from the gallows and announced the event.

Yesterday, a little after six o'clock in the afternoon a Mrs. Perkins of New York rode out to Mrs. Webster's and inquired for her. A cousin of the Doctor, an intimate in the family, went to the door and told her Mrs. Webster was not to be seen. She then inquired for some of the females of the family. The cousin replied that she herself was the only one who could be seen. The person then observed that she had come out to see the corpse. The cousin administered a merited rebuke for coming on such an errand at such a time while the family were bowed down to the earth with agony and shut the door in her face.

The next entry is September 1, 1850, two days after Dr. Webster's execution.

Many persons wanting in sensibility went to the house of Mrs. Webster (but they were not Cambridge people for they had too much feeling for the family) on Sunday morning when the funeral was expected, and hundreds were at Mt. Auburn gate in expectation of seeing the funeral procession enter. There has been a morbid curiosity marked by feelings almost inhuman on the part of some of the populace; but with the refined there has been a shrinking from everything which could possibly wound the feelings of the family.

It is hoped that the next generation will never show so dreadful and deep an interest in an event which has stirred the depths of the whole world as it never before was disturbed by any murder. The newspapers of all kinds throughout the world have discussed the subject and wherever I have been, every obscure man in every obscure part of every obscure town seems to have been well acquainted with the affair. The same is told me by other persons who are from different parts of the country.

On Sunday, September 22, 1850, Mr. Sibley made the following entry:

This evening called on Mrs. Webster and family. No allusion was made to the late tragedy. They were wonderfully calm and resigned. Spent about one hour with them. When we met in the parlor, we shook hands without saying a word and then took seats. Shortly the silence was broken by Miss West after which the conversation opened with the daughters and at length with Mrs. Webster. She spoke particularly of Coppe on Providence and Coppe's sermons which they had been reading with satisfaction. Much is said by persons who have visited them of the propriety and calmness of them all.

The next entry is made more than three years after the execution of Dr. Webster, and it appears in Mr. Sibley's diary under the date October 10, 1853.

*Monday.* This morning died Harriet, widow of Professor John W. Webster, after a sickness of about 36 hours. On Saturday she was taken down with fainting and sank rapidly 'til she died about three o'clock this morning. She spoke naught of her troubles and bore up under them with great firmness but nature becomes exhausted at last and sinks apparently without disease. She was conscious and spoke not of her situation.

On the following day, October 11, 1853, appears the following entry:

*Tuesday, October 11.* Funeral of Mrs. Webster as private as possible. Two daughters, married, live in Fayal, and the two unmarried now here are to sail on Friday on the packet which runs between Boston and that place. Nearly all the Parkman family has gone and this is the last of the Webster family.

This last entry of Mr. Sibley turned out to be inaccurate, for twenty-three years later, thus twenty-six years after the execution of Professor Webster, there appears under date of February 8, 1876, the following short notation in Sibley's confidential

diary (at this time he was a very elderly man and librarian emeritus of Harvard University, and was living at Cambridge): "Called today on Mrs. Dabney, daughter of Professor John W. Webster." So presumably Mrs. Dabney had returned to Cambridge.

## C

The totality of the involvement of Harvard University in this sad episode in American juridical history is demonstrated by the fact that every major participant in the Webster murder trial was a Harvard man. Here follows a list of the principals with their respective connections noted:

The defendant, JOHN WHITE WEBSTER, A.B. 1811, A.M. 1815, Erving Professor of Chemistry, Harvard University.

The alleged victim, GEORGE PARKMAN, A.B. class of 1809, for whom the Parkman Chair of Anatomy at Harvard Medical School was named.

*The entire court as follows:*

CHIEF JUSTICE LEMUEL SHAW, A.B. 1800, member of Harvard Corporation.

JUSTICE SAMUEL S. WILDE, A.B. 1810, LL.D. 1830.

JUSTICE CHARLES A. DEWEY, LL.D. 1840.

JUSTICE THERON METCALF, LL.D. 1848.

*Both counsel for the prosecution:*

ATTORNEY GENERAL JOHN H. CLIFFORD, LL.D. 1853. President Board of Overseers, Harvard College 1869-1894.

GEORGE BEMIS, Esquire, A.B. 1835, LL.D. 1839, founded Bemis Professorship International Law.

*Both counsel for the defendant:*

EDWARD D. SOHIER, Esquire, A.B. 1829.

PLINY MERRICK, Esquire, A.B. 1814.

*Most of the male witnesses who testified at the Webster trial were also Harvard graduates with close Harvard connections:*

JARED SPARKS, A.B. 1815, President of Harvard College.

OLIVER WENDELL HOLMES, A.B. 1829, M.D. 1836, LL.D. 1880, A.M. 1889, Parkman Professor of Anatomy, Dean of the Harvard Medical School 1847-1855.

NATHAN C. KEEP, A.M. 1827, first Dean of Harvard Dental School.

JOHN B. S. JACKSON, A.B. 1825, M.D. 1829, Professor of Pathology, Harvard Medical School.

DANIEL TREADWELL, A.B. 1829, Rumford Professor at Harvard College.

JEFFRIES WYMAN, A.B. 1833, M.D. 1837, Hersey Professor of Anatomy, Harvard Medical School.

MORRILL WYMAN, A.B. 1833, M.D. 1837, Adjunct Hersey Professor, Harvard Medical School.

EBEN N. HORSFORD, M.D. 1847, Erving Professor of Chemistry, Harvard College.

WINSLOW LEWIS, JR., M.D. 1817.

CONVERS FRANCIS, A.B. 1815.

JOEL GILES, A.B. 1829.

JOSEPH LOVERING, A.B. 1833.

LUCIUS R. PAIGE, LL.D. 1850.

JOHN G. PALFREY, A.B. 1815, United States Congressman.

JAMES D. GREEN, A.B. 1817, Mayor of Cambridge.

PELEG W. CHANDER, LL.D. 1857.

WILLIAM W. CODMAN, M.D. 1843.

J. DUNHAM HEDGE, A.B. 1828.

CHARLES T. JACKSON, A.M. 1829.

JOHN H. BLAKE, A.M. 1849.

S. PARKMAN BLAKE, A.B. 1823.

NATHANIEL I. BOWDITCH, A.B. 1822.

REVEREND GEORGE PUTNAM, A.B. 1826.

REVEREND FRANCIS PARKMAN, A.B. 1807.

GEORGE P. SANGER, A.B. 1840.

Surely the glorious imprimatur of Harvard University was stamped upon this case; equally surely its golden *Veritas* was sorely tarnished.



## **CHAPTER NOTES**

## CHAPTER ONE

(pages 3-14)

1. *Boston Traveler*, August 31, 1850.
2. Grantor-Grantee Index (1848-1849), Suffolk County Registry of Deeds.
3. Handbill in Personal Papers of John H. Clifford, Massachusetts Historical Society.
4. Testimony of Francis Tukey, in George Bemis, *Report of the Case of John W. Webster*, p. 47, hereafter referred to as *Bemis Report*.
5. Testimony of Ephraim Littlefield, *Bemis Report*, p. 114.
6. *Boston Daily Bee*, December 1, 1849.

## CHAPTER TWO

(pages 15-24)

1. City of Boston Documents (1849-1850), Boston Public Library.
2. Henry Cabot Lodge, *Early Memories*, p. 16.
3. This information was taken from papers in the file "City of Boston Documents, 1849-1850," Boston Public Library.
4. Pamphlet, *Inaugural Speech of John Prescott Bigelow*, in City of Boston Documents (1849-1850).
5. Roger Lane's *Policing the City: Boston 1822-1885* was most helpful in providing information on Francis Tukey and his assistant, Derastus Clapp.

### CHAPTER THREE

(pages 25-37)

1. This information is from Webster's personal file in the Harvard University Archives, Cambridge, Mass., which contains a rough genealogical chart drawn by his grandson's wife about 1933.
2. John Langdon Sibley, *Biographical Sketches of Graduates of Harvard University*, vol. 5, p. 586.
3. Letter of John W. Webster to John A. Lowell, Papers of President A. Lawrence Lowell, Harvard University Archives.
4. George Frisbie Hoar, *Autobiography of Seventy Years*, vol. 1, p. 101.
5. Probate of Estate of John W. Webster, Middlesex County Register of Probate (1850), Docket No. 44110.
6. John Sibley, *Confidential Notes* (handwritten), Harvard University Archives.
7. Justin Winsor, *Memorial History of Boston*, vol. 1, p. 102.
8. Information about Parkman's ancestors is largely from the *New England Historical and Genealogical Register* (Boston: Samuel G. Drake, published quarterly).
9. *Ibid.*
10. *An Illustrated History of the Hasty Pudding Club Theatricals* (Cambridge, Mass.: Hasty Pudding Club, 1933).
11. Both quotations are from Eric T. Carlson's "The Unfortunate Dr. Parkman," *American Journal of Psychiatry*, December 1966, pp. 724-728.
12. *Ibid.*
13. George Parkman, "Remarks on Insanity," *New England Journal of Medicine*, 7 (1818): 117-130.
14. Grantor-Grantee Index, Suffolk County Registry of Deeds; see George Parkman, December 20, 1848.
15. As quoted in Harrington and Mumford, *The Harvard Medical School, a History, Narrative and Documentary*, vol. 2, p. 560.
16. G. E. Gifford, Jr., "Parkman's Wren," *Harvard Medical School Alumni Bulletin*, 36 (1962): 26-29.
17. Oliver Wendell Holmes, *George Parkman, Benefactor of the Harvard Medical School* (Boston: private printing, 1850). (A copy may be found in the Boston Athenaeum.)
18. City of Boston Documents (1849-1850), Boston Public Library.
19. William Cowper, "Verses Supposed to be Written by Alexander Selkirk."

#### CHAPTER FOUR

(pages 38-47)

1. John A. French, *Trial of Professor John W. Webster for the Murder of Dr. George Parkman in the Medical College*, p. 3.
2. *Ibid.*, p. 11.
3. *Ibid.*, p. 12.
4. Coroner's Inquest Findings, *Bemis Report*, pp. 595, 596.
5. W. E. Bigelow, *The Boston Tragedy: An Expose of the Parkman Murder*, pp. 29-30.
6. "Inaugural Speech of John Prescott Bigelow," City of Boston Documents (1849-1850), Boston Public Library.

#### CHAPTER FIVE

(pages 48-62)

1. George Frisbie Hoar, *Autobiography of Seventy Years*, vol. 2, p. 388.
2. *Ibid.*, p. 389.
3. George Bemis to his London publisher, August 25, 1851, John H. Clifford Papers, Massachusetts Historical Society.
4. *Capital Cases in Massachusetts, 1849-1852*, handwritten by John H. Clifford, in collection of author.
5. This description of Merrick is a result of viewing a portrait of him reproduced in the November 1920 issue of the *Massachusetts Law Quarterly*.
6. Member of the Legal Profession, *Statement of Reasons Showing the Illegality of That Verdict . . . Against John W. Webster*, p. 22.
7. Diary of George Bemis (handwritten), Massachusetts Historical Society.
8. *Ibid.*
9. Biographical information comes from the *Dictionary of American Biography*.
10. Diary of George Bemis.
11. *Ibid.*
12. Biographical information on Clifford is from *Dictionary of American Biography*.
13. *Dictionary of American Biography*.

## CHAPTER SIX

(pages 63-90)

1. *Bemis Report*, p. 603.
2. This view of the spectators comes through the eyes of the *Herald* correspondent John A. French.
3. *Boston Journal, The Trial of Professor John W. Webster*, p. 3.
4. *Ibid.*
5. *Bemis Report*, p. 6.
6. *Boston Journal, The Trial of Professor John W. Webster*, p. 3.
7. *Bemis Report*, p. 15.
8. *Ibid.*, p. 24.
9. *Ibid.*, p. 10.
10. *New York Globe, Trial of Professor John W. Webster*, p. 16.
11. *Bemis Report*, p. 84.
12. Robert Shackleton, *The Book of Boston*, p. 56.
13. *Ibid.*, p. 55.
14. Letter of Oliver Wendell Holmes to John H. Clifford, John H. Clifford Papers, Massachusetts Historical Society.

## CHAPTER SEVEN

(pages 91-102)

1. *Bemis Report*, p. 140.

## CHAPTER EIGHT

(pages 103-114)

1. The original notes are available for inspection at the Massachusetts Historical Society in the Papers of John H. Clifford.

## CHAPTER NINE

(pages 115-123)

1. *New York Globe, Trial of Professor John W. Webster*, p. 50.
2. *Boston Daily Mail, The Parkman Murder*, p. 40.
3. Member of the New York Bar, *A Review of the Webster Case*, p. 16.

## CHAPTER ELEVEN

(pages 131-150)

1. Member of the Legal Profession, *Statement of Reasons*, p. 23.
2. *Ibid.*, p. 32.
3. Dr. James W. Stone, *Report of the Trial of Professor John W. Webster*, p. 289, hereafter *Stone Report*.
4. *Ibid.*
5. *Boston Daily Times*, *Trial of Professor John W. Webster*. (A copy may be found in the Countway Library, Roxbury, Mass.)
6. *Stone Report*, p. 291.
7. *Ibid.*, p. 301.
8. Dialogue from *Stone Report*, p. 302.
9. Archives of the Harvard Medical School, Countway Library.
10. George Jackson Papers on the Webster Case, Countway Library.
11. *Bemis Report*, p. 501.

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(pages 151-165)

1. *Bemis Report*, p. 449.
2. All notes from Webster to Sohier quoted in this chapter are from the John W. Webster Papers, Massachusetts Historical Society.
3. Attorney General Clifford's notes quoted in this chapter are from *Capital Cases in Massachusetts, 1849-1852*, handwritten by Clifford, in collection of author.

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2. Letter of James I. Roosevelt to Pliny Merrick, Personal Papers of John W. Webster, Massachusetts Historical Society.
3. *Boston Daily Times*, August 31, 1850.
4. *Daily Evening Traveler*, April 3, 1850.
5. Letter of Edward D. Sohier to John H. Clifford, John H. Clifford Papers, Massachusetts Historical Society.

6. George Bemis Papers, Massachusetts Historical Society.
7. Ibid.
8. Diary of George Bemis.
9. Ibid.
10. Letter of George Bemis to John H. Clifford, Clifford Papers.
11. Ibid.
12. Ibid.

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2. Putnam's entire presentation is from *Bemis Report*.
3. Letter of E. B. Hall to John H. Clifford, John H. Clifford Papers, Massachusetts Historical Society.
4. Letter of George Putnam to John H. Clifford, Clifford Papers.
5. Letter of George Bemis to John H. Clifford, Clifford Papers.
6. Ibid.
7. A copy of this letter is in the Clifford Papers.
8. Letter from the Archives of the Commonwealth of Massachusetts, Secretary of State's Office, State House, Boston.
9. Clifford Papers.

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1. Webster's last interview with his family is detailed in the *Bemis Report*.

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