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Full and Complete Report.]

[Price 12 1-2 Cents.

THE
T R I A L
OF
PROF. JOHN W. WEBSTER,
INDICTED FOR THE
M U R D E R
OF
DR. GEORGE PARKMAN,

AT THE MEDICAL COLLEGE (NORTH GROVE STREET),
ON THE 23D OF NOVEMBER, 1849.

REPORTED FOR THE BOSTON JOURNAL.

BOSTON:

REDDING & COMPANY, 8 STATE ST.

POST & COMPANY, CINCINNATI, OHIO.

H. LONG & BROTHER, W. F. BURGESS, ANN ST., NEW YORK.

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AT THE MEDICAL COLLEGE. (NORTH GROVE STREET,
ON THE 23d OF NOVEMBER, 1849.

SUPREME JUDICIAL COURT,
Before Chief Justice SHAW, and Associate Justices WILDE, DEWEY, and METCALF.

COUNSEL FOR THE GOVERNMENT,
Attorney General J. H. CLIFFORD, and GEORGE BEMIS, Esq.

COUNSEL FOR THE DEFENCE,
Hon. PLINY MERRICK, and E. D. SOHIER, Esq.

REPORTED FOR THE BOSTON JOURNAL.

B O S T O N :
REDDING & COMPANY, 8, STATE STREET.
1 8 5 0.

said mortal wound the said George Parkman then and there instantly died. And so the Jurors aforesaid, upon their oath aforesaid, do say, that the said John W. Webster, him the said George Parkman, in manner and form aforesaid, then and there feloniously, wilfully, and of his malice aforethought, did kill and murder, against the peace and dignity of the Commonwealth aforesaid, and contrary to the form of the Statute in such case made and provided.

And the Jurors aforesaid, upon their oath aforesaid, do further present that the said John W. Webster, at Boston aforesaid, in the county aforesaid, 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; and that he, the said John W. Webster, then and there, with a certain hammer which he, the said John W. Webster, in both his hands, then and there had and held, him, the said George Parkman, in and upon the head of him, the said George Parkman, then and there feloniously, wilfully, and of his malice aforethought, did strike, giving unto him, the said George Parkman, then and there with the hammer aforesaid, by the stroke aforesaid, in manner aforesaid, in and upon the head of him the said George Parkman, one mortal wound—of which said mortal wound, he, the said George Parkman, then and there instantly died—and so the Jurors aforesaid, upon their oaths aforesaid, do say that the said John W. Webster, him the said George Parkman, in manner and form aforesaid, then and there feloniously, wilfully, and of his malice aforethought, did kill and murder—against the peace of said Commonwealth, and contrary to the form of the Statute in such case made and provided.

And the Jurors aforesaid, upon their oath aforesaid, do further present—that the said John W. Webster, at Boston aforesaid, in the county aforesaid, on the twenty-third day of November last past, in and upon the body of the said George Parkman, feloniously, wilfully and of his malice aforethought, did make an assault—and that the said John W. Webster, then and there, with his hands and feet, him, the said George Parkman, feloniously, wilfully, and of his malice aforethought, did strike, beat, and kick in and upon the head, breast, back, belly, sides, and other parts of the body of him, the said George Parkman, and did, then and there, feloniously, wilfully, and of his malice aforethought, cast and throw the said George Parkman, down, unto, and upon the floor, with great force and violence there, giving unto said George Parkman, then and there, as well as by the beating, striking, and kicking of him, the said George Parkman, in manner and form aforesaid, as by the casting and throwing of him, the said George Parkman, down as aforesaid, several mortal strokes, wounds and bruises, in and upon the head, breast, back, belly, sides, and other parts of the body of him, the said George Parkman—of which said mortal strokes, wounds and bruises, he the said George Parkman, then and there instantly died. And so the Jurors aforesaid, upon their oath aforesaid, do say that the said John W. Webster, him the said George Parkman, in manner and form aforesaid, then and there, feloniously, wilfully, and of his malice aforethought, did kill and murder, against the peace of said Commonwealth, and contrary to the form of the statute, in such case made and provided.

And the Jurors aforesaid, upon their oath aforesaid, do further present—That the said John W. Webster, at Boston aforesaid, in the county aforesaid, in a certain building known as the Medical College, there situate, on the twenty-third day of November last past, in and upon the said George Parkman, feloniously, wilfully, and of his malice aforethought, did make an assault; and him the said George Parkman in some way and manner, and by some means, instruments, and weapons, to the Jurors unknown, did then and there feloniously, wilfully, and of malice aforethought, deprive of life—so that he, the said George Parkman, then and there died—and so the Jurors aforesaid, upon their oath aforesaid, do say, that the said John W. Webster, him the said George Parkman, in the manner and by the means aforesaid, to them the said Jurors unknown, then and there feloniously, wilfully, and of his malice aforethought, did kill and murder—against the peace and dignity of the Commonwealth aforesaid, and contrary to the form of the Statute in such case made and provided.

DANIEL RHODES, Foreman of the Grand Jury.
JOHN H. CLIFFORD, Attorney General.

At a quarter to eleven, the traverse jurors, not empannelled, were excused from further attendance on this trial.

Attorney General CLIFFORD rose. He said he would not follow the usual formulas and request them to lay aside all prejudice, for he felt that such a request was unnecessary. They had duties to perform—difficult, disagreeable duties—but duties nevertheless. They had to weigh the evidence which would be laid before them, and to decide on the innocence or guilt of the prisoner; and this was the highest duty which could be entrusted to them under the government of this Commonwealth. His duty was a different one.

He had to place before them the charges against the prisoner. He knew that there was a common idea that prosecuting officers should press their accusations beyond the limits of fairness and truth; and this idea he repudi-

ated and disavowed. He would not hold his office one moment if this idea could be justified by facts. His duty was to give an outline of the evidence, and he would do so, as plainly and simply as possible.

The accusation has two divisions. First, we say that Dr. Parkman is dead; second, that he was murdered by the prisoner at the bar. On the 23d November, Dr. Parkman disappeared, and was last seen at 12 o'clock of the same day at the Medical College, in Grove street. On that day he made some purchases at a grocery store, which he sent home, but did not return himself. His family became alarmed. The search, which was at first private, commenced on that day. On Saturday, the fact of his disappearance was made public, placards were issued, and the entire police in the city were engaged in the search. Rumors were rife, but they were generally false. He was represented as having been seen in Washington street, but this was found to be false. Fear soon deepened into a certainty of his having met foul play. In the course of Sunday, the day after the publication of the advertisements in the newspapers, his friends learned from Webster that Parkman had been in his, Webster's company, on Friday between one and two o'clock, at the Medical College. The search was continued during the week. Salem, Cambridge, and other towns, were visited, and the river was dragged. The various houses, yards and cellars of the Doctor were thoroughly searched. They went every where, but in vain. And up to this day it has not come to the knowledge of the government that Dr. Parkman was seen or heard of after his entering the Medical College in Grove street.

On Monday and Tuesday the Medical College was examined. There was no suspicion entertained of Professor Webster, until every effort to find Dr. Parkman had been exhausted; and it was mainly from the fact that his disappearance took place somewhere near the Medical College, that suspicion rested in that quarter. On Friday, 30th Nov., in a vault connected with the laboratory of the prisoner, parts of a human body were found, resembling the missing man. On Saturday, in the course of the day, there was found in a remote corner—a place which had been noticed but not examined on Tuesday—a tea-chest, in which were imbedded portions of a human body covered with tan and minerals. They consisted of a thorax and left thigh. There was also found a hunting-knife and piece of twine, a portion of which will be produced. The remains were submitted to competent men, and found similar in many respects to the body of Dr. Parkman, and dissimilar in none. There were missing—the arms, both feet, and the right leg from the knee to the ankle. The height of the man to whom these remains belonged, must have been the height of Dr. Parkman.

Witnesses will be produced to explain how the exact height of the original man can be ascertained from such remains as exist. The height was five feet, ten inches and a half—exactly the height of Parkman. The Doctor was a person of peculiar form and shape, and the remains are those of such a person. In the bones found in the furnace, not one portion disagreed with any portion of the body found in the vault of the laboratory. Some of the bones showed evidences of having been fractured before being put into the furnace.

A block of mineral teeth was also discovered, and competent men—the most skilful dentists of the city—will be produced to prove that they were a set manufactured at one time for Dr. Parkman, and always worn by him. The bones of the right lower jaw were found in fragments, but when those fragments were put together, the peculiar conformation corresponded with Parkman's, as will be proved by a mould of his jaw, which can be produced. There will be also evidence to show that those remains were not the remains of a subject which had been used for dissection; indeed this can be proved incontrovertibly by the evidence of respectable officers of the College.

And now it will be necessary to understand somewhat of the personal relations of Webster and Parkman. This will be necessary to explain the motives which could influence Webster to the commission of such an act as that with which he stands charged.

In 1842 pecuniary connections commenced between them. Since that time Webster has been embarrassed, and constantly oppressed by debt. All his personal property, including his furniture and cabinet of minerals, was mortgaged to Parkman, as security for money loaned by him (Parkman) to Webster. Subsequently Webster made a conveyance of the cabinet of minerals, which had been mortgaged in favor of Parkman, to Robert G. Shaw.

This fact offended Parkman, and he demanded from Webster a payment of the sums which were due to him. Though a liberal man in donations, and open-handed generally, he was strictly punctual in all his business arrangements, and he expected a similar punctuality in others. Honorable himself he believed others honorable, and resented any breach of contract or word, resolutely and at once.

Webster promised to pay him from the proceeds of tickets sold for a course of lectures on chemistry which he was about to deliver in the Medical College. Besides his fixed salary as an official of the College, he had other money-resources in the sale of tickets for public lectures. The

course commenced on the 7th day of November. On the 9th, two days after, Parkman visited him and renewed his demands for the debt. On the 12th, he goes to Mr. Petty, who was acquainted with all the business of Webster's lectures, to inquire as to the sale of the tickets. The next day he renewed his call, and having ascertained that Webster had realized a considerable sum by the course, he sent him a message through Petty, to the effect that he was a dishonorable man, and had failed to keep his word.

On the 19th of November we find him calling on Webster again, and asserting that "something must be done" about the money. He threatens proceedings if his claims are not satisfied at once. On the 22d—the day before his disappearance—he visited him once more, and on the subsequent morning Webster called at the house of Dr. Parkman, and expresses a wish to meet him at one o'clock in his room in the College. The hour was one when the students were not in the College. Mr. Petty, the collector, had called at the College that same morning, and told Dr. Webster of Dr. Parkman's threatenings, when he said, "You will have no further trouble; I have settled that affair."

After this day Dr. Parkman has not been seen, and, as was already stated, the Government has no reason to suppose that he has since been heard of. The next day the ninety dollars which had been the profit of Webster's lectures, still remained in his possession, for he lodged them in bank for his own use and interest. This is a significant fact and worth noting. He remained late in the College that day, and next day, and even on Sunday, which was quite unusual with him. The door of his room was constantly fastened, and the key, which ordinarily remained hanging in its place, and by which on "cleaning days" officers of the College had frequently entered his apartment, was removed.

The learned gentleman then stated the circumstances connected with the interview Dr. Webster had with Dr. Parkman, on payment of the money, as given by Dr. Webster. The statements of Dr. Webster with regard to this payment are not consistent. Dr. Webster stated at one time that this payment had been made in presence of two persons, and at another time that no persons were present. His statements as to the nature of the payment, the notes tendered, and other circumstances, were also irreconcilable.

There was still a great variety of facts for further consideration. The Thursday after the disappearance of Dr. Parkman was Thanksgiving; and although there were no lectures in the College, Dr. Webster was there. He wanted no fire, but yet had such a one as never was known to be used before. He had also, at the same time, purchased fish-hooks, and had a grapple made with them. They were tied with marlin, and this agreed in comparison with a piece of twine found round the thigh got in the privy. The search was commenced in the College on the Monday after Dr. Parkman's disappearance; and continued on Tuesday, by the officers, in company with Mr. Kingsley, Dr. Parkman's agent. The conduct of Dr. Webster on that day would be shown to be suspicious. There was a fire that day in the furnace; and Dr. Webster seemed very anxious to withdraw observation from the privy.—On Monday, an express man, by order of Dr. Webster, brought some faggots and boxes from Cambridge. On that day, and Wednesday after, the key of Dr. Webster's rooms could not be found. All the week Dr. Webster seemed very anxious to make it appear that Dr. Parkman was seen last going over Cambridge bridge. He even went so far as to urge a lady to say so against her conviction, and this repeatedly. He also went on Friday to a tin-worker in Boston, to have a tin box made, and stated that through certain mesmeric influences it was found that the body of Dr. Parkman had been carried away in a cab. The tin box was ordered to be made so that he could solder it himself; and as to the uses he stated this box was to be put to, evidence of contradiction would be furnished. The Attorney General spoke of the ejaculations Dr. Webster made in person, (of the nature of a confession) at the time of his arrest, and said these would be testified to in every particular.

Mr. Clifford then alluded to the nature of the evidence which would be brought forward respecting the finding of portions of the body in the vault. As early as the time of Webster's making a statement to Littlefield—which was on Sunday evening—suspicion touched Littlefield that Webster knew more of Dr. Parkman's murder than any one else. Littlefield's action from that moment was in honest consistency with that suspicion. There was no mode of access to that vault, or the Laboratory, excepting by the door; and he determined to enter by breaking through the wall. He had not accomplished a breach in the wall when he informed Drs. Jackson and Bigelow, and went to work under their direction—his wife the meanwhile watching for the arrival of Dr. Webster. He left no injunction on his wife to warn him if any other Professor came while he was at work.

The terrible development he witnessed in that vault, and his conduct after it, showed the character of Littlefield's impressions, and his honesty of purpose. It was after the affair had attained this maturity in its development that Webster was taken into custody, when he was

apprehended he charged Littlefield with having committed this act, or being a conspirator; at the same time, he said that the remains were just as much his as Dr. Parkman's—thus disagreeing with his premises by hazarding such a conclusion. Another thing showing what dependence is to be put on Dr. W.'s declaratory was, that, on Tuesday, he put the question to Littlefield, if he was a freemason? In the evidence which would be adduced, Littlefield's reply would be seen. He also asked him if he had got his Thanksgiving dinner, and gave him an order for a turkey—the first time he had ever made him a present.

When his apartments in the College were opened, Dr. Webster was requested to be present to explain anything that might transpire, or be seen. His department and remarks on that occasion were singular. There were found a pair of pants with spots of blood; and a pair of slippers, as well as some towels, marked with blood were found in the vault, whence nothing could proceed seaward only as it percolated through the walls. It was certain that these articles, as well as the body, must have been put down the privy, the key of which was found in his pocket. A large bunch of false keys were found in Prof. W.'s desk, which could open every door in the College. He said he had found them. On his person was found a paper, on which was noted two different versions of the interview had between him and Dr. Parkman on Friday. On the Monday following his arrest, he was brought into the Police office, and there, under advice of counsel, he waived examination—thereby declaring cause for investigation. On his commitment to his cell, he wrote a note, which was examined, according to the usages of the jail; it contained an injunction to a member of his family to keep secret certain papers, which the Government got, and they turned out to be two notes to Dr. Parkman, and another paper which required an explanation that the Government could not give. It would also be shown by the opinion of an expert, that certain letters had been written by the prisoner, to divert public suspicion from the Medical College.

Upon all this mass of circumstances nothing has been said at all in the way of explanation. Dr. Webster had done what he had a right to do, and remained without asking the government to furnish him with the evidence against him. It was to be hoped that he could give an explanation that would satisfy the minds of the Jury, and of the whole civilized world; his innocence should appear as clear as noon-day; but if unable so to do, the evidence that could be produced was calculated to bear with great weight upon the fact of his guilt.

The indictment was composed of four counts; although if left to his own decision the government officer would have merged them all in the last one. It would, perhaps, have been at the risk of justice that the count including stabbing would have been left out; but there were circumstances and appearances which justified the supposition that violence had been done to Dr. Parkman's body, by the use of some instrument. A hammer, which had long been in the laboratory, was missing at the time the offence is charged to have been committed, and had never since been seen. But, even although no mode or means could be testified to, by which Dr. Parkman had come to his death through murder, it would be, nevertheless, justifiable on the part of the Jury to return a verdict of guilty—a voluntary killing being proved; if there was not a provocation proved that constituted manslaughter, or a clear exonerating from the charge, this result would attach itself to the duty of the Jury. If the evidence placed beyond reasonable doubt the fact that the prisoner did commit murderous violence on the body of Dr. Parkman, the deduction would be obvious; if otherwise, the law, which would be explained, would teach them what latitude should be given to the doubt.

The Court here took a recess for a few minutes.

THE WITNESSES

For the prosecution were then called. All witnesses on both sides, not professional, being called upon, on motion of Mr. SOBER, for the defence, to withdraw till called upon. The Court was nearly cleared by this motion, the witnesses were so numerous.

Mr. CHARLES M. KINGSLEY was then sworn, and deposed as follows, on examination by Mr. Bemis: I was engaged by Dr. Parkman as his agent in May or June, 1836, and continued in his employment since, without intermission. I had the care of his estates, and saw him very often. I made it a point to see him once a day. I live in Blossom street, about a hundred rods from the Medical College in Grove street. Dr. Parkman's estates lay around my place of residence.

Dr. Parkman was missed on Friday, November 23d. I wanted to see him that day, and called at his house for that purpose a little before three o'clock. I saw him on the day before in Court street. On Friday, 23d, I did not find him at home. His usual dinner hour was half-past 2. His habits as to punctuality were very regular. I was never disappointed at meeting him at his dinner-hour, although in the habit of seeing him fifty times a year. Not seeing him then, I called at the house next morning—the servant told me he had not returned.

I called again at Dr. Parkman's house at a quarter before two. I remembered an engagement he had the previous day at half-past one, and after going to the person with whom it had been made, I could get no information. I then went every where I could think of, but could ascertain nothing. I traced him to Washington street, up Williams Court to the Massachusetts Block, from there out through Cornhill Square (or Joy's Buildings) into Washington and Water streets, and also to Devonshire street—thence to State street, the Merchants' Exchange and the Post Office; up State street again into Court, Green and Vine streets, to a corner of Blossom street, to a grocery there, where he had left a bag containing lettuce. The boy told me that Dr. Parkman had left some lettuce there the day before, and told me to take it as it was his property. I did not know of the lettuce being there previously. I heard of him in Fruit, leading from Blossom to Grove streets, and traced him to the Medical College. There was some excitement in the neighborhood at that time. I continued the search Saturday in conjunction with the Police, until 11 o'clock that night. Two of the Police called at my house next day at 2 o'clock. Our enquiries during the day were verbal. After that we offered rewards and advertised. The first advertisement was published on Saturday afternoon.

The *Evening Journal* was one of the papers in which we advertised. On Sunday we searched about the city all day, and heard rumors of Dr. Parkman being seen at Cambridge, where the police went at 4 o'clock in the afternoon to make inquiry of the Register of Deeds. There was some search made about the jail lands, and some of Dr. Parkman's houses that were unoccupied.

On Monday we went to East Cambridge again, and after coming back went to the Medical College at 10 o'clock.

[Some remarks, scarcely audible were here made by the bench on the subject, as we understood, of introducing, through Mr. Kingsley's testimony, the first suspicions which led to the search in the College.]

Mr. Starkweather and I searched all the building, the lecture rooms, and the large vault where the remains from the dissecting room are thrown. Littlefield and another was with us, and we found, although I am not certain, that the doors were locked. We went into Professor Webster's apartment. We knocked at the door, and found it locked. Littlefield was there while we waited admittance, and when we got in. We went back to the stairs and saw a door at which we knocked, as we had been told that Professor Webster was in the apartment to which it led.

It being now two o'clock, P. M., the Court adjourned till half past three.

AFTERNOON SITTING.

CHARLES M. KINGSLEY'S examination continued.

We had got to Dr. Webster's door. Starkweather and myself went down stairs. When Littlefield shook the door severely, Dr. Webster came. This was the door leading into the lecture room. Littlefield said we came to see something of Dr. Parkman. We walked through the apartments. We went into the lecture-room, back-room, and into the lower laboratory; searched these places.—Dr. Webster did not pay much attention to us; he came behind us to the laboratory; did not speak to us; the only conversation held by him was with Mr. Littlefield. I went back again to East Cambridge and continued the search. Stayed till about dark. Next day officers Clapp, Rice and Fuller came to me, and we went to the College again at about 10 o'clock; got into the prisoner's room by the lecture-door. Webster opened it and in person.—We inquired for Mr. Littlefield. Went into his (Littlefield's) apartment and searched it and the closet. Mr. Littlefield was absent two or three times. We thought we might find papers. We went through the apartment, and then into the cellar. We got in through a small trap-door. I got down into the place and looked into the hole. The officers went further while we went up to Webster's apartment. The door was unlocked as before. Mr. Littlefield said he could get in; why he wouldn't get in, I can't say. Mr. Clapp stated to him that we had come to search in that neighborhood—that we had come to the College first. The officers said that no person in the College was particularly suspected; but that they were obliged to search all places. He said that we could look round if we wanted to; we walked through the lecture-room into the back-room, and then Mr. Clapp went into the back private room. The laboratory is on the same floor with the lecture-room; and at the end is a very small room, and when Mr. Clapp walked towards it, Webster told him that his valuable and dangerous articles were in that room. Mr. Clapp put his head as far as the door and turned back again, saying, "I will not go in to be blown up;" we went from there into the lower laboratory. In the upper laboratory I stood in front of a small furnace which is there. Looked into the ashes; there was no fire there; could see nothing but pieces of coal and something resembling buttons; went down then to the lower laboratory and looked at the furnace; found a bright fire; no ashes there; that was the furnace where the bones were afterwards found; Mr. Clapp and Mr. Webster were talking. We went to the southwest corner of the room, where there was a lot of rubbish. Saw a tea-chest and some

boxes of mineral stones—the boxes were quite filled up with minerals. The officers looked at the minerals—talked of them—some remarked the tea-chest, and spoke of it after. Went to the privy, which Littlefield said was Webster's, and he added, that the Dr. had the key of it. On the stairs there were spots, as on the first day, which seemed as if they had not dried. I think we went out into the dissecting room. Webster remained inside and shut the door after us. This was on Tuesday, and a steady search was kept up by myself and others until Friday.

[Counsel for the defence objected to the question why the tea-chest had not been thoroughly examined, at first, but the objection was allowed.]

In continuation witness said, the officers thought lightly of my suspicions of the chest, and were laughing at them. Mr. Clapp, however, said there was no suspicion of the Medical College, which might be the cause of there being no examination. Wednesday afternoon the search was not quite so extensive. Thursday was Thanksgiving day. I think on Monday \$1000 reward was offered; the other reward, \$3000, was offered on Wednesday; am not positive of that, however; the notices were generally distributed; I carried some of them myself. Went to the College again on Friday night. I was in company with Mr. Starkweather in the afternoon; called into Mr. Littlefield's at four o'clock; saw his wife; inquired for him; went down to the door of the College; we had been borrowing tools for the purpose of breaking through the wall of the vault, and we remained together a few minutes. I wished to know what Littlefield was about. I could hear a noise inside, which satisfied me that some one was striking on the brick work. We went back again to where we understood he was at work. About 10 o'clock I went to the jail; saw the Dr. there. I went into the cell, accompanied by Dr. Gay; there was a party with me, of which Mr. Parker was one, and there were also two of the men employed in the jail. Prof. Webster was lying on the bed in the cell with his face downward. He said he was not able to get up; Dr. Gay spoke to him. His face was down, and he had not strength enough to hold it up, and he was so much excited that I thought he would not live. They carried him to the jail office, and he asked for water, and he could not drink it. They held the tumbler to his face; he took hold of the tumbler once, and the water spilled over him. He struck the tumbler with his face several times. Dr. Gay held it for him once to drink out of it. Trembling and convulsive movements characterized him; never saw a person so affected before. He wanted to send word to his family, as they did not know where he was. He mentioned his friends several times. Mr. Parker spoke to him, and said there was another family in great distress, and that perhaps for their consolation he could explain those remains which were found in the College. He said he had nothing to explain, and would go to the College with us. Mr. Parker told him that he seemed to be perspiring very much, though it was very cold there. Dr. Webster replied that his extremities were freezing.—They went to the Medical College in a carriage.—I walked there; I arrived as they were getting into the small laboratory—but I can't say what way they came. Webster was accompanied by an officer on each side of him, holding him up. They proposed to open the private room door and asked him for the keys—he said Mr. Clapp had taken them, and they then broke the door open. When they examined that, they asked for the key of the privy. Webster said it was on the shelf; I put my hand along the shelf, when somebody found it hanging against the door. Littlefield went down and then said it would not fit; the prisoner remarked that somebody must have taken the real key away; so we went down and broke the door open. Professor Webster was helped down stairs by the officers. We were in the lower laboratory fifteen minutes; something was said about the bones being found in the furnace; in the lower laboratory my attention was called to different things, and I did not notice whether Mr. Webster was affected by the observation. We went to the trap-door that goes under the building; there were parts of a body taken out and laid on a board—the pelvis and right thigh and right leg.—These were laid on the board in presence of Dr. Webster; he could see them; no remark was made; he was asked no questions, and as far as I perceived, he appeared nothing different from before; he was excited all the time; he was supported by the officers; he stood eight or nine feet from the body; we left after looking at them 10 or 15 minutes, and the prisoner was taken to the carriage. There was nothing more that night, but I was there the next afternoon (Saturday) when the thorax and other thigh were found in the tea-chest by officer Fuller. I was called down to witness new discoveries. This body came out of the chest when it was turned up; the thigh was pressed inside the trunk, and the impression of the ends of the ribs was on the flesh. It was the left thigh. There was a knife also in the chest—it was a large jack-knife. There was a string which went round the body as if to keep it together. The remains were taken out and washed and put with the other remains, and given in charge to the officers who had care of the prisoners all the time. The inquest first met on Sunday. It was that Sunday afternoon the pair of pantaloons with blood on them were found, and also a pair of slippers. Mr. Putnam, the

officer, found them. Dr. C. T. Jackson was there at the time; he is a tall man and wore spectacles; I see him now near the door. The pantaloons were taken out of the closet at the head of the stairs; and there were spots on them which we thought was blood. We were advised to keep them carefully. The pants were wrapped up and given to the officers. A pencil-case was also found, and a small saw; the blade of it was not more than 10 or 15 inches long. The handle was marked with something which we believed to be blood. On Tuesday afternoon I wanted a pen, and an officer asked Mr. Littlefield to get me one. Littlefield picked up a steel pen from the desk, and another made out of a sort of reed, and gave me the two; he said I could not use the latter. I was present before the Coroner's Inquest when the limbs were put together; the general appearance of the body was about that of Dr. Parkman's—the Dr. was slim; I don't know his exact height; about five feet ten and a half, perhaps. He was very thin; knew his weight thirteen years ago, but not since. He was light complexioned—what is called sallow. He had a prominent under-jaw; I could not form a decided opinion as to whether those remains would justify people in saying that they were those of Dr. Parkman. I have seen Dr. Parkman when he had cause to use profane language, but never heard him do so. It is true that I have been influenced in my actions by hearing that Dr. Parkman had used profane language; I have never heard him use it myself. I was one of the party who made search of Dr. Webster's house, but not when any notes were found.

Cross Examined.—On the morning after the arrest, I started to go to Prof. Webster's house. Got as far as the College and found that officers Clapp, Spoor and another had started before me. I joined them at Cambridge. I never went on any other occasion, but the one I have mentioned, to Doctor Webster's house. The search was made without a warrant on the second occasion.—I was with Mr. Starkweather. Dr. Parkman used hard language at any act of dishonesty when he knew any one guilty of it. He used to call names, but did not use profane language. We examined the minerals in Dr. Webster's laboratory through curiosity. They lay around in boxes, barrels, and on shelves. We noted the fire in the furnace before we looked at the minerals. I do not know the size of the furnace, having never measured it. Mr. Littlefield went into the room with us when we went into Dr. Webster's room. We knocked pretty hard and then got in. I do not recollect any conversation in the lecture room. We passed, after a few minutes, from the lecture-room into the laboratory. Mr. Starkweather was with me at the time, and Dr. Ainsworth, and I think it was before we went to Dr. Webster's room that we examined the ashes. I do not know where the key of the vault was then. Dr. Webster was in his working dress when we saw him both times, with an apron and cap on. When we called there the first time, Littlefield left us to get something, and afterwards came to us as we were proceeding down stairs, and said that Dr. Webster was in the room. I had only traced Dr. Parkman to the College by making enquiry. We made the first search on Monday, about 11 o'clock. I think the second search was between 11 and 12. I don't recollect the purport of the conversation that took place between Littlefield and Dr. Webster at these interviews. Dr. Webster said that the key of the privy was on a shelf on the west side of the partition of the closet, where I found it. This was on the night he was taken into custody. There was no nail to hang a key on. On the front part of the door there was a nail and a key hanging on it. He told me to look for the key there, after saying that officer Clapp had taken his keys from him. I saw the tea chest emptied. I also noticed the saw, which was a small one, such as butchers use. I saw a knife, and noticed some stains of blood upon it. I am not aware that the saw was one such as gardeners use for pruning.

Direct Examination.—The saw had a back plate upon it, such as would prevent its sawing through a piece of wood.

PATRICK MCGOWAN was the second witness called. I live with Mrs. Dr. Geo. Parkman. I remember the day of the Doctor's disappearance. It was on Friday. I remember somebody called at the house that morning. I did not know him; he did not give me his address. It was between 8 and 9 o'clock. I could not say that the prisoner at the bar was the person who called. Dr. Parkman was passing to breakfast and opened the door himself. I overheard Dr. Parkman saying that he would meet that person at half-past one. I saw Dr. Parkman about 11 o'clock that morning, and never saw him since. Dr. Parkman was very punctual in his habits.

Cross Examined.—I went to live with the Dr. the 28th September. When I am in the house it is my duty to tend the door. I could not tell how many gentlemen called on him that morning; there were a good many. I did not tell any of those who called that Dr. Parkman had left town.

ROBERT G. SHAW was the next witness called. I am brother-in-law to the deceased. Dr. Parkman would have been 80 years old in February. I am acquainted with Dr. Webster, but cannot say how long. The first time I heard of Dr. Webster being in Dr. Parkman's debt was when I told Dr. Parkman that Dr. Webster had sold his mineral-

logical collection to me. This was the Friday before the deceased disappeared, and we walked together from my house to State street. This was the last time I saw him. On Saturday morning he left. I called at Dr. Parkman's house and found the family in distress.—After this, I took steps to find out where Dr. Parkman was. I offered a reward of two thousand dollars for his recovery, and \$1000 for the recovery of the remains. I gave general instructions for the conduct of the search during the following week. The first time I heard of the discovery of the remains was on the evening they were found. My impression was—

[Counsel for the defence here asked if witness had any grounds for the impression that the remains found were those of Dr. Parkman, and objected to any opinionative evidence being offered. After a consultation for a few minutes, the Court was of opinion that a question to elicit the ground of a fact was admissible, but no greater latitude could be allowed. Some debate ensued—the Attorney General holding the opinion that a general impression was admissible evidence, when it influenced the party to form a confirmed opinion, without the power of detailing the grounds on which it was based. The Court admitted this argument.]

Examination resumed.—I observed some appearances about the remains which induced me to believe they were the remains of Dr. Parkman. He had showed me his leg, in my house, on Thursday morning, and I could recognise it the same in form and complexion; but I could not identify that so well as I could the hair on the breast.—Form, size and height, all corresponded with parts of Doctor Parkman's body. I saw the false teeth there; and I knew Doctor Parkman had used such teeth.—I took charge of the remains for entombment as being those of Dr. Parkman. I had a connection with Dr. Webster in a pecuniary character. He came to me about the 18th of April—

[It was objected to by the defence to go into the business transactions of Dr. Webster and witness, on the ground that they were not relevant to the case in question. It was contended on the other side that it was only intended to go into them so far as was necessary to show the relations of Dr. Webster and Dr. Parkman. The question was allowed.]

Examination resumed.—Dr. Webster came and asked a private interview with me. He said he was embarrassed, and that the Sheriff would soon be in his house if he could not raise enough of money to pay off a debt that had been over-due a year or more. He proposed to mortgage a Cabinet of Minerals. He wanted \$1200. I said I would let him have my note at three months for \$600, as the story he told me about his family had affected me. [The receipt for this note, dated 20th April, 1849, was here read, making a sale of the minerals in consideration of the sum of \$1200.] On the 6th of June he came and got \$200 more, and subsequently, on the 6th of August, he got the balance, \$400. I now come to the time when Dr. Parkman came to know this thing. Subsequently to the above transaction, I was walking with Dr. Parkman, when we met Dr. Webster, (I cannot tell the date.) I said to Dr. Parkman, "what salary does Dr. Webster get at the College?"

[Objected to, and this line of examination discontinued. Objection was afterwards withdrawn.]

Dr. Parkman told me that his salary was \$1200 besides his fees at the Medical College.

On telling Dr. Parkman that Dr. Webster had sold me the minerals, he replied that they were not his to sell, and took me to his house to show me the mortgage he had upon them. Dr. Parkman then said he would see Dr. Webster, when I said, you had better not trouble yourself.—Soon after, Dr. Parkman told me he had seen Dr. Webster, and talked to him.

[Evidence objected to as being conversation.]

[The mortgage Dr. Parkman had upon the minerals, amounting to \$2400, dated 22d January, 1847, was here handed up and read, and included furniture, &c.]

Examination resumed.—Dr. Webster wrote an explanatory letter to me, but not being able to see to read the letter, and disliking to employ a third person to do so, I filed it. I heard afterwards that Dr. Webster proposed to give his mineralogical collection if he could raise a certain sum towards their conveyance. I was asked to subscribe, but declined, and concluded to subscribe \$500 of the sum I had lent to Dr. Webster—that is to deduct it from the debt. A gentleman named Smith came and gave me the balance, \$700, due me, when I gave him the catalogue and bill of sale, telling him to say to Dr. Webster to think no more about the matter, as I never should. I knew that Dr. Parkman never received his debt out of the money raised from the minerals. He told me so when I talked with him in November. Dr. Parkman left a wife, son and daughter. His daughter had been an invalid for several years, and was not expected to recover. He was always anxious to provide things suitable for her delicate condition. His habits were very punctual both at home and abroad.

Cross Examined.—This punctuality referred to business transactions, appointments, and everything else. I would not have suspected the remains I saw to be those of Dr. Parkman if I did not know that Dr. Parkman was

missing. If he had not been missing I suppose I would not have taken it for his body. It was by the hair on the breast that I was able to identify the remains to be those of Dr. Parkman.

Direct Examination. I took the mortgage presented in Court from Dr. Parkman's house, I think a day or two before the Grand Jury met. I had it from Mrs. Parkman, but I do not recollect the exact date of my having received it.

The proceedings of the first day here closed, and the Court adjourned, at 7 o'clock, to meet again at 9 o'clock next morning.

SECOND DAY.

WEDNESDAY, March 20, 1850.

THE COURT did not open till 20 minutes to 10 o'clock this morning, the jury having been engaged up to that time in inspecting the localities of the Medical College, agreeably to the instructions received at the adjournment of the case yesterday.

FRANCIS TUKEY, City Marshal, was the first witness called, who stated that he commenced making the search for Dr. Parkman on Saturday forenoon. Messrs. Shaw and Blake called upon him, and by their instructions he directed the police of the West End to search for him. I also advised them to advertise in the newspapers, and commissioned the reporter for the *Journal*, who happened to be in my office at the time, to carry this into effect.

[The Court was of opinion that it was unnecessary to go further into the fact of Dr. Parkman's disappearance.]

Every diligence was used to discover Dr. Parkman by messengers, handbills, circulars, and offering rewards. 28 thousand bills had been circulated calling for information respecting him. When the remains were found at the College we ceased searching. I was in my office with Mr. Blake and Mr. Kingsley, when Dr. Henry Bigelow made the communication to me respecting the finding of the remains at the College. I immediately went to Mr. Shaw on receiving this information.—Subsequently went with Dr. Bigelow to the College. I saw officer Clapp when I went there along with Littlefield. We then went into the cellar. Littlefield, Trenholm, Clapp and I went down together into the trap, and Dr. Bigelow went with us. The trap-door is on a level with Mr. Littlefield's apartments. After getting through the trap-door, we passed a distance of about sixty feet over an uneven surface, to a corner; in this corner there was a cross wall, in which there was a hole about eighteen inches square. The mortar and bricks lay around as if freshly broken from the wall.

[A map with wooden models of the localities at the College, was here handed up and explained to the Bench by the counsel for the prosecution, and then to the Jury.]

Witness here described on the models the route they took in the vault. When they got to the hole, he held the lamp round, and saw several pieces of flesh. The water from a sink was running and splattering about. I desired Trenholm and Littlefield to pass out what they could find. After getting a board to stand upon, three pieces of a human body were found. I asked Dr. Bigelow, as a matter of form, if these pieces were parts of a dissected body, and he said "No." I asked Littlefield if there was any entrance to the vault except through the privy hole and the aperture in the wall below, in which we stood. His reply was No. We brought the remains out, and placed them on the same floor with the laboratory. While we were in the vault we heard some person walking overhead. Littlefield said that Dr. Webster was in his room. I then went into another room, where I remained till the men went into the laboratory and lecture room. I then went up stairs—having been told by the men that they had found something. I went into the laboratory. I stopped at the furnace, and saw some person there, I think it was Clapp, with charred bones in his hand, and also another person with some more. I ordered them not to be touched till the Commissioner from the Court took them in charge. I then sent for Prof. Webster, and in the mean time, went back to the house of Robert G. Shaw.

[Mr. Tukey here produced a box containing the calcined bones which were found. A knife with a silver handle, and something supposed to be teeth, found there, were also produced. The knife was about twelve inches long.]

Cross examined.—I myself wrote the first part of the bill for the recovery of Dr. Parkman. It was subsequently altered when submitted to the family. I should not think the privy hole was above 18 inches wide. At the breach in the wall below, the size was the same, and immediately in a perpendicular line with the hole above, from which a line would drop within 18 inches of its inward surface. One part of the remains lay near the wall, and the others separated a little from it. They were not exactly below the hole above the privy, and I cannot say how far off they might be. I am not aware of the relative positions of the different parts. The ground rose to the wall, and the remains lay on the side of the plane formed by the rise of the ground. It was the north wall of the privy.

Direct Examination. I cannot say whether the tide ebbed and flowed where the remains were found. I did not go

inside to examine the wall. I cannot say whether it was rough or smooth.

CALVIN G. MOORE was the next called. Resided at 24 Bridge street, where I resided the 23d day of November last. I am not a tenant. I saw Dr. Parkman in Paul Holland's store, at the corner of Vine and Blossom streets. I went there between 1 and 2 o'clock to purchase something, and while I was there he came in. I think it was about ten minutes to two.

Dr. Parkman enquired of Mr. Holland about some sugar. He asked for something to put it in, and Mr. Holland pointed to a bucket. I had some talk with him about the weather, and he said he could not find fault with it, for it was remarkable for the season. That is all I recollect that passed. I think he was about 25 minutes there, when he went out by Blossom street. He made some remark to Mr. Holland as he went out, but I did not overhear it. I did not notice the direction he went.

Cross-examined. My house is near Holland's store. I went into the store to make purchases. I did make purchases then and paid for them. I bought nothing but some butter off the same piece the Doctor had. The transaction was in part delayed through Dr. Parkman's coming into the store. I dined about half-past 12 that day. I think I must have left for the store about twenty minutes past one. I did not write down this statement of the interview. I first told Mr. Kingsley of it. On the afternoon of Saturday, Mr. Kingsley called to see me about five o'clock. It was after Mr. Kingsley left me I came to this conclusion as to the time. I do not remember whether or not I said that I had or had not seen Dr. Parkman that day, before I spoke to Mr. Kingsley on the subject.

MARTHA MOORE, wife of the last witness, was called. She stated that she knew Dr. Parkman by sight. She did not see him on the Friday he was missing. I have a recollection of sending my son George to school 10 minutes before two. He was at the corner of Fruit and Bridge streets, on the sidewalk. I opened the window and spoke to him. I knew it was 10 minutes to two, from having just looked at the clock. My attention was first called to the fact of the time of having seen George to school about a week afterwards.

Cross-examined.—My son attends Phillips School. It was George called my attention to the fact of my having told him the time on the Friday. This conversation took place about three days or a week afterwards. I don't know to whom I first stated this. I don't recollect anything else.

GEORGE N. MOORE was sworn. I am 12 years old. I knew Dr. Parkman. Saw him last on Friday the 23d day of November. Heard Saturday for the first time he was missing. On Friday I saw him. I was standing looking round me in Fruit st. He was crossing towards Grove st.

[The witness was here asked to examine a map of the city, and requested to point out on which corner of Fruit street he resided. During the conversation which took place the questions and replies were perfectly inaudible, but the examination of the witness appeared perfectly satisfactory. Mr. Sohler then laid the map before the Bench and explained the position.]

Examination Continued.—About 10 minutes before 2, I met Dr. Parkman. My mother told me, having called me, I had better go to school. A schoolmate was with me; DWIGHT PROUTY was his name. "There goes Dr. Parkman," said I. We went to school—Phillips School—got there just before it was "tardy," (laughter) about 2 o'clock.

Cross-Examined.—Didn't see the Dr. since Friday. Saw him a great many times before. He passed close to me; didn't say much about it. Next day I told my mother that I had seen him; this was in the afternoon.

In reply to the Court. I heard the next day that Dr. Parkman was missing.

DWIGHT PROUTY, Jr. examined. I am 13 years old; go to school with George Moore. Saw Dr. Parkman on Friday, 23d November. I knew it was near two o'clock, for I go to school regularly at two. It was a quarter to two when I left the house. A short time after I met George Moore, I saw the Dr. near Grove street. Moore said there goes Dr. Parkman, which called my attention to him. I saw him many times before. I believe he had an overcoat on him on the day in question. He passed right by me on the same side of the street.—George's mother said that it was near two. She was looking out of her window. We then went immediately to school. The Dr. passed before Mrs. Moore spoke to us.

Cross-examined. It was at the corner of Fruit and Bridge streets, just as you go round the corner.

ELIAS FULLER. Carries on an iron foundry near the Medical College. My counting-room is at the corner of North Grove street, and next the corner of Fruit street, on the west side of Grove street. My counting-room is about 75 feet from the College.

I knew Dr. Parkman well. I had business transactions with him. He had a claim on the land where my foundry is situated. I saw him last between half past one and two on 23d November, in front of my counting-room, where I was waiting for Joseph Annis, with whom I had made an appointment for two o'clock.

A few minutes before two o'clock I saw the Doctor. I

looked at my watch and also inquired of my brother the time, and more than once while I was waiting for Mr. Annis. My first inquiry about the time was before I saw the Doctor, and it was then 20 minutes to two. I have two brothers. I inquired of by brother Albert. It was ten minutes after I saw the Doctor. I waited a few minutes after I saw him, and went off with Mr. Annis. The Doctor was going to the Medical College. My brother Albert was in the warehouse. The Doctor nodded to when he passed. He crossed over the street to me within three feet of me, in the direction of the Medical College.

Cross-examined—He was dressed, I think, in a frock coat, and dark clothing generally.

Mr. ALBERT FULLER sworn. I am the brother of the last witness. I carry on the iron foundry also, myself. I have known Dr. Parkman full two years, and had frequent occasion of meeting him; saw him last on the 23d of November; saw him pass the street in front of our house, towards the Medical College; went down to Grove street. He passed within a short distance of me. I was at the door weighing castings at the time. I saw him bow to my brother. The whole thing occurred near to our counting-house.

He passed in the direction of the Medical College. He was seen by me last about 40 feet from the College. It was between the hour of half-past one and two—perhaps nearer two. I remained in the same place all the afternoon of that day. I never saw the Doctor after that day. There are two ways of going away from the College. At the same time no one could pass into Fruit street without my seeing him.

[Here the map was submitted to the witness.]

My brother Elias inquired the time from me before the Dr. came up. The next day my attention was called to these circumstances by the Doctor's disappearance. I knew where Dr. Webster resided. He came into my room the Tuesday after, and signed a check for Mr. Cummings. The day after Parkman's disappearance I heard of it.—Mr. Littlefield came to my premises to borrow tools, for the purpose of breaking walls, on Friday after, the day of the prisoner's arrest.

The remains were found, I think, on the evening of the day that the tools were borrowed. He borrowed the tools, not at different times, but together.

My brother lent Mr. Littlefield a bar for the purpose mentioned. Mr. Kingsley called on me at the time in reference to the matter. I can't say of my own knowledge what use was made of the tools. I knew Dr. Parkman to be a very punctual man—he has always been so with us. When Webster came to sign the check he made a remark to the effect, that he thought it singular nothing was heard of Dr. Parkman.

Cross-examined. Saw the Doctor on the 23d. There were six or eight men working in the establishment at the time. From where I stood I could see both sides of the way. I was standing at the side door. It was between one and two o'clock. I could see down the street all the time.

LEONARD FULLER sworn. I am the brother of Albert and Elias Fuller, and work in the foundry with them. I remember the day of Dr. Parkman's disappearance, and of Mr. Littlefield's coming to me and wanting a bar, on the same day that the remains were found, some time after dinner. He also had a drill. The bar was about four feet long. He returned for a hammer and a chisel also, which he wanted. He had off his coat and jacket, and was sweaty when he came to me, and his clothes were dirty. My brother Albert handed him chisels and other instruments. He took the hammer and chisel and went to the College. I saw no more of him that night. I knew Dr. Parkman. I saw him on the 23d, but I can't tell the exact time. I have known him for the last three years.—Saw him at the same time my brother saw him.

Cross-examined.—I saw him in Court street, but can't say the time. Could not say what particular dress he had on; was in my chaise at the time I saw him.

PAUL HOLLAND, sworn.—My place of business on the 23d Nember was a grocery store at the corner of Vile and Blossom street. Dr. Parkman came in between one and two on that day; I think the time was about half-past one. He remained some fifteen minutes, and bought 32 pounds of sugar and 6 pounds of butter, which he desired to have sent home. He brought into the store with him a paper bag. He held little conversation with any person in the shop, but while the articles were being put up he asked permission to leave the bag in the store for a few moments, and said that he would call for it; he addressed me. I was standing behind the counter when he passed the window next to Blossom street. He said any time would do to send up the things; they were sent up. The bag remained till evening, and as he did not call for it as promised, I opened it, and found it contained lettuce. On Saturday afternoon I heard of his being missed, from Mr. Kingsley and others. While Dr. Parkman was in the store Calvin G. Moore was also present. I showed the bag and its contents to Mr. Kingsley when I heard of his disappearance. I do not dine until two o'clock; sometimes I get back at a quarter before three.

Cross-examined.—Dr. Parkman did not appear to be in a hurry when he came to me. He was dressed in a black frock, and had no overcoat. His pants were black; his

cravat also black, and either silk or satin. I have no way of fixing the hour exactly, save with reference to my dinner-hour.

JAMES PRATT, Coroner, called and sworn—I am one of the Coronors of the County of Suffolk. I was called upon in my official capacity on the evening of Friday, 30th, by officer Spoor, between the hours of 9 and 10, to examine some remains which had been discovered at the Medical College in Grove street. We went to the house of Mr. Parker, and from that to the jail in Leverett street. I knew Prof. Webster before I saw him at the jail. There was a warrant put into my hands for the arrest of Dr. Webster. I went in company with Dr. Gay into the lock-up, and thence into the jail-office, and saw Dr. Webster lying on his face in the berth, apparently very greatly depressed. Dr. Gay had some conversation with him, and endeavored to soothe his feelings, pressing him, at the same time, to get up. Webster stated he was unable to do so. They helped him out of the berth. He was agitated, and seemed to tremble all over—as agitated as any person I ever saw, and exclaimed, "What will become of my poor family!"

The officers then led him up stairs. They had to take hold of him and lift him up, for he was nearly helpless, and had no control over his limbs. He was taken to the office and treated with care. Some person offered him water, but he was so agitated he could not drink; he didn't take the tumbler in his hand, but when it was put to his lips turned from it. Before the party started we received directions that no one should hold any conversation with Dr. Webster. Mr. Parker had some conversation with him. He stated to the prisoner that some discoveries had been made in the Medical College, and "we have come here to see if you will come down and make all necessary explanations." I do not recollect his answer, but he consented to go with us. We placed him in a carriage, with one of the officers of the jail on the outside, and Mr. Blake and myself inside. Mr. Cummings was also on the outside.

He was in the same condition entering the carriage as at other times. The officers had to lift his feet. I heard him say that he felt cold in the lock up. When we arrived we went up to the front door of the College, the prisoner being assisted as before. There was some conversation in the carriage, but I cannot recollect it. I remember he complained of his arrest, and made some remarks about being taken from his family.

[The attention of the witness was called to the map that he might point out the route by which the carriage proceeded to the College; it appeared they entered the south front door.]

We entered the lecture-room; the persons who held Mr. Webster were Mr. Cummings and Mr. Blake. There was some conversation, but I do not recollect it. We then went into the small laboratory, and I believe that the door was closed, and had to be burst open; I'm speaking of the door from the lecture-room into the small room back. Some person then inquired for the key of the small room.

Dr. Webster said that was his private room where he made his chemical preparations, and that there were dangerous matters inside, and the key, he said, he had not got from Mr. Clapp. The room was finally broken open, and some of the party went in, myself included. Dr. Webster stood near the door and looked in, and remarked that if they were not careful they would break some of the bottles. On the opposite side of the room towards the window there were drawers—in the small room I mean—some of which they broke open. Dr. Webster objected to this saying, "You'll find nothing there but some demijohns and bottles," and this was true. There was also a hatchet found by some one, which I saw in the hands of an officer—nothing else but some articles of clothing.

We then went down stairs to the lower room. It is impossible to give any account of the conversations which occurred, for all were scattered through the room and all were talking. There was an inquiry made for the key of the privy. Webster answered it was hanging up in its place on the nail. I think this inquiry was made below stairs, but cannot be certain. I didn't take as much pains that evening as others did. I never was in the building but once before, and I did not charge my mind with the minutiae.

While we were in the laboratory the key was tried and did not fit. The door was then broken open, and the seat thrown up. Some persons enquired where the chimney was that was connected with the furnace, and somebody remarked that there was the furnace. I think some one went to the furnace and took the cover off. I directed them to let it remain as it was. There were some minerals there. Somebody held the prisoner by the arms all the time.

He called for water and was so agitated that he could not drink. He appeared different from any man I ever saw before—when the water was put to his mouth he appeared to snap at it, and then thrust it from him violently, as if it was offensive. He was more excited in the laboratory than he was up stairs, and more calm up stairs than I saw him anywhere else. All the party went out of the laboratory together, towards the trap-door; it was in the laboratory he called for water.

Mr. Andrews, the jailor, was there at the time. We went through an entry into a cellar, and a trap-door was opened; Mr. Chapp, Mr. Littlefield and others, went down and requested me to follow, which I did. The highest place was not more than four feet, and we crawled on our hands and feet. The remains were brought out by the officers and laid on the floor. The prisoner was very much agitated at the time; the remains were taken into the laboratory; I remained there after Dr. Webster returned to jail. I left the College in charge of officers; the remains were put into a box, and the tea chest into the privy.—There was no further search that night.

Next day I received a warrant, and summoned a Jury of Inquest. When I arrived there, I found that other portions of a body had been found. I took out the contents of the furnace at that time, which was Saturday. I was assisted by the police officers who were there. They searched the contents, and might have taken some matter out of it.

There were quantities of bones burned and particles of metal and mineral, and some like gold were found. We took from the top of the contents of the furnace a great deal of ashes. After taking out more than the half, I found on the sides of the furnace pieces of considerable size which were sticking to the brick, and with a crooked iron I took them up.

The Court at this time—10 minutes past two—adjourned until half past three P. M.

AFTERNOON SITTING

The Court and Jury came in at 3½ P. M.

JABEZ PRATT, examination continued. There was a piece of jaw found towards the bottom of the furnace, with mineral teeth set in it; piece of jaw about an inch long; I know what Dentists call a block of teeth; it is impossible to tell whether the jaw was an entire block; supposed it to be one; same pieces I took from the furnace I caused to be put into the hands of Dr. Winslow Lewis, Jr., by the hands of another person; found jaw about two-thirds of the way from the top of the ashes to the bottom; suppose furnace was one foot deep; found two or three separate mineral teeth; bones were taken out of the ashes; the ashes remained; I do not know what has become of them; have seen them at the Medical College; I gave directions that the whole contents of the furnace should be placed into the hands of medical men and chemists, to do as they pleased; I sent a message for Dr. Jeffries Wyman on Sunday; I do not know what portion of the bones Dr. Wyman took; that matter was settled between the Drs. themselves; I only took charge of the bones and remains; nothing else from the Laboratory; some of the bones were put into a box and placed in the privy for safe keeping on Friday night.

I took out the contents of the furnace before I summoned a Jury of Inquest for the afternoon. I do not recollect all the officers who were left in charge of the College on Saturday. I do not undertake to say whether I found any pieces of the natural jaw in the furnace. The doctors were at the Medical School on Saturday afternoon—not certain that they were in the morning, though I think they may have been. I have had in charge a tin box manufactured by Mr. Waterman. Some of the teeth fell through the grate and were picked out from under it, by Constable Trenholm. I had a note that there was a box at Mr. Waterman's, made by order of Dr. Webster. I called there, and Mr. Waterman requested that it might be taken away, and it was removed.

[The box was shown to witness and identified.]

Cross Examined.—I broke the pieces of bone and cinders from the sides of the furnace on Saturday. I am sure the cinders were mixed with bone. I think I saw the bones mixed with the cinders before I broke them off from the grate. I don't know the names of any officers who had particular charge of the bones, except those who had the entire charge of the Medical College. I have said before that there were some teeth in a block, and some single. I supposed them to be mineral teeth.

Dr. Winslow Lewis, Jr., called and sworn. I was called to the Medical College on Saturday, with others—Dr. Martin Gay and Dr. Charles T. Jackson. I am not aware that there were any others present at the time. Coroner Pratt requested me to attend at the College; arrived at 3 o'clock on Saturday afternoon. I called on Dr. George H. Gay and Dr. James W. Stone and Dr. Jeffries Wyman, for assistance. Met on the Subbath, in the morning. Dr. Wyman took charge of the bones found in the furnace, and certain articles supposed to have been on them. Dr. Martin Gay and Dr. Charles T. Jackson took charge of articles to be subjected to chemical analyses. Dr. Geo. H. Gay, Dr. Stone and myself prepared a report on the parts of the body submitted to our examination, which report was submitted, after being sworn to, to the Coroner's Jury.

The following is a copy of the original draft, with amendments, from which the report before the inquest was framed:

POST MORTEM EXAMINATION,

At the Boston Medical College, Dec. 2, 1849, at 10 A. M.

Five portions of a human subject were examined; a

thorax, a pelvis, two thighs, and a left leg; together with the contents of two boxes containing various articles said to be taken from a furnace. The thorax and left thigh were discolored, apparently with tan and some caustic substance; the three remaining ones were white, fair, and appeared as if soaked in water. The cartilage on the head of the left thigh bone was colored black.

Remains of Thorax, which consisted of all the bones except the sternum. Fracture of the fifth right rib, apparently recent, and about four inches from division between ribs and sternum.

Both clavicles and scapulae present; clavicles large.—Both lungs present, but collapsed. Left lung had pleural adhesions. Structure of both lungs apparently healthy.

Anterior thoracic muscles cut up from the ribs about six inches from the centre on each side, and with the skin thrown one side.

Posterior portion of integuments from the left scapula to the lumbar vertebrae, of a dark color and hardened.—Remaining portion of integuments generally of a natural appearance, except a little greenness under the right axilla, probably from commencing decomposition, and some blueness under the left axilla, leaving the skin soft and easily broken, through artificial action.

An opening slightly ragged, about one and a half inches in length, under the left nipple, between the sixth and seventh ribs, extending into the chest.

Remains of thoracic aorta and thoracic oesophagus present. Heart and diaphragm wanting. Trachea divided through the cricoid cartilage. Spleen contracted; externally granulated and internally red. Left kidney in its natural position and contracted. No liver, right kidney, pancreas, stomach, or intestines.

Sixteen vertebrae present, consisting of three lumbar, twelve dorsal, and the greater portion of the seventh cervical, which appeared to have been sawn through the upper part.

Small quantity of long greyish hair on the front of the chest. Some stained dark greyish hair on the back.

Periosteum removed from the front part of several left ribs. Both arms severed in a very irregular and unscientific manner.

Pelvic portion consisted of the bones of pelvis, two of the inferior lumbar vertebrae, all the integuments, muscles, organs, &c., and the pelvic viscera generally. All of the intestine remaining was about six inches of the rectum, through the anterior and external portion of which a section had been made, and the mucous coat separated from it four or five inches, throughout the whole circumference, but not cut off at the lower end. Hair upon this portion of a sandy grey. Both thighs severed from it in a very irregular manner. Integuments divided down to the pubis in the median line. On placing the pelvic portion in apposition with the thoracic, the third and fourth lumbar vertebrae corresponded precisely. The spinous process of the third lumbar vertebra, with a portion of the transverse processes of the same were absent from the thoracic portion, but were found attached to the fourth lumbar vertebra, which was on the pelvic portion.

Right Thigh—On being placed in apposition with the pelvis portion, the bone, flesh and skin corresponded perfectly. Good muscular development with but little of fatty matter. Patella attached. Some ossification of femoral artery.

Left Thigh—Had a string with loose ends, about 2½ feet long, tied round just above the condyle. Patella attached. On being placed in apposition with the pelvis, the bones corresponded, but some portion of the skin and flesh appeared to have been removed, or contracted from artificial means. On the anterior surface of the thigh, and somewhat on other parts, there were appearances apparently of the action of fire or some caustic matter.

Left Leg—Of natural appearance, fair size, and on being placed in apposition with the left thigh, the articulation corresponded.

	Measurements.	Inches.	Inches.
Thoracic portion, length,	below axilla, circumference,	30	17½
Pelvic	length,		9½
	circumference below crest of	30½	
Both thighs (of the same length),	circumference of largest part of		18
	each	18½	
Left leg—length to the outer malleolus,			16
Total,			61
Deduct distance from bottom of pelvis to top	of acetabulum,		3½
			57½
All the parts being placed in apposition, the	distance from the seventh cervical vertebra		
	to the outer malleolus,		57½
Difference,			½
Circumference of largest part of left leg,		12½	
Right kidney afterwards discovered much	contracted and discolored,		
Distance from sole of foot to the outer malleo-	lus on another subject,		3
Distance from top of head to sixth cervical	vertebrae,		10
Total height—5 ft. 10½ inches, or,			70½

These portions appeared to belong to a person of between 50 and 60 years of age. The muscular system was well developed, and but very little of adipose matter. The fragments of bone found in the ashes and cinders from the furnace in Dr. Webster's laboratory, contained in one of the boxes, were:

1. Fragments of a cranium, 30 or 40 pieces.
2. Fragments of a temporal bone.
3. Coronoid portion of the lower jaw, probably that of an elderly person.
4. A portion of the lower jaw, right side, containing a part of the dental canal.
5. A fragment of an atlas, or first cervical vertebra.
6. The body of a cervical vertebra, probably the 2d or 3d.
7. Fragment of a humerus.
8. Terminal phalanx of a finger.
9. Fragments of a tibia or leg bone.
10. " " metatarsal bones.
11. Right os calcis.
12. " " os tragulus.
13. Several pieces of mineral teeth, the more perfect portions of which being teeth in a block, which, on being shown to Dr. N. C. Keep, were identified as having been made by him for Dr. George Parkman, and corresponded to the mould in Dr. Keep's possession.

Many fragments undetermined.
Portion of ulna, and part of olecranon process.

I knew Dr. George Parkman; knew him for many years. There was nothing in the color of the remains, the size, or the hair, that was dissimilar to Dr. George Parkman. The parts had not been prepared for anatomical purposes; nothing in the vessels that indicated the remains had been subjected to dissection; should expect to find some preservative fluid in the vessels of a body, if it was a subject for dissection. There can be no doubt that the five pieces belonged to one and the same subject. Coroner Pratt handed me a block of mineral teeth, say two inches long; carried them to my house, kept them there that night, and showed them to Dr. N. C. Keep the next day.

Cross examined.—Knew Dr. Parkman thirty years. If I had not heard of the murder I should not have supposed the remains were those of Dr. Parkman. No peculiar marks about the remains. The height could be computed very nearly—might be a variation of half an inch. Could not say that the opening in the chest was effected by a stab. The parts had been acted upon by chemical agents. Could not say that the opening was made before or after death. There were no marks upon the ribs upon which the trace of the knife could be discovered. We examined the parts particularly to discover such trace. There might be two gallons of blood found in an entire body as large as the one indicated by the remains found at the Medical School. In a dead subject, two quarts of fluid might be found. Do not know what time would be required to burn up a human head—suppose in the furnace, a head would burn up in two or three hours. Of the parts missing, I could not say how long a period would be required to consume them in such a furnace as is found at the Medical College. The age might vary eight or ten years from the estimate assigned—60 years.—There was more muscular development in the lower limbs than I should expect would belong to a frame indicated by the upper portion of the remains.

Direct Examination resumed.—I handed the teeth to Dr. Keep; the Doctor returned them and I handed them again to the Coroner. As to a stab, the bleeding might be external or internal. Never have burned a human head. The flow of blood from the arteries ceases very shortly after death.

Cross Examination resumed.—If bleeding takes place internally, the blood must be disposed of after the body is cut up.

Dr. JAMES W. STONE, called and sworn. I was one of the physicians appointed to make an examination of the remains; heard the testimony of Dr. Lewis; I agree with him. There was rather more hair than usual upon the back, its color was a sandy grey; muscles of lower extremities more developed than one would suppose from the size of the body. Unusual development of muscles would indicate an individual accustomed to frequent walking. The length of the hair upon the back was longer than usual; in front the hair was apparently burnt, so that its length could not be determined. Suppose the age to be from 50 to 60 years. Ossification of the arteries leads to this conclusion. Knew Dr. Parkman very well, for five or six years. There was nothing dissimilar in the remains to those which might belong to Dr. Parkman.—Dr. Parkman was a great and fast walker. The person who separated the parts of the sternum from the thorax, must have had some anatomical knowledge. The parts were removed in the usual way, as a surgeon would separate them, through some slight irregularities were discovered. Good physicians have failed to separate the breast-bone from the collar-bone in the manner that it was done in the remains. If the vessels had been injected with an arsenical fluid it might require a chemical analysis to determine this point, but if a glass had been injected this would be easily determined, but there was no evidence of the injection of gelatin.

Cross Examined.—Made a careful examination of the opening in the chest; discovered nothing to say that the stab was made with a knife previous to death. The skin was very soft and very easily broken through. I did not see, when the first examination took place, the trace upon the rib, though I was told afterwards there was a mark as of a knife upon it. It was not there when we first examined the remains. We might have seen it.

Direct Examination resumed.—There was an irregularity upon the ribs; the space between 6th and 7th ribs was open—no membrane, no muscle, upon them. Cannot say that there was not a portion of the periosteum gone from the upper and under side of one of the ribs.

Dr. GEORGE H. GAY, called and sworn. Was one of the physicians who drew up the report to the Coroner's Jury. I concur with previous witnesses. The separation of the parts of the body indicated anatomical knowledge.—When surgeons wish to throw the head away, they use a saw to sever the head from a subject. There were some irregularities in the separation of the thigh from the hip, but not sufficiently great to indicate an ignorance of Anatomy. I supposed the hole in the chest might have been made by the pressing of the end of a cane of one of the officers, when he was removing the remains from the box. There was a perforation of the membrane of the ribs.

Cross Examined.—Examined the opening to discover its appearance, internally and externally. I supposed it was done with a cane. I saw nothing to lead me to believe that it was done with a knife.

In reply to Mr. Clifford.—I made up my mind as to the cane before the examination was made.

Dr. WOODBURY STRONG, called and sworn. Have been in practice since 1820 in the city of Boston. Came to Boston, and as nobody appeared disposed to employ me, I spent much time in dissection, meaning to be thorough in my work. I had one body on my table for three months at a time. I have had some experience in the destruction of human flesh by fire, as I used to burn up remains after dissection. I had a pirate given to me by the Marshal for dissection. Being warm weather, I dissected him rapidly, wanting only the bones, and so I burned the flesh. In an old-fashioned fire-place I built a fire and placed the flesh upon it. I kept a roaring fire all night and still did not burn up all the flesh, though the man was not a large one. At 11 o'clock the next day the flesh was not all consumed. Dry wood is the best fuel to burn up flesh; if the wood is not dry, the flesh will put the fire out. Knew Dr. George Parkman nearly ever since I have been in the city; he was a neighbor for several years; I was intimate with him. I saw him on Friday, the day on which he disappeared. He was in Beacon street, about 12 1/2 P. M.—not far from that hour. I was driving down Belknap street, and espied the Dr. on the opposite side of Beacon street, coming up from Walnut street; he passed into the Common, and this was the last that I ever saw of him. I was at the Medical College on Tuesday after the remains were found. I was there on Monday. The Doctors had nearly completed the examination. I went there to satisfy my own mind, not expecting to be called upon for evidence.

The separation of the parts was done in the usual manner of anatomists. No one without some knowledge of anatomy could have severed the parts as was done in this case. On drawing the skin of the opening of the chest, I thought I discovered evidence that a stab was given when the muscles were tense, as in life; it was such a cut as no man could make except with a very sharp knife upon a dead body, but might readily be made with an ordinary knife upon a living person. It was my impression that the death might have resulted from that stab.—A person stabbed in the region of the heart would bleed internally more than externally. The vessels of the remains were nearly bloodless, as bloodless as those of any meat you see in the shambles. The hair was intermingled with grey hair. The skin had lost the appearance of elasticity which belongs to a young subject. I should think that the subject must have been fifty or sixty years of age. There were ossifications which do not usually take place until a person has passed middle life. The trunk was longer than usual—it was peculiarly straight. The color of the hair, and the general appearance of the body, all indicated to my mind, that the remains were those of Dr. Parkman. There was nothing in them dissimilar to him.

Cross examined.—I resided in Cambridge street at the time of the death of Dr. Parkman. I have been on terms of intimacy with Dr. Parkman. I have seen the face and hands of Dr. Parkman. I don't recollect whether I ever saw Dr. Parkman wear whiskers or not. I made the same observations as regards Dr. Parkman as to other men—try to discover deformities. I went to Medical College on Monday; saw Dr. Wyman, Dr. Lewis and others there; did not see the remains that day. Dr. Charles T. Jackson remained while I examined the remains on Tuesday. I have attempted to burn parts of a human body in a stove; I never owned a furnace. I should think the furnace in the Medical College the very worst place to burn flesh, as it does not appear to have a good draft; a stove in the room would have been a much better place. I have used a common cylinder stove; have placed flesh upon a

common anthracite coal fire; found coal worse to burn than wood. Think that from the stab between the sixth and seventh ribs, the blood would have flowed nearly all internally. There are two kinds of blood in the human body—one stationary, and one circulating; can't say how much blood there would be in a body of the size of Dr. Parkman's.

Direct examination resumed.—There is a difference of opinion among medical men as to the amount of blood in the body.

In reply to a Juror.—I noticed the remains more particularly, knowing they were supposed to be those of Dr. Parkman.

In reply to Mr. Clifford.—The back and front of the body looked as if it might have belonged to Dr. Parkman.

Dr. F. S. AINSWORTH, called and sworn. Am demonstrator of Anatomy at the Medical College. Every subject brought to the College must pass through my hands before it is delivered to Professors or students. I keep a record of all material received, and of all material expended, and to whom supplied. At the time of Dr. Parkman's disappearance, I had an accurate account of all subjects received and all subjects on dissection. I saw the remains, and examined them to ascertain if they came from the Demonstrator's room. I concluded from the remains themselves, without referring to my record, that they had never been introduced for dissection. It is customary to inject the vessels to preserve the body while it is undergoing dissection. I use arsenic acid, chloride of zinc, with a saturated solution of alum and saltpetre.—The fluid produces an effect at once. I found no appearance in the arteries of the remains to indicate that they had ever been injected for the purposes of dissection. Dr. Webster has no official connection with the anatomical department. Saw no indications that the remains had been dissected for anatomical purposes; my impression was that the person who cut up the remains had no anatomical knowledge; he might have seen a body cut up, but that he had ever taken a knife in his hand to do it, I doubt very much. I differ with all the other medical gentlemen who have testified upon this point. The way the sternum was removed, was the only way in which it can be done—the only way in which a knife would cut. The joints of the collar-bone were separated—though a difficult job, it was perhaps the only way in which it could be done.

At 5 minutes to 7 P. M. the Court adjourned to 9 o'clock next morning.

THIRD DAY.

THURSDAY, March 21st, 1850.

The Jury came into Court this morning, at 9 o'clock, and His Honor Chief Justice SHAW, and his associates, soon after took their seats upon the bench. The bar was filled with lawyers, and the remainder of the room occupied by spectators, deeply interested in all the solemn proceedings attendant upon the trial. The prisoner himself wore the same general appearance of calmness that has characterised him since the commencement of his trial.

Dr. CHARLES T. JACKSON, called and sworn.—I am a chemist by profession; have attended to it for several years. Was called to the Medical College shortly after the discovery of the remains, on Saturday afternoon, December 1st, 1849. I met Dr. Martin Gay and Dr. Winslow Lewis, Jr. Dr. Lewis made the preliminary arrangements for the examination. Dr. Gay and myself undertook the chemical part. The remains of a human body were shown to us, and the contents of a small assay furnace. The remains were passed over to the medical gentlemen. Before they were passed over I examined them; I saw nothing about them to indicate that they had been used for anatomical purposes. I did not think that they had been dissected. The manner of opening the body I thought indicated anatomical knowledge.

The dividing of the cartilage from the ribs marked this; there was no latching about separating the thigh from the hips; the joints were dis-articulated neatly. I heard the testimony of Drs. Lewis, Gay and Stone; coincide with them as to age of the person to whom the remains belonged. Was acquainted with Dr. Parkman. He was a tall, slender man, rather flush and broad on the shoulders, thin in his lateral view, not so much so in his front view. I discerned nothing dissimilar in the remains to Dr. Parkman. Nothing in the muscular development of the lower limbs was dissimilar. It was a dried muscular subject.—A strong solution of caustic potash had been applied to the remains, I should think.

[The report drawn up by Dr. Jackson and presented to the Coroner's Jury, was produced and identified by him. Mr. Bemis read the report, and it was put into the case.—The report states that the examination was carried on by Drs. Jackson and Gay, Dr. Jeffries Wyman assisting in the examination.]

The bones taken from the furnace were much broken and partially fused. Several of the bones were identified. A tooth was found with an opening in it, appearing as if it had been filled with gold. A block of teeth also

was found without the plate. Globules of gold, zinc, and a little copper, were found in the cinders of the furnace. The skin gave evidence that potash had been applied to it. Evidences of alkali were discovered about other parts of the remains.

Dr. Martin Gay examined a portion of the blood vessels. I took the articles which had been left at Dr. Gay's house. I found the same papers that had been delivered to Dr. Gay. I took them and delivered them to Mr. Richard Crossly, who completed the examinations which he had commenced for Dr. Gay. I have not attended to them. I satisfied myself by full chemical proof that alkali had been applied to the remains, and that alkali was potash. Potash softens flesh, and if heat is applied it does it rapidly. I should apply the potash in boiling water.—To decompose a body with dissolved potash it would require but a few hours, if the body was cut up into small pieces. It would require full half the weight of the body in potash. A large kettle would be required, if a large amount of flesh was put in at once. Judging from the size of Dr. Parkman, who probably weighed about 140 lbs., half that weight in potash would have dissolved it. Less would have destroyed the identity. The largest vessel which I saw in the Laboratory of Prof Webster was a copper boiler from a foot to fifteen inches square, such a boiler as is used for washing floors. If the body was cut up, the pieces could be put into the boiler; but the thigh and hips joined could not be placed in it. I have seen no other vessel of large size in the Laboratory.

Nitric acid is the next best substance to dissolve flesh. Potash is best, because it can be applied in a common vessel. Nitric acid requires a glass vessel. To dissolve an entire body, bones and all, it would require of acid about the weight of the body. Gently heated it would give off but little gas—but if boiled it would give it off in great quantities. Nitrous acid gas is offensive and injurious to health. Nothing but porcelain or glass would answer for the vessel. An open vessel would answer, and the gas might be allowed to pass off by the chimney. I saw no vessel large enough to dissolve any considerable quantity of flesh in nitric acid. There were several bottles of acid, containing five or six pounds each. Some contained nitric acid; some muriatic acid. I should think that there was not over ten pounds of nitric acid.

On the side walls of the stair case were drops of green liquid; the stairway leads up from the lower laboratory to the upper laboratory. I sent to my laboratory and got some paper to absorb a quantity of that green fluid. Dr. Gay absorbed it and took it away with him. Since I obtained the articles which Dr. Gay took, I have examined that paper, and have ascertained that green fluid to be nitrate of copper. The spots were very abundant all over the sidewalls, the whole length of the stairways; the spots were in a fluid state when I saw them; they have since dried up. The spots on the walls appeared to coincide wherever there was a dark stain upon the stair case. They were more abundant on the lower landing than near the top.

[The witness pointed out on the model the locality of these spots.]

The spots appeared as if spilled upon each stair separately. Nitrate of copper is a deliquescent salt—that is, it attracts moisture from the air and remains fluid for some time. It did remain fluid for several days. Its taste is astringent, caustic and very disagreeable; it is not bitter, as the term is applied to drugs. I was requested by the Government to ascertain the effect of nitrate copper on the blood, but as this was a proper subject for microscopic examination, I transferred the matter to Dr. Wyman. I think that it was on Sunday that I saw the pantaloons with blood upon them, and Dr. Wyman cut pieces from them; he also cut pieces from the slippers. The microscope is the proper method to examine blood, especially in small quantities, as the chemist might destroy the blood without detecting its nature. I saw some punch pieces taken from the furnace, upon which there was some nitrate of copper. These are generally employed to mark that substance.

[The witness produced several of these pieces, about the size of a quarter of a dollar, with nitrate of copper adhering to them.]

A large quantity was taken from the ashes of the furnace. Exposing the nitrate of copper to heat would turn it black. The punch pieces had not been exposed to the fire. Nitrate of copper is oxide of copper dissolved in nitric acid. I understood that Dr. Gay had a pearl shirt button found in the furnace. I cannot now find it. I levigated and washed the contents of the furnace to ascertain if gold or other metals were present. I found of gold 45 grains and 6.10ths. Dr. Gay found 47 grains. I weighed some obtained from Mr. Andrews, which amounted to 81 grains 5.100. The total was 173 grains and 65.100 of gold. The pieces of mixed metals shown to me contain substances similar to what was found in the ashes.

The market value of the gold found would be \$6.94.—The contents of the furnace were mostly removed before I arrived at the college. The bones appeared as if great heat had been got up in the furnace. I have known Dr. Webster for 25 years. I recognised the knife found in the box as having seen it in the laboratory of the Mason street college. I think I saw it in the Mason street col-

Jege, in the laboratory. The college was removed about the year 1846. The knife was shown me at the Medical College in Grove street. We found indications of whitening and oil upon it—the oil was still fresh. I do not know whether it was Monday or Tuesday. I scraped off the whitening and carried the knife home, but did not regard it as of any importance. I did not notice the handle particularly.

Dr. Parkman was nearly my height—think that he was a little taller if he stood straight. My height was 5 feet 11 inches the last time I was measured. If flesh had been consumed in the furnace the draft is sufficient to carry off all odor. The draft is very great, and the cover is tight enough for all purposes. I think that there is still some gold among the cinders. We only used the middling sized cinders. There was about half a peck of ashes and a quart of cinders.

Cross Examined.—Any other salt of copper would have the taste of copper. Should not have supposed that the remains were those of Dr. Parkman, if I had not known he was dead. The flesh did not appear as if it had been boiled—the hair was curled as if it had been subjected to the action of fire. The body did not appear to be decomposed, except where the potash had acted. The potash had not acted all over the body. The left side was affected by potash.

I did not examine the interior of the thorax to ascertain if potash had been applied. I did not find any potash except upon one side and both ends of the thorax and the back. The head of the thigh bone was smoked, and the skin was softened from the effect of potash and heat. The time of dissolving flesh in nitric acid depends entirely upon the division of the parts; if cut up, a few hours would suffice; if the bones were taken out, I should think that they could all be dissolved in half a day. The liquid would be thick and yellow after the dissolution was effected. The specific weight of nitric acid is 1.410. I saw a wash boiler at the laboratory; there was nothing in it when we saw it.

The green fluid may have been upon the walls for several days before we saw it—say two weeks. The whitening was upon the blade near the handle of the knife. Upon examination of the slag of the furnace I know that anthracite coal was used. The potash did not appear to have been on the thorax for any great length of time; a few minutes of the action of potash and fire would soften the flesh as we found it. There was very little effluvia from the body. An alkaline smell attracted our attention and caused us to look for potash.

Direct resumed.—Nitrate of copper upon Norway Pine produced the same brown stains that we found upon the stairway. [Witness exhibited a piece of pine and pieces of the staircase to the jury.] It was perfectly obvious from pieces of charcoal that wood had been burned in the furnace.

RICHARD CROSSLY, called and sworn.—I am an assistant of Dr. Jackson in his laboratory; have attended to chemistry for thirteen years. Have experimented on blood-vessels at request of Dr. Martin Gay, to ascertain if they had been injected with arsenic acid or chloride of zinc. I did not discover the presence of arsenic or zinc. On Monday last, at request of Dr. Jackson, I made still more thorough experiments. I examined the green fluid, and agree with Dr. Jackson that it was nitrate of copper.

Dr. N. C. KEEP, called and sworn. I am a surgeon dentist; have practised nearly thirty years. I am a neighbor of Dr. Lewis. I have attended to artificial or mineral teeth as well as to natural teeth.—I have known Dr. Parkman ever since the year 1822. While I was a student of Dr. Randall, Dr. Parkman was there, and I formed an acquaintance with him. I knew him in an official capacity; in 1825 he employed me as his family dentist; and since that time, so far as I know, he continually employed me. Dr. Lewis showed me a block of mineral teeth, on the Monday after Thanksgiving. He called on me between one and two o'clock. I recognised the block as a piece I had made for Dr. Parkman in 1846.

[Witness identified the block which was produced to him by Mr. Bemis.]

These are the same blocks I received from Dr. Lewis.—Dr. Parkman's mouth was a very peculiar mouth in many respects—a difference in the relations between the upper and lower jaws, marked it so particularly that the impression left on my mind was very distinct. I remember the peculiarities of the lower jaw with great exactness. The circumstances connected with the ordering of the teeth were somewhat peculiar.

[Mr. Sohler, junior counsel for the defence, objected to witness going into the circumstances, but the Court overruled the objection.]

The first question asked by Dr. Parkman, was—how long will it take to make these teeth? Upon telling how long I asked him why he was so particular? He said the Medical College was going to be opened on a certain day, and he was expected to speak, and if he had his teeth he wanted them at that time—and if he could not have them at the opening, he did not wish to order them at all. That time was rather short. The peculiarities of his mouth made it a difficult case, requiring as much skill as could be used.

I began the case as soon as possible, and gave my attention to it almost constantly. Saw Dr. Parkman frequently while it was in progress. In consequence of these circumstances, shortness of time, the difficulty of mouth, I remember with more distinctness all connected with the teeth. I proceeded in my usual mode to take impressions. The first step was to take a *fac simile* of each jaw, each by itself. The impression is made by soft wax placed in a case and applied to the mouth, and held there until it hardens. When the impression is taken out it is oiled, and liquid plaster poured into it. After remaining a few minutes the plaster hardens, and gives an exact copy of the jaw, if no error is committed. The impression of the upper jaw is taken in the same manner.

[Witness produced the plaster cast of the lower jaw of Dr. Parkman.] This is the cast of the lower jaw of Dr. Parkman. The natural teeth were cut off—there were four natural teeth and three stumps. The next step after taking the plaster cast is to place it in a box, and cooling sand is thrown over it, and pressed down to form a mould. The plaster is removed and melted metal is poured into it—zinc or brass, I am not certain which. Then a fac simile in metal is obtained of the plaster cast. Then a soft metal is cast to give a male and female die and punch.—Then a plate of metal is placed between the dies struck down, and it assumes the shape of the gums, accommodating itself to all their irregularities. Here the metallic plate first struck, and applied to the mouth of Dr. Parkman to see if the work was properly done.

The upper jaw was done in the same way. The copper plate I fitted to the mouth of Dr. Parkman. The reason of making a trial plate is to determine the exact size of the gold plate, which is ultimately to be applied to the mouth. The upper gum of Dr. Parkman had no natural teeth. The lower plate shows which were roots and which were teeth; the roots were covered; the teeth perforated the plate. Having got thus far, I made the gold plate, which was tried in the mouth of the doctor. The next step was to ascertain the relations between the upper and lower jaw. The lower plate was fitted to the lower jaw with wax upon it, somewhat softened;—so with the upper plate. I then requested the doctor to close his mouth until I supposed it was in a right position.—The plates were then removed and the necessary steps taken by which the relations of the two jaws were established, and the right length of the artificial teeth determined. The receding of the upper and the protrusion of the lower jaw, very strongly marked the mouth of Dr. Parkman. Other individuals exhibit the same peculiarities, but those of Dr. Parkman were very distinct. The teeth were made in block, out of a mass of soft material cut into shape, holes made for the springs, and then baked or vitrified. There was great irregularities of the left side of the lower jaw of the mouth of Dr. Parkman. The teeth, made whole at first, are usually cut into three pieces before baking, and each piece is called a block. The upper teeth of Dr. Parkman were in three blocks. The lower teeth of the Doctor were not whole, in consequence of the natural teeth which remained. On the left side of the lower jaw the block was peculiarly formed;—then there was a block on the right side—both being blocks of back teeth. The front teeth of the lower plate were completed, and all three blocks were fastened to one gold plate, and could be removed singly or together. The upper teeth were fastened to one gold plate.

There were spiral springs attached to the set of teeth, to facilitate their use. The teeth were fastened with pins of platina, instead of gold pins. There is nothing peculiar about the fastening. I only mention it as a fact which I remember. Just before the teeth were completed an accident happened, the repairing of which caused us to work nearly all night, the night before the college was opened. The teeth were completed, and there were thirty minutes to spare before the college was opened.—Mr. Noble, my assistant, and myself were at work with the utmost assiduity to complete the job.

[At 12 M a recess was granted by the Court, at the request of the Attorney General, a fire having occurred at the Tremont House, and that officer wishing to go and secure his papers. Dr. Webster was busily engaged in conversation with various friends during the recess, and appeared by no means depressed with the evidence, as it accumulates against him.]

Dr. N. C. KEEP's examination resumed. When the teeth were completed and put into Dr. Parkman's mouth, he had thirty minutes to spare to reach the Medical College. When I next saw the doctor, he remarked that he felt as if he had not room enough for his tongue. To obviate this difficulty, I ground the blocks of the lower jaw on the inside to increase the room for the play of the tongue. The grinding was done with difficulty, as the teeth were upon the plate, and a small stone had to be used. The grinding removed the color and defaced them. The shape left after grinding was very peculiar, on account of the size of the wheel with which it was done.

I saw frequently Dr. Parkman as slight changes were needed. The last time I saw him in regard to his teeth was about two weeks previous to his disappearance. He then called late in the evening, having broken the spring. It was about 10 o'clock at night. Not being well, I had

retired for the night; the person who went to the door came and told me it was he. I sent word that I could attend him, and I did so as speedily as possible. He told his trouble: I took the teeth and repaired them. He was present about half an hour. I had no more professional intercourse with him at all. The day before his disappearance Dr. Parkman called upon me touching a servant who had lived with me. I inferred that he wished to employ him. I went into the country to pass Thanksgiving, and returned the Monday succeeding. I had heard of the Doctor's disappearance before I left. On my return on Monday, Dr. Lewis presented to me these portions of mineral teeth, (exhibiting them to the jury) saying that he was requested to bring them to me for examination. On looking at them I recognised them to be the same teeth that I had made for Dr. Parkman.

The most perfect portion which remained was that block which belonged to the left side of the lower jaw. I recognised the shape in the outlines as the same that I had labored on, and had him in my memory. Several other portions had been much injured by exposure to fire. I proceeded to look for the model upon which the teeth were made, and the resemblance was so striking that I—(here the witness burst into tears, and was unable for a moment to proceed). There was sufficient left to determine where the teeth belonged. This belongs to the right upper jaw, there is no mistake—this belongs to the left. This is the remains of the front block of the upper jaw; these make out the ruins of the upper jaw. The left lower block is nearly entire. That attached to it is presumed to be the right block of the lower jaw.

Parts not identified are directly in front of the lower jaw—there is a piece here that may or may not belong to the set. The platina pins remain attached to the blocks.

To the Court. The pins were soldered to the plate, and put in with wood or some metal into the artificial teeth, not quite through the teeth, however—they were more like a treenail than a rivet.

[The witness stood in front of the Jury and fitted the left block to the plaster cast, which he had declared was the cast taken from the mouth of Dr. Parkman. So far as we could get a glance at the block and cast, there appeared to be a nice adjustment between the two.]

Direct examination resumed.—I ground the inside of the teeth, and removed a portion of the pink color and of the enamel. [The witness also explained this matter to the jury, and pointed out the manner in which he had done his work. The grinding with a small wheel had left a concave surface upon the inside of the block, sufficient by deep, however, to mark the indentation to the eye.—He designated this indentation to the Court, also.]

I had imbedded more or less with the mineral teeth, portions of gold; also, minute portions of bone. That portion of bone is cancellated, being peculiar to the jaw bone, the bone consisting of cells. I don't think of any thing else I have to say especially. I saw the mineral teeth in the doctor's mouth the last time he called on me. I saw them as he talked. I did not take them out. I should have known if they had been out.

The presumption is strong that the teeth were in the head or muffled when subjected to the fire. Artificial teeth soon absorb a minute quantity of water—when placed in the fire they are glazed over, and the water in them is converted into steam, and they burst. If the teeth were in the head the teeth would be exposed gradually, and the bursting might not take place. When new teeth are heated, time must be taken to heat gradually so as not to crack. If I throw a block of teeth suddenly into the fire, new or not, I should expect them to burst into a great many pieces. If muffled in the head, or otherwise, they might not burst, as gradual heating would take place.

Whenever spiral springs are taken out, the two jaws fly apart and open as a box. So far as the two blocks are found together, this would go to show that the teeth were placed in the fire while in the head.

Cross-examined. All the blocks were brought to me by Dr. Lewis at one time. I revolved in my mind all the circumstances attending the manufacture of the teeth for Dr. Parkman at once, upon the presentation to me of the teeth. I have not been furnishing up my memory since Dr. Lewis gave me the teeth.

I thought that Dr. Parkman was gone and we should see him no more. I knew the teeth as soon as I saw them. I got my moulds. The name of Dr. Parkman was put upon the mould at the time the teeth were made. The object in preserving the moulds is for repair. Dr. Parkman had had portions of teeth before. Had had the left block made before. At the time he wore the block absorption of the gum took place.

I heard that Dr. Parkman had disappeared at night, when I was in Harris & Stanwood's store, the night that his disappearance was advertised. Dr. Parkman had no single teeth—the smallest portion was in front of the lower jaw.

Direct examination resumed. On left side of the lower jaw are two roots, then a tooth, then a vacancy, then three teeth in succession. I suppose the roots on right side those of the second small double tooth—of second bicuspid—the first bicuspid remained—only one root on the right side. A root of a natural tooth was found adhering to one of the blocks. [Witness identified the same.] Those teeth now

adhering together all belong to the lower jaw, the left and right lower block. When I received the teeth from Dr. Lewis there was an upper block adhering to the two blocks, but it has since been broken off. The front teeth of the lower jaw appear more broken, and indicate that they were first exposed to the fire.

Dr. LESTER NOBLE called and sworn. I was an assistant of Dr. Keep. I entered his office in September, 1846, and remained there until about the middle of last July. I am a student in the Baltimore College of Dental Surgery. I recollect working upon a set of teeth for Dr. Parkman, in the autumn of 1846. I recollect the writing on the plaster cast, "Dr. Parkman, October, 1846," to be in my hand.

I identify the teeth found in the ashes which were exhibited to me in the Attorney General's room, taken from a box which had been under seal. I recognised the block from its general configuration, as the same upon which I had wrought for Dr. Parkman. I find a hole in the side at the same location that we have been accustomed to make them.

I observe upon the inside of one of the blocks a surface which appears to have been ground. As soon as I saw the block I recollect that Dr. Parkman's teeth had been ground, for I saw Dr. Keep grind them. The teeth are not ground down to the plate, but a slight margin is left. I recollect the teeth were so ground by Dr. Keep.

I see good reason to believe that the teeth belonged to Dr. Parkman, and no reason to believe that they did not. I have not the slightest doubt that the blocks are one and the same upon which I wrought for Dr. Parkman. We were obliged to be very prompt, as the Doctor was so punctual to his engagements.

The appointment when the teeth were to be finished, was upon the opening of the Medical College. I recollect an accident which occasioned delay, and that I was obliged to work upon the teeth a large portion of the night. We finished the teeth just in time for Dr. Parkman to go over to the College.

I went to the College and sat where I could observe the Doctor, and see how his teeth operated, if he should have occasion to speak. I think that the College was opened in November. I do not recollect the precise day. The Doctor may have said a word or two when complimented by Gov. Everett upon his generosity; my impression is that he did not, however.

At this stage of the proceedings, at 2 o'clock, the Court adjourned to 3½ P. M.

AFTERNOON SITTING.

The Court and Jury came in at 3½ P. M.

Dr. LESTER NOBLE—*Direct examination resumed.*—I have the impression that the Medical College was opened in the early part of November. I commenced with Dr. Keep sometime in September. The first operation for a set of teeth is to take the impression in wax. The plaster cast was taken shortly after the impression. I took the mould in the sand and made the hard metal cast. As there were several cases on hand at the same time, I could not tell how much time was occupied in the manufacture. I spent quite a number of days on the set of teeth. I have put blocks of teeth into the fire to see how readily they would crack; whenever suddenly put in, I have never known them not to crack. They may be heated up gradually, and cooled with perfect safety. I coincide with Dr. Keep as to the great danger of placing suddenly teeth which have been used in the fire. At some period about a year after Dr. Parkman got the teeth, he came to Dr. Keep to have some damage repaired; and the evidence of such repair is plain upon the teeth.

Dr. JEFFRIES WYMAN, called and sworn.—I am Professor of Anatomy in Harvard University. I have been teacher of anatomy for the last eight years. Was called to examine, with others, the remains found in the Medical College. Went there on Saturday, the 1st day of December. An arrangement was made to divide the duties. My attention was called more particularly to the bones found in the furnace. I have made a catalogue, or detailed description of these bones, which I have with me. I made one for the Coroner's inquest. I identify the fragments of bones here in Court, so far as I can judge from general observation. I think them the same as those given to me. I saw the remains (fleshy) which were under examination by Dr. Lewis.

[The witness explained a diagram to the jury, showing the relative position of the bones found in the furnace, to other parts of the body.]

The remains gave no indication of having been used for anatomical purposes. I was in Court when the other medical men testified. I was impressed with the fact that the sternum and other parts were taken out in the same manner as is usual on ordinary post mortem examinations. I was also struck with the mode of separation of the upper part of the collar bone from the breast bone. An ignorant person would not separate the parts in the manner that was done.

I thought that the separation of the thigh bone from the hips indicated a knowledge of anatomy, inasmuch as the incision was made directly in the direction of the joint. My attention was not directed to the separation of

the head from the trunk. I have used a saw to divide the head from the trunk. I did not see anything inconsistent with the idea that the parts belonged to one and the same person. My duties extend to all parts of the system. I suppose the person had passed the middle age of life.—Nothing struck me as regards the form,—my eye was struck with the quantity of hair upon the back; I had never seen such a quantity of hair before; it extended from the shoulder blade half way down the back. From a stab, the quantity of blood that would flow, would depend upon circumstances. Blood would flow if a stab had been given immediately after death. If a person were struck and stabbed, and the blood should effuse internally, it could be easily removed if the body was opened.

In post mortem examinations the medical man is not of necessity troubled with an outward flow of blood. I examined certain spots found on the side of the stairway leading from the upper to the lower laboratory, not the spots on the floor or on the upper stairs. I satisfied myself from positive evidence that they were not blood; they were tobacco spots. These spots have no reference to the spots higher up. I suppose I discovered what was nitrate of copper. I was told so by the chemists. I made no examination of them myself. The experiment I made was to determine whether nitrate of copper would destroy the blood globules. Under the microscope the blood shows a great many globules. I placed blood under the microscope and added to it a solution of nitrate of copper. The action was not immediate; in a few hours, however, the blood discs had disappeared. I should say that nitrate of copper would destroy all evidence of blood discs. There are chemical means to detect the presence of blood where it exists in large quantities. I have not applied nitrate of copper with blood to hard pine. There was no other part of the building where anything like blood was found. A pair of slippers and a pair of pantaloons were brought to me (witness identified slippers).

One of the slippers had no blood upon it. I have satisfied myself that the spots on the slipper which I examined are blood.

[Witness identified the pantaloons marked with the name of Dr. Webster.]

From microscopic evidence, I should say that the spots upon the pantaloons were blood. The impression which I had was that the drops of blood did not fall from any great height—three feet, say. If they had fallen from that height the drops would have had an elongated form. The drops are on the left leg on the outside; the slipper which has the blood is the right one. There are spots on the pantaloons which I should think are not blood. I should think that the blood came laterally, and from no great height. Other spots on the pantaloons look some like acid spots; they may be Venetian red.

[The box of bones found in the furnace was placed before Dr. Wyman. By means of a diagram and a catalogue which he had made of the bones, he explained at length to the Court and jury the character and proper position of the bones in the system. Several fragments he assigned to the head, several to the face, and several to the lower jaw. The model of Dr. Parkman's lower jaw as taken by Dr. Keep, was compared with the fragments which Dr. Wyman supposed to belong to the jaw of Dr. Parkman, and there was traced a strong resemblance between them by the witness. The formation of Dr. Parkman's lower jaw, as shown in Dr. Keep's model, was peculiar in the opinion of the witness. There were fragments of the vertebra of the neck—of the tip of the elbow—of the fingers—of the right leg below the knee. The witness was satisfied that the fragments belonged to the right tibia; there were also fragments of the heel, instep and toe. All the fragments put together form parts of a head, neck, arms, hand, fingers, right leg and foot.]

Examination resumed.—There was no duplicate of any bone found. The fragments all belong to missing portions of the body. I cannot say the bones all belong to one body, but that there was no duplicate of the same bone.—There are three double teeth on each side—there will be sixteen teeth in each jaw. The eight teeth on each side of the median line, generally correspond with each other. I applied the nitrate of copper to determine if it would destroy blood; the color of the blood was soon discharged, and a bluish tint was the result. There were indications that fragments had been broken before they were subjected to the action of fire. [Witness pointed out a fragment of one of the bones of the head, as one which he supposed had been so fractured.] I do not consider the reasons I have assigned for such a supposition, any thing more than as presumptive evidence. They cannot be positive. A bone broken before or after death, would present the same general appearance of fracture after it was calcined.

Cross Examination.—The bone supposed to be broken is less calcined than the others; violence in poking the stove may have broken it and caused it to assume the appearance which leads me to infer that it was broken. I consider nitrate of copper quite effectual to remove stains of blood—not more effectual than water, unless the acid should destroy the wood itself. I have made no experiments as to the power of other substances to destroy blood. I should think muriatic acid a better article to take out blood. I do not know whether nitric acid is a common article in laboratories. The proportion of blood

is estimated to be one fifth of the weight of the body—25 pounds have been obtained from one person. Post mortem examinations of chest and abdomen have been conducted without any evidence of blood—examinations of other parts would be likely to be attended with blood. I found no evidence of blood on any other articles than such as I enumerated in my direct examination.

I had the bricks removed, but found no evidence that blood had trickled between them. I saw a hole between the ribs; I did not examine it particularly; my own impression is that it was not made with a knife. The separation of the parts of the body was done in such a way as to indicate a knowledge of anatomy. The thigh bones were separated with a tolerable degree of skill. If the blood had fallen from a height of three feet, and struck on the pantaloons of a person standing, it would have assumed an elongated form. The spots are somewhat elongated in some cases; in others they are quite round. After a few hours blood assumes a darkish brown tinge, and does not after change color, even though it should remain for years. All the spots which I examined had this color. I could, by means of a microscope, distinguish human blood from that of some animals, but not all. The blood of the higher orders corresponds in the size of the discs.

Dr. O. W. HOLMES, called and sworn.—I am Parkman Professor of Anatomy and Physiology in the Medical School. The opening of the school must have taken place on the first Wednesday in November. I saw Dr. Parkman on that occasion. I observed his upper teeth were very white and long. I am Dean of the Medical Faculty. Dr. Webster lectures to the medical class four times a week during the course, on the subject of chemistry. His rooms form an entirely independent establishment from all the rest of the Professors. I have never known any occasion for the use of subjects in his department. Prof. Webster's lectures are from 12 to 1—my own from 1 to 2, P. M. I saw a part of the remains once for a short time—Tuesday after their discovery. I examined them not as an expert. They exhibited anatomical knowledge on the part of the person who had dissected them. Dr. Wyman remarked to me the mode of the separation of the sternum, and I observed that the person knew how to cut. I can only confirm the general statement which has been made—which is, that there was no botching about the business. I observed that chemical applications had been made to the remains,—a discoloration which I was told and readily believe, was the effect of a caustic substance.

I noticed considerable development of hair about the shoulder blades. I was familiar with Dr. Parkman, and discovered nothing dissimilar to him in the remains. Whether the effusion of blood would be external or internal would depend upon the character of the wound. If the external and internal cut should correspond, blood would probably flow outwardly. A stab between the sixth and seventh ribs might cause a little external bleeding. I recollect the day of Dr. Parkman's disappearance. My lecture commenced at the usual hour. My room is over Prof. Webster's room. I was never disturbed by a noise from Prof. Webster's room. I have been in my room very often when Prof. Webster lectured. I have never heard chemical explosions in his room when I have been in mine. The Professor's room and mine differ in form. The seats upon the floor of my room are elevated one above another. I have occupied my room about three years; there have been regular chemical courses every year.

Cross Examined.—I could not tell whether the effusion of blood would be externally except by knowing the direction which the knife followed. Other circumstances would affect the bleeding. In the case of the stab between the 6th and 7th ribs, I think the bleeding would be most internally, though some would take place externally. I never remember hearing the students applaud Prof. Webster when I was in my own room—I have heard such applause when in the Demonstrator's room, on the same floor as my own. A part of the skin discolored was covered with hair. I cannot say that I saw anything indicating fire, but what I saw I thought might be the effect of caustic. I perceived no odor of fire about the body.

Direct resumed.—From a mortal blow on the head no blood would necessarily be effused.

WILLIAM B. EATON, called and sworn.—I am a police officer. Was present when the thorax was taken from the tea chest. The tea chest was taken from the closet into the room. I went to the chest—the body was turned over upon the back. The body was taken out covered with tan—it was turned over. I saw a hole in the chest, and remarked it at once. I said it was about the size of a knife which had been found.

Cross Examined.—It was not the knife which has been exhibited to the Court, but a jack-knife which I opened. I put my fingers on to the wound. I saw the hole in the chest as soon as the body was turned over. I am certain the wound was on the left side. I did not measure the wound except by putting my fingers to it. Nothing more had been done to the body except to turn it over, and take it out of the box and brush a little tan off, which I did with my hand. Some half a dozen persons were present. At the time I saw it I can say that no person did any thing to the body except myself. I did not know that any thing was in the box until it was turned over. I thought that

It was full of minerals. All we could see at first was minerals. I took out some of the minerals at the top, but could not see the tan. There was a second layer of minerals. I scooped away from the box, when my attention was called again to it, after it had been turned over by the other officers. I did not stop at the College on Friday night when Dr. Webster was arrested; and every day and night after this I did, until the body was removed. I saw the box moved round and turned over.

At 20 minutes to 7 P. M. the Court adjourned, until 9 next morning.

FOURTH DAY.

FRIDAY, March 22, 1850.

At 9 o'clock this morning, the usual hour of meeting, the body of the Court Room contained but few spectators, though the gallery was well filled. At five minutes past 9 Prof. Webster was removed from the dock, and passed into one of the rooms connected with the building, for the purpose of consultation with his counsel. The prisoner appears precisely as he has done since the trial commenced. We [the Reporter] have known him for several years, and we notice very little change in him, except that his countenance is less flushed, and his eye is somewhat inflamed, perhaps the result of his long and close confinement. After being absent a few moments, the prisoner returned, the Court made its appearance, the jury list was called, and proceedings commenced.

EPHRAIM LITTLEFIELD, called and sworn.—I am janitor of the Medical College. I make fires, do the sweeping and dusting—work considerable in the Chemical room—have general superintendence of the building. I have been connected with the College seven years last October—three at the new, four at the old College. Known Dr. Webster ever since I have been at the College—seven years last October—it was my first acquaintance with Dr. Webster. Have known Dr. Parkman over twenty years. I was present at an interview between Dr. Parkman and Dr. Webster very early Monday evening, November 19, I believe. I was present in Dr. Webster's back private room—it was somewhat dark in that room, though not dark out of doors. I was helping Dr. Webster. Dr. Webster had three or four candles burning in the room. The Doctor stood at a table, looking at a chemical book, and appeared to be reading—his back was towards the door. I stood by the stove stirring some water in which a solution was to be made. I never heard a footstep, but the first I saw, Dr. Parkman came into the back room from the door leading from the lecture room into the back room. Dr. Webster looked round and appeared surprised to see him enter so suddenly. The first words he said were, "Dr. Webster, are you ready for me to-night?" Dr. Parkman spoke quick and loud. Dr. Webster made the answer, "No," says he, "I am not ready to-night, Doctor." Dr. Parkman said something else, but what it is I don't recollect. He either accused Dr. Webster of selling something that had been sold before, or something like that. He took a roll of papers out of his pocket. Doctor Webster said,—"I was not aware of it." Dr. Parkman said, "It is so, and you know it." Dr. Webster told him, "I will see you to-morrow, doctor." Dr. Parkman stood then near the door; he put his hand up and said, "Doctor, something must be accomplished to-morrow." He then went out, and it was the last time I saw him in the building. About 1½ P. M., the next day, I was standing in front of the College. Dr. Webster came and asked me "if I was busy and could carry a note to Dr. Parkman—if you are busy, you must get some one." But he then pressed me to carry it up myself. I got a boy named John Maxwell to carry it up as quick as he could. I gave it to him, and in about 20 minutes he came back and said he gave it into Dr. Parkman's hands, at his house.

I had an interview with Dr. Webster about noon on Monday, the same day before Dr. Parkman called in the evening. I am positive it was that same day. Dr. Webster asked me if the vault had ever been fixed where we put the remains from the dissecting and Demonstrator's rooms up stairs. It is the vault where the receptacle is in the entry. He said that something had been said before to the faculty about a new one being built, or that one repaired. He asked me what the matter was. He asked me how it was built. I told him it was built right under his coal pen. The pen is large enough to hold eight tons. I told him the left of his coal sprung the walls of the vault so that it leaked, and the smell came out all over the building. He asked me if it had been fixed. I told him it had. He asked me how. I told him that the vault had all been kivered up with dirt. I had two men down there two days, and they had kivered it up with dirt, and there had been no smell since. He asked me how I got down to kiver it up—that is, not me particularly, but how any body got down. I told him we took up the brick floor in the dissecting room entry, then cut a hole through the board floor to get down. I suppose a place of six feet long was taken up in the bricks; the hole was perpendicular.

He asked me if that was all the way to get down under the building. I told him it was all the way to get under

the building, under the laboratory and his room. I told him how the walls were. He asked me if he could get a light into that vault, and I told him no. He asked me if I was sure. I told him I was, for I had tried two days before to get a light into the vault. I mean a candle or artificial light—the foul air put it right out. I had tried it at the request of Dr. Ainsworth, to find something which he had lost in the vault. I think it was an African skull that he placed there to macerate. When I got there I found the rope had rotted off, and let the skull down into the vault. I attempted to put a light down, and the foul air put the light out.

Dr. Webster told me he wanted to get some gas to try an experiment. I asked him how he was to get it? I told him it was needless to try now as the tide was high and pressed the gas up. I asked him how he could get gas out of that vault into any kind of a vessel to hold it. He said he had apparatus that he could do it with.—He told me when he wanted the gas he would let me know. This was the last that I ever heard of it, or any thing about it. I don't recollect any other interview before Friday.

I recollect an errand on Thursday, the day before Dr. Parkman disappeared. Dr. Webster said that he wanted me to get some blood for next day's lecture. He said—"I want as much as a pint." I took a glass jar down off his shelf. I think it held as much as a quart. I asked if it would do to get it in. He said yes. He said get it full if you can, over to the Massachusetts Hospital. Before 2 o'clock I carried the glass jar out into the entry, and put it on the top of the case where I put up notices. After Dr. Holmes's lecture was out I went up to his room, and saw the student, I don't know his name, who attends the apothecary shop at the Hospital. I spoke to the student. I don't know what his name is. He has been there a number of years. I believe his name is Hathaway. I told him there was a glass jar on the case, and Dr. Webster wanted to get a pint of blood. I don't know whether I said more or less.

He said I think we shall bleed some to-morrow morning, and I will save the blood. Friday morning I went over to the Hospital after the blood, and saw the student of the apothecary shop. He said he could not get any as they had not bled anybody. I went to Dr. Webster's room about 11½ o'clock on Friday, and told him I could not get any blood at the Hospital. He said he was sorry, as he wanted to use it at his lecture. That is all I know about the blood. I have no recollection of speaking to Dr. Webster again that day. In the morning of Friday, I made the fire in Dr. Webster's back room, and after it I took the brush broom and swept up the brick floor, took the dust pan and threw the dirt into the fire. I set the broom behind the door, and saw a sledge hammer there. The door was the one leading to the lecture room.

[The locality was pointed out to the Jury upon the model of the College]. I should think that the sledge had been left there by masons who had worked there a year ago. It was in the lower laboratory; the handle was about two feet long. It would weigh six or seven pounds; both faces were round, like an orange cut in two—neither face was flat. It was standing behind the door. I never saw it out of the laboratory before. It had always been kept there.

To a Juror. The round face was manufactured so—~~not~~ made round by use. *Re-examined.*—I took and carried the sledge down stairs into the laboratory, and set it up against the box where Dr. Webster makes his gases. I have never seen anything of the sledge since. I have hunted the building all over. I don't recollect anything particular until about a quarter before 2 P. M. After I ate dinner I was standing in the front entry looking out of the front door. That is as near the hour as I could recollect. When I testified before the Coroner's Inquest I thought it was 1½ P. M., but I recollect I examined the tickets for Dr. Holmes's lecture room, which made it a little later. I saw Dr. Parkman coming towards the College. He was then in North Grove street, about abreast of Fruit street. He was walking very fast. I then went into Dr. Ware's lecture room, laid down on the sofa nearest the front door, waiting for Dr. Holmes's lecture to close, to attend to clearing his table. I did not, during that time, hear any one go in or out of Dr. Webster's room. The door of Dr. Ware's room always shuts itself—has a spring on the top; so has Dr. Webster's. I stayed on the sofa till nearly 2 o'clock, when I went to Dr. Holmes's room. I always go there before the lecture is out, to lock up the doors, and help the Doctor clear away his table. I did not hear, while I was lying on the sofa, any body go in or out of the front door. After I put away the things in Dr. Holmes's room, I came down and locked the outside front door. I supposed I might have staid in Dr. Holmes's room fifteen minutes. Dr. Holmes was the last out of the building, and I immediately locked the outside front door. I went down stairs to clean out the furnaces for the fires next morning. I always prepare the furnaces in the afternoon for the next morning. I went up stairs into the Professors' (Ware, Bigelow and Channing) private back room and cleared out the stove. This room is on the same floor as Dr. Webster's.

There are three lecture rooms—*anatomical, chemical and*

medical. The anatomical is up stairs. The private room is back of Dr. Ware's lecture room. I then went down stairs to Dr. Webster's door to clean out his stoves; I tried the door under the laboratory stairs and found it bolted on the inside. I then went round to the other laboratory door on the same floor and tried that, and found that locked. This is the door which leads into the store room from the main entrance. I unlocked the door, lifted the latch and found it bolted. I heard some one walking. I thought. I heard the Coochituate water running.

I then went up stairs to the front entry, and tried the door that led into the lecture room. I put my key into the door to unlock it. I found it unlocked, but bolted on the inside. I went down stairs again, went into my kitchen, stopped a spell, and then went and laid down. About 4 P. M. there was a young lady at my house from Medford. She came to my bedroom and told me that there was a gentleman at the door, that wanted to see me. I got up and went out to see the gentleman; it was Mr. Pettee, messenger of the New England Bank, the collector for the College. A student by the name of Ridgeway was going out of town the next morning early. Mr. Pettee came there to fill out all the tickets for the course of lectures. He filled out all except for Dr. Webster, which I had for myself. I had half a dozen, which the Professor gave me to sell, if anybody wanted to buy. He gave me the tickets and went away—six tickets, all except Prof. Webster. I was to take the tickets and get all the money from Mr. Ridgeway. After Mr. Pettee went away—he might have been there 15 minutes, or longer—I went to the laboratory stairs and found the doors all fast, the same that I did when I went to get in the first time. I don't recollect that I tried his doors again that afternoon until late in the evening. My object in trying his doors was to clear his furnace, to clear up his table, and wash his apparatus.

In the evening, about 5 o'clock, I was coming out of my kitchen. I heard some one coming down the back stairs that lead from the front entry down into my cellar. It was Dr. Webster. He had a candle-stick in his hand and a candle burning. He always used candles; I never knew him to use a lamp. He blew the candle out; placed the stick on the settee, and went out of the east passage way, what I call my door. I did not see Dr. Webster again that night. I fixed myself and went out to a party, and got home about 10 P. M. I went to Mr. Grant's. When I came home I went to my kitchen, took off my outside coat, took a lamp to go and fasten the building up. The first door I went to was Dr. Webster's laboratory stairs door. I found that fast.

I then started to go into the dissecting room, that extends on the Southwest part of the building. I went to put out the lights in the dissecting room, as the students dissected sometimes as late as 10 P. M. I saw no lights and no one there. I shut the door too, came out, and bolted the dissecting room door leading out. I found the door from the store room bolted as before. I soon went to bed. I had never found the doors locked before—not at night—all the time I have been at the College.

On Saturday I had only one furnace fire to make. There were only two lectures from 9 to 11 A. M. I made the fire in the furnace that warms Dr. Ware's room. I then went to the dissecting room to make the fires there. I found the door unbolted. This was about 7 A. M.—it might have been earlier or later. No one had had access to the room. I thought that when I found the door of the dissecting room unfastened that I had locked some student in the night before, and I thought no more of it at the time.

No one had the key to the outside front door except Mr. Leigh, the librarian, that I know of; Mr. Leigh has been there two years. No one that I know of except Mr. Leigh, could gain access to the building after I had locked it up at night.

I tried to get into Dr. Webster's back room on Saturday morning; did unlock his lecture room door and got in.—I went to a door leading from Dr. Webster's lecture room to his back private laboratory. I never had any key to that door; it was always locked during summer, and no one had access to it during winter.

Soon after Dr. Webster came to the College. He came into my entrance, the east door. I think that he had a small bundle under his arm. He went up the same stairs that he came down the night before. I followed him up into his room, he unlocking the door. He then took his keys and unlocked the door leading from his lecture room to his private room. After he unlocked his door the first thing that he said to me was, "Mr. Littlefield, make me up a fire in the stove." I made the fire in the stove. I asked him if he wanted anything else done—he said he did not. I then started to go down the stairs that leads into the laboratory. He stopped me and told me to go the other way. I turned round and went out the same way I went in. I don't recollect of going to his back room or laboratory again that day. I saw Dr. Webster again that forenoon before 11 o'clock. I met him in the lower entry coming into the College, the same entry that he went out the night before. He had a bundle under his arm done up in a newspaper.

I gave him \$15 in gold half eagles for Mr. Ridgeway's

ticket. Mr. Ridgeway paid me \$83 for the course. I gave the balance to Mr. Pettee. I don't know of anything else particular. Saturday is my sweeping day. Prof. Webster came in through the east shed—what I call my door. I could not get into his door any more than I could on Friday, to do work. I did not sweep out his room often than once in five or six weeks. I tried the doors several times during Saturday. I heard some one walking in the lower laboratory. I can't say that I saw Dr. Webster again on Saturday. I heard walking and some moving in the lower laboratory, but I could not tell what was doing. I heard the water running all the time from his sink. The water had not been in the habit of running constantly.

I did not see Dr. Webster in the College all day Sunday, but the doors were fast all the time. About sunset Sunday night I was standing in North Grove street, abreast of Fruit street, talking with Mr. Calhoun. We were talking about Dr. Parkman—how mysteriously he disappeared. I heard of it pretty late on Saturday afternoon.

Mr. Kingsley told me of the disappearance of Dr. Parkman. While we were talking, I looked up Fruit street and saw Dr. Webster coming. I said to Mr. Calhoun, there comes one of our Professors now. As soon as Dr. Webster saw me, he came right up to me. The first words Dr. Webster said to me were "Mr. Littlefield, did you see Dr. Parkman the latter part of last week?" I told him I had. He asked me at what time I saw him. I said last Friday, about 1½ P. M. He asked, where did you see him? I replied, about this spot.

He asked which way he was going? I told him he was coming right towards the College. He asked where were you when you saw him? I told him I was standing in the front entry looking out of the front door. He had his cane in his hand, and struck it down upon the ground and said, that it was the very time I paid him \$83 and some odd cents. I told him that I did not see Dr. Parkman go into the lecture room or out of it, as I went and laid down on the settee in Dr. Ware's room.

The lowest door is never opened except to throw out ashes or dirt. He said he counted the money down to Dr. Parkman on his lecture room table—said Dr. Parkman grabbed the money up without counting it, and ran up as fast as he could, two steps at a time, the steps upon which the seats are elevated in the lecture room. Said that Dr. Parkman said he would go immediately to Cambridge and discharge the mortgage.

Dr. Webster made answer. I suppose he did, but I have not been over to the Register of Deeds office to see. The Doctor said this was the first I knew that Dr. Parkman was missing. I read it in the Transcript. He said he came over to see about it, and that he was the unknown man that was to meet Dr. Parkman, alluded to in the notice in the Transcript. I understood him to say that he had been to see Dr. Francis Parkman. He then went away, saying nothing more.

When Dr. Webster talks with me he holds his head up usually. When he was then talking he held his head down and appeared to be confused—a great deal agitated. I never saw him so before—that is, look in the way he did; my attention was attracted. I saw his face, and I thought he looked pale.

[The counsel for the Government proposed to ask the witness if from the unusual manner of Dr. Webster, he did not take occasion to speak of it. To this counsel for defence objected, and the question was passed over.]

I noticed agitation in his manner; he looked pale. I cannot say which way he went; to the best of my recollection he went towards Cambridge street. He did not go to the College. On Monday I could not get into Dr. Webster's room to make up his fires; I tried twice.

The first I knew of his being in the College my wife told me. Dr. Samuel Parkman had been there, and had gone up to see Dr. Webster. I asked her how he got in, since the doors were all kept locked. She said she tried the laboratory stairs door and found it unlocked.

I went right up by this door. I went into the back room and saw Dr. Samuel Parkman and Dr. Webster talking together. I can't say whether there was a fire or not in the stove. Dr. Webster was in the lecture room—Dr. Samuel Parkman near by, in the door. The parties were talking about Dr. George Parkman.

I heard some conversation about some money—heard Dr. Webster say that Dr. George Parkman was very angry. I did not stop more than half a minute. I went down stairs and soon the front door bell rang. I did not see Dr. Samuel Parkman when he went. I went to the front door and it was a gentleman who had specs on; he asked for Dr. Webster.

The gentleman I did not know, though I have since ascertained it was Mr. Parkman Blake. I told him Dr. Webster was in. He said he wanted to see him. I asked him his name, so that I could carry it to Dr. Webster. I took the key to unlock Dr. Webster's door. I found it unlocked, but bolted on the inside. I told him I could not get in that way, but I would go round the other way by the laboratory stairs.

I went up stairs; I told Dr. Webster Mr. Blake wanted to see him. He did not answer at first—seemed hesitating—and finally said you may let him in. Dr. Webster was stand-

I then left his room and went out into the front entry. A short time after, I was standing in the east shed. I saw Mr. Clapp, Mr. Fuller, Mr. Kingsley, and Mr. Rice, coming. Mr. Clapp said they were going to search over every foot of land in the neighborhood. If we search the College first, people round here will not object to our searching their houses. I told him I would show him in any place in the College where I had access. As we went to the shed door we met Dr. Jacob Bigelow, and I told him what the officers had come for. They all went into my parlor and talked. Dr. Bigelow told me to show them all over the building. One of the officers said, let us go into Dr. Webster's apartments.

I led them to the laboratory stairs door, and found it fastened—bolted upon the inside. I told them that door was fast, and that we should have to try another way. I went up stairs to Dr. Webster's lecture room door. I found it unlocked, but bolted on the inside. I rapped as loud as I could with my knuckles, not hearing an answer I rapped again. In a minute Dr. Webster unbolted the door, and I told him what the officers were there for. I don't recollect hearing him say anything as we passed in; all of us went down into his back room. I think it was Mr. 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. We did not go into the little room—we all passed down the laboratory stairs. I went forward and they all followed. Dr. Webster came there. I think it was Mr. Clapp went to the privy door. The door has a large square of glass over it. The glass is painted or white-washed, about two-thirds of it. In looking over the top of the square, Mr. Clapp asked what place is this? Dr. Webster being within three feet. I told them that is Dr. Webster's private privy—no one has access there but himself. I thought that Dr. Webster withdrew the attention of the officers from that place. He went and unbolted the door leading from the laboratory to the front store room, and said, "there is another room."

I saw Mr. Kingsley in a recess. Some of the officers said they wanted to search the vault. I told them that there was nothing in there but what I had thrown in myself; it was fastened with a double chest lock. The vault is in the main passage. The receptacle is about two feet square, and two and a half feet above the floor; the vault is about twelve feet square.

It is always locked, and I kept the key of it. They said they had brought a lantern and they wanted to look into it. I unlocked it; the lantern was lowered; the officers appeared to be satisfied there was nothing there but what belonged there. The officers went all over the building—went into the cellar. Cellar is on the same level with my rooms.

They asked me if there was any way to get under the building? I told them there was, and led them to the trap door leading under the building. We got some lights—one from my kitchen, and I believe the officers had their lanterns. Mr. Rice, Mr. Clapp, Mr. Fuller and I went down under the building. We went not very far, except Mr. Fuller, and myself. We crawled across from the front to the backside of the building. Nothing found or seen but the dirt placed there when the building was made.

I pointed to the wall under Prof. Webster's laboratory, and told him that was the only place that had not been searched. The only way to get to it was to take up the door or dig through the wall. We came out and made no further search under there. They searched my room and left. About 4 P. M. that same day I was in the front cellar when Dr. Webster came to the College. The cellar is under the front steps.

I heard him open the door and go in. I came out into the entry between the front and back cellar, and heard Dr. Webster go down and unbolt the door leading from the laboratory into my cellar. As soon as he unbolted the door I went into the kitchen. In a half a minute his bell rang.

I said to my wife, I guess Dr. Webster has got his door open, 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 kept near the Hoar-d'Alicanzeum. I asked him if it was the provision dealer. He said it was, and I replied I knew him. He then asked me if I had bought my Thanksgiving turkey. I told him I had not; that I had talked about going out and spending Thanksgiving, and did not know as I should buy one. He then handed me an order, saying, take that and get a nice turkey, as I am in the habit of giving away two or three, and I may want you to do some odd jobs for me. I thanked him, and told him if I could do anything for him I should be glad to do it.

He gave me another order to Mr. Foster to send him out some sweet potatoes. I carried both orders down to Mr. Foster, and picked out the turkey, such an one as I wanted, eight or nine pounds. I came home and staid round until 9 o'clock, P. M. It was the first time that Dr. Webster ever gave me anything. I was coming out of the entry to go to the Suffolk Lodge of Odd Fellows. I heard some one coming down the back stairs. I

don't think it was so late as 6. It was Dr. Webster with a candle burning as before. He blew it out and laid the stick upon the settee. He went out with me, and went through Bridge street. I asked him if he wanted any more fires that week, as the lectures closed that day. He said no, I shall not want any more fires this week. Just before we got to Cambridge street, says he, Mr. Littlefield, are you going down town? Says I, yes, sir, I am going down to the lodge. Says he, you are a Freemason, aren't ye? I told him yes, or part of one. We then parted—he went towards the bridge, and I up Cambridge street. There was nothing more that night. The door of the laboratory was bolted after I came back from Mr. Foster's.

Wednesday morning Dr. Webster came to the College pretty early. I saw him when he came in. He went up the back stairs into the front entry. Pretty soon I heard him move things round in his Laboratory.—I went to his laboratory door leading from the store-room, and tried to hear what was going on, and to look through the key-hole, but the key was over it on the inside. As I was there near the door I saw my wife. I took my knife and undertook to cut a hole in the door. I thought Dr. Webster heard me and I stopped. It was at this time I saw my wife, and I went into the kitchen. I then returned to the store room, laid down on the floor, with the left side of my face to the floor so that I could look under the door.

I heard a coal-hod move on the bricks in the direction of the privy room. I saw him come along with a coal hod. I saw him up as high as his knees; he went along towards the furnace where the bones were found. Bark, charcoal, cannel and Sydney coal were laid in a closet near the privy when the lectures began. Anthracite coal was in a bin near the furnace.

When he went near the furnace he was out of my sight, but I could hear him move things—but what he was doing I could not tell. I laid about five minutes, got up and went out with my wife about 9 A. M. and did not return until 1 P. M.

About 3 P. M. I was passing through the dissecting room entry. When I came by the staircase leading to the Demonstrator's room I found heat on the walls near where Dr. Webster's laboratory is. I was in close contact with the wall. I put my hand on the wall, and found it so hot that I could hardly bear my hand on it.

I knew it proceeded from a furnace where I never made a fire, and never knew a fire. I was afraid the building would take fire. I went back to the front store room, unlocked the door, and went in out of the dissecting room entry. I found the door leading into Dr. Webster's laboratory was bolted on the inside but unlocked.

I went to the laboratory stairs door, leading from my cellar, and found that fast. I went up stairs, unlocked his lecture room, and went in for the purpose of going down that way. I found the door to the back room locked. I went down stairs to look out of my cellar window to see if I could discover fire proceeding from the rear of the building.

I climbed on the wall to the double window of the laboratory, where lights were on each side. The window was fastened, but I got in. The first place I went was to the small furnace, in which the bones were found. There did not appear to be much fire there. The furnace was covered up with a soapstone cover, and the cover and furnace all covered with minerals. There was a large iron cylinder lying on the top of the range. I then went to the door leading to the place where his furnace was. There were two hogheads of water, in one of which was a copper gasometer. I measured one with a broom handle and found that two-thirds of the water was out—the other I did not measure.

They were full on Friday. A stout spout laid on the floor from the faucet of the hoghead. About two-thirds of two barrels of pitch pine kindlings were gone. When I was last there the barrels were nearly full. As I went up stairs I observed spots which I had never seen before. They did not look like water.

I tasted them and they tasted like acid. As I got into his back private room I found the same kind of spots there. I then went down and got out as I went in, by the window. I told my wife about these things. I noticed that the Cochituate water was running all the week.

I noticed this, as Dr. Webster had previously said that he did not wish the water to run, as it splattered his floor, besides the noise annoyed him. I never knew the water to be kept running before this time, except to draw water. I did not see Dr. Webster again that day, nor on Thanksgiving day.

On Thursday asked me to get grape vines and box out of the cellar. There was a bunch of grape vines, an empty box, and a bag of tan which had lain at the cellar door since Monday. I cannot swear the tan was received that week or not.

There was nothing in the box. I attempted to put the things into Dr. Webster's room several times, but could not. I was mistaken when I stated before the Coroner's Jury, that I got the order on Mr. Foster for the turkey, on Tuesday—the day was Wednesday. Thanksgiving day I went down to Mr. Hopkins'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 have procured it for him every winter.

At 2 o'clock P. M. the Court adjourned.

AFTERNOON SITTING.

The Court and Jury came in at 3 1/2 o'clock.

EPHRAIM LITTLEFIELD. *Examination resumed.*—I was in the cellar in the forenoon of Thanksgiving Day, Thursday, for the purpose of getting the grape vines out of the cellar, as the children had picked them off and scattered them all over the house. In the afternoon I went to work at the walls—to dig holes through the walls that led under Dr. Webster's privy. I should think that it was about 3 o'clock. I wanted to get under there to see if anything was there, to satisfy myself and the public, as whenever I was out of the College some one 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 building without hearing such remarks.

[All the 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 foul play in the College. I went down the front scuttle, with a lamp, to the back side of the building, where Mr. Fuller and I went the Tuesday before. The tools I used were a hatchet and mortising chisel. I worked an hour or an hour and a half, but found I could not make much progress with the tools I had. I got out two courses of brick and then gave up the job for the night. Nothing further occurred on that day. I was out that night until 4 o'clock the next morning, at a ball at Cocchituate Hall, given by a Division of the Sons of Temperance. There were twenty dances, and I danced eighteen out of twenty. On Friday I got up a little before 9 o'clock. My wife called me a little before 8, and wanted me to finish digging through the walls. I did not get up when she called me.

We were at breakfast, and Dr. Webster came into the kitchen. He came in and took a paper up. Says he, is there any more news?—do you hear anything further of Dr. Parkman? He said that he had just come from Dr. Henchman's apothecary shop. Dr. Henchman said a woman had seen a large bundle put into a cab, that she had taken the number of the cab, that they had found the cab, and it was all covered over with blood. I said that there were so many flying reports about Dr. Parkman that we did not know what to believe. Dr. Webster then went up stairs. Some men were employed by me to bring some busts from Dr. Ware's lecture room into the anatomical room. They were put underneath the seats, which were raised considerably above the floor. Dr. Henry J. Bigelow was there.

[The witness pointed out upon the [redacted] the localities.] I asked Dr. Bigelow if he knew [redacted] was suspicious about Dr. Webster. As near as I can recollect, he said that he did. I told Dr. Henry J. Bigelow that I had commenced digging through the wall, and I understood him to say go ahead with it. I told Dr. Bigelow all about Dr. Webster's keeping his doors shut from me. I understood Dr. Bigelow to tell me to go ahead. In a few minutes I went into the Demonstrator's room, and there found Dr. J. B. S. Jackson alone, at work. He is a Professor. I told Dr. Jackson that I was digging through the wall, and he said, "Mr. Littlefield, I feel dreadfully about this, and do you go through that wall before you sleep to-night." He did not give me any directions about secrecy. He asked me if I found anything, what I intended to do. I told him I should go to Dr. Holmes. Says he, "don't you go there, but do you go to old Dr. Bigelow, in Summer street, and then come and tell me. If I am not at home, leave your name on my slate and I shall understand it."

In the afternoon, about 2 o'clock, I went and asked Mr. Leonard Fuller if he could lend me a crowbar. He said he could, and went and got it, and asked me what I wanted to do with it. I told him I wanted to dig a hole in a brick wall to carry a lead pipe, to let the water pass in. He replied, "I guess you do." He said no more, and I took the crowbar and left. He spoke in humor. I suppose he suspected what I was doing. I went to the house and locked every door, so that Dr. Webster and no one else could get in. Dropped the latch of the front door, put my wife to watch the doors, and to let no one in unless she saw who it was; it is a dead latch upon the front door. I told her if Dr. Webster came to the door not to let him unless she went into the kitchen and gave four raps on the door to warn me; if anybody else came, not to disturb me.

I went down under the building and went to work; probably I worked half an hour. I blistered my hands with the crowbar, and went to the kitchen and got a pair of thick gloves to put on, and went down again; worked a spell longer, and finding I could not make much progress with the crowbar, I went to Mr. Fuller and got a cold chisel and a hammer. Both Fullers were present, and appeared disposed to accommodate me. I went to work again and got along pretty rapidly. I got out 3 1/2 courses the length of the wall. Soon I heard a running and a rap four times upon the floor, and I came up as soon as I could from under the building. When I got up into the entry, I met my wife, and she said I have made a

fool of you this time. Says she, two gentlemen called here and I thought one was Dr. Webster, but they proved to be Mr. Kingsley and Mr. Starkweather. They rang the bell and called for you. I went out 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 room." I told him it was locked up, and we could not enter. They then went away. I saw Mr. Trenholm, police officer, 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 would come back I would tell him the result. As I was going into my shed I met my wife, and she said, "You have just saved your bacon, as Dr. Webster has just passed in." I stood talking with Mr. Trenholm some time until Dr. Webster came out, which was a little before 4 o'clock. He came out into the shed and spoke to both of us. He said that an Irishman had offered to change a \$20 bill, on the Cambridge side of the bridge, to pay his toll of one cent. The thought it was an extraordinary thing for an Irishman to have a \$20 bill, and so they kept it. He said the Marshal had been to him to ascertain if he knew to whom he had paid such a bill. He said he could not swear as to that, and then he went off. I left Mr. Trenholm; he was to come back in 20 minutes or half an hour. I went under the building again, requesting my wife to keep a close watch on the door. I took the crowbar and knocked the bigness of the hole right through. I did not use the chisel and hammer. I had drilled a hole with a crowbar before I went up. There are five courses of brick in the wall. 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, when I was not disturbed with the draft. I then held my light forward, and the first thing which I saw was the penis 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 these things. I went up and told my wife I was going down to Dr. Bigelow's; I told her what I had discovered. I locked the cellar door and took the key in my pocket, so that no one could get down until I returned.—My wife spoke to me first when I came up, after I discovered the remains.

[The Counsel for Government proposed to ask witness what was his own condition and appearance when he came up after the discovery of the remains, which led his wife to ask him what "was the matter." The Counsel for defence objected, and witness was allowed simply to state his condition.]

I was very much affected. I locked the door and went as soon as I could to Dr. Jacob Bigelow, Summer street. He was not at home; the girl came to the door, and I told her to ask Mrs. Bigelow if she knew where the Dr. was, as I wished to see him very much. Mrs. Bigelow came to the door, called me by name, and asked me what the matter was. I then went right down to Dr. Henry J. Bigelow, in Chancy Place. I found him in, and told him what I had discovered. He told me to come along with him to R. G. Shaw, Jr.'s, in Summer street. We went down to Mr. Shaw's; went into his study, and there found Mr. Shaw. I did not call at Dr. Jackson's until after I had been to Mr. Shaw's.

The Marshal came in to Mr. Shaw's, and I told him the same thing that I had told the others. The Marshal told me to go right back to the College, and he would soon be there. I went to Dr. J. B. S. Jackson, wrote my name on the slate, and then went to the College, and got there before any of the other parties. I found Mr. Trenholm, and he told me that he had been down and made some discoveries. The Marshal got there in ten or fifteen minutes after I got home. Dr. Bigelow also got here. Mr. Clapp came before them, I believe. The hole was about half way between the plastering and the round. The aperture is about 18 inches one way, and perhaps 10 or 12 inches the other. The dirt was thrown up a foot more on the east side than on the west side.—From the laboratory floor to the ground was about a foot deeper than from the cellar floor to the ground. Any thing from the privy hole might fall right down on one side. The remains were a little on one side of the hole leaning rather to the sea-wall than to a line let fall perpendicularly from the hole.

[The witness explained to the jury, by means of a diagram of the lower part of the Medical College, the position of the walls, privy, and remains.]

There was no aperture through which anything could flow in or out with the tide. The water flows into the vault in consequence of the walls being strained by the pressure of Dr. Webster's coal. Sometimes the water remained in the vault, five or six feet deep, after the tide had fallen. My wife got a key and let Mr. Trenholm into the cellar, so that he could get at the remains. After the remains had been brought out, I went, with others, into the laboratory, and towards the furnace. I put my hand into the furnace, and took out a piece of bone. I don't recollect whether I went in Dr. Webster's private room before he came or not. Mr. Trenholm was ordered by the Marshal to watch until the party should bring Dr. Webster.

The front door bell rung and I went out of the shed door

and saw the steps all covered with gentlemen. An officer said to me, we have got Dr. Webster there, and he is very faint. I opened the door and Dr. Webster came in, apparently supported by two persons, one on each side. Dr. Webster spoke to me and said, they have arrested me and have taken me from my family, and did not give me a chance to bid them good night. They wanted to go to the lecture room, and I unlocked the door and let them. Dr. Webster was very much agitated—sweat much—trembled—did not appear to have the use of his legs. Thought that he was supported by the officers altogether. When I unlocked the door, all passed in. I went down to the door of his back private room. They asked me for the key of the door. I told them that I did not have it—that Dr. Webster always had it. Dr. Webster said that they took him away in such a hurry, that he had no chance to take his keys. Some one said, force the door. Either Mr. Starkweather or Mr. Trenholm went round by the cellar and up the stairs, and helped me break the door open.

When Mr. Tutkey and I went into the laboratory to the furnace previous to this, I went in by the laboratory stairs door, which had been left open for the first time by Dr. Webster that afternoon. When I went round with Mr. Trenholm or Starkweather I went by the usual way. When I got into the back private room, they wanted to go into the other private room where the valuables were kept. I told them that I never had a key of it and Dr. Webster made the same answer as to the key that he did in relation to the other door. I was asked where the key of the privy was, and I told them they must ask Dr. Webster, as I never saw the inside of it in my life. Dr. Webster said, "there the key hangs upon the nail." Mr. Starkweather handed the key down to me. Mr. Trenholm and I went down the laboratory to unlock the privy door. I found it would not fit. Mr. Trenholm said, "let me have it." I went up and told Dr. Webster this is not the key; it doesn'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."

They hunted round for it but could not find it, and then I understood Dr. Webster to say he did not know where it was. The privy door was broken open. I was hunting round for a hatchet, when the door from the back private room to the little room was about to be broken open. I could not find the hatchet where it usually hung. I asked the Doctor where the hatchet was; he said it was down in the laboratory, in the sink or on the floor. I went down and found it and brought it up. The hatchet was a single hatchet—had a ring in the handle. I found it where Dr. Webster told me it was. There was a hatchet found in Dr. Webster's drawers, in his little private room. As one of the officers was undoing it, Dr. Webster said that it was new and never has been taken out of the paper. We passed down stairs and broke open the privy. I can't say whether Dr. Webster was with us or not at the time.

When he got down into the laboratory he asked for water. I got a tumbler and handed water to him. He got the water up in his hand, and trembled and snapped at it as a mad dog would; he did not drink any. One of the officers took it and passed the water to him; he got some in his mouth but it appeared to choke him. Some one asked where that furnace was, where the bones were. The inquiry was put to me; I don't know who it was. I went to the furnace, unknived it, taking all the minerals which were upon the cover. I put my hand into the furnace and took out a piece of bone which appeared to be the socket of some joint. Mr. Pratt was there; somebody else took out some. Somebody spoke don't disturb the bones. Mr. Parker, District Attorney, and Mr. Gustavus Andrews were there.

I think it was Mr. Pratt said don't disturb the bones. After this we went down under the building and brought the remains up. Mr. Trenholm, Mr. Clapp and myself, went down for the remains. The party all walked into the front cellar where the remains were deposited. Dr. Webster was led in when the others came in, and stood within five or six feet of the remains. I heard S. D. Parker ask Dr. Gay if these were the remains of a human body. Dr. Gay said he should think they were. Dr. Webster appeared to be very much agitated—sweat very much—tears run down his cheeks as fast as they could drop. The party then went off. Mr. Adams, Mr. Fuller, Mr. Rice, and Mr. Trenholm, were left in the charge of the College that night. I think that there were four officers.

I received six season tickets from Dr. Webster, and sold three at \$15 each. The money for Ridgeway's ticket I paid over on Saturday morning. The other two I paid over previously to that. I recognize the slippers as Dr. Webster's. I have seen these, or a pair like them, for a year or two. There was blood on them. I never saw the saw (exhibited to the witness) until Saturday after Dr. Webster's arrest. I was present when it was taken down from a rack as you pass into the little private room.

[The saw was exhibited to the jury, the counsel for the government contending that there were indications of blood upon it. It was put into the case.]

I have seen the clasp knife found in the tea chest, or one like that. Dr. Webster showed it to the Mon-

day before Dr. Parkman disappeared. He said, "What a fine knife I have got." He handed it to me and I examined it. He said he got it to cut corks with. I said I should think that it was just what you would want.

I never saw it before Monday. I did not see it after until it was found in the tea chest. The Dr.'s usual working dress was a pair of cotton overalls and an old coat; the overalls were blue. Since the arrest I have not seen the overalls. He had them on the first day the officers came to the College—Monday or Tuesday. The overalls I cannot say how old or new they were. I always saw him have a pair on when he was about his work. I don't know that the Dr. had the keys of any other doors than those to his own doors and to the dissecting room. I never knew him to have any. I know that a bunch of skeleton keys were found in Dr. Webster's door on Saturday in his little back private room. I knew that towels were found in the privy vault—a diaper roller and two crash towels. There were marks of "W." on the crash towels. The diaper roller I had known for two or three years. It was the only one of that kind that Dr. Webster ever 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. I washed some gasses for Dr. Webster and wiped my hands on that towel, as it laid upon the table. I do not recollect whether the roller was marked or not. He had never had any other there. I had washed it a good many times, and others had washed it, connected with the building.

[The skeleton keys were produced, and a conversation scarcely audible took place between the counsel for the prosecution and the defence, in relation to their introduction into the case. The counsel for the government finally withdrew them.]

I was present when the towels were found. They were found in the vault where the remains were. I did not assist in taking them out. I have known no parts of any consequence, of human subjects used in Dr. Webster's apartments. I have got a small piece of muscle for him, as large as a finger, for the purpose of experiment. I never knew him to be engaged in anatomical experiments. I have heard noises in his room, when firing off pistols by the galvanic battery, or exploding bladders filled with gas. I have been in his room when these experiments were performed. I should think that this (roller was exhibited) is the one which came from the vault. It is now in the same condition as when it was taken from the vault. I have never seen the one on which I wiped my hands since that time, until the roller was taken from the vault. Dr. Webster had a number of crash towels.

At 6 o'clock, P. M., the Court adjourned to 9 A. M., next morning.

FIFTH DAY.

SATURDAY, March 23, 1850.

The Court came in this morning shortly after 9 o'clock. The Jury were called, and the proceedings commenced.

EPHRAIM LITTLEFIELD, *Cross Examined*.—On Monday, the 19th of November, when the interview took place between Dr. Parkman and Dr. Webster, it was not dark out of doors. Lights were burning. The interview took place in the upper laboratory. Dr. Parkman said, "are you ready for me to-night?" "No, I am not, Doctor," replied Dr. Webster. He either accused Dr. Webster of selling something that he had sold before, or said something about a mortgage. He made a gesture with his hand, and said, "Dr. Webster, something must be accomplished to-morrow." Dr. Parkman appeared to be a little riled—somewhat excited. I left Dr. Webster in the room when I left.

On Friday, Nov. 23d, when I took the broom, I cannot say whether I took it from behind the door or not. I know I placed it behind the door after I was done. The sledge was left by masons who did some work for Dr. Webster the year before. He had a flue torn down and built up. I don't know that the sledge was sent in from Cambridge. I mean to say that both faces of the sledge were rounding. I never did anything with the sledge. I never searched for the sledge until after Dr. Webster was arrested. I never thought of it before. There is another sledge there weighing two or three pounds, with one round face; I presume it belongs to Dr. Webster.

To Mr. Bemis.—I don't know that the small sledge is called a geological hammer.

Resumed.—I generally dine at 1 o'clock, at the time Dr. Holmes's lectures begin. I was detained on a particular day to examine the tickets at Dr. Holmes's lecture-room door. The students held the tickets in their hands, showed them, and passed in. The students usually wish to get the front seats. I should think that it took fifteen minutes to take the tickets, as some of the students usually stopped in Dr. Webster's room some little time after the lecture was over. I did not get to sleep while on the settee in Dr. Ware's room. On Friday afternoon I think I heard some one walking in the laboratory.

I stood at the door leading from the store-room into the laboratory. I heard the water running. I can't say what particular object I had for listening. I called to mind my listening at the time, and have recollecting it

ever since. I say the noise might have come from the dissecting room, as well as the laboratory. When Dr. Webster came down, about 5½, he must have seen me. He did not speak to me; he blew the light out. I went to a party that night, but before going I tried the doors after Dr. Webster came down. I wanted to get in to clean up. I did not lock the dissecting room door, as it locks of itself. There were no lights in the dissecting room, but a fire in the stove which enabled me to see. I tried Dr. Webster's doors three times that afternoon. After locking the dissecting room door, I tried all Dr. Webster's doors except his lecture room door. The doors have no slides. There is a door made with a slide in it which is fastened on the inside. That door was not open when I tried to get in. I was at a ball on Thursday night. I remained until 12½ o'clock; came home alone. I shall not answer the question if I have played cards in Dr. Webster's room. If you refer to this winter, I can say no. I used to do his work in the afternoon. I used to draw the water off after Dr. Webster left, at night, when it was cold enough, so as to keep the pipes free. My family need to use the water in the day time, at Dr. Webster's request. I put on another pipe to draw the water off, previous to Dr. Webster's arrest, and he forbade my doing it. I have changed my testimony in respect to the day when I got the turkey. I stated before the Coroner's Jury that Dr. Webster gave me an order for the turkey on Wednesday, about 4 o'clock. I did not say before the Coroner's Jury that it was before or after I had made a search. I said the order was given afterwards, if I said anything about the search.

[The Court interrupted the counsel, and reminded him that he was assuming something, and stated to the counsel the precise answer given by the witness.]

To the Court.—The order for the turkey was given on Tuesday, by Webster. It was on Wednesday afternoon that I searched.

Resumed.—This is the only respect in which I changed my testimony that I can recollect of. I did not reduce my testimony to writing before I went before the Coroner's Inquest, but wrote it down after it, the heads of my evidence. I recollect writing that Dr. Webster came to his lecture room on Wednesday after I made the search, and went down stairs. I don't recollect any other transactions of Wednesday that I have altered—I may have or may have not. All along that week and after Dr. Webster's arrest I began to recall the facts to which I testified yesterday.

I thought over in my own mind from day to day, all the facts. I told my wife on Sunday night I was going to watch over every step he took. I told my wife this as soon as I had had my interview with Dr. Webster. I told my suspicions to my wife. I was hunting round in the neighborhood on Sunday, and looked into some houses. I never told anybody that I meant to get the reward. Never told Dr. Webster so, and I defy you to prove it.—[The Court again interposed as to the propriety of a question put by Counsel for the defence.] I did undertake to recollect the facts that excited my suspicion, but I did not write them down until after the Coroner's Jury was held. I was standing on the left side of Grove street, and Dr. Webster left the platform and came right up and asked me the questions to which I testified yesterday.

It was about sundown on Sunday evening. I can't say that I examined his face very particularly—he looked pale; he did not look at me when he struck his cane down on the ground. I undertake to say that I suspected that Dr. Webster had had something to do with the disappearance of Dr. Parkman. I did not know that Dr. Parkman had been in the College until Dr. Webster told me himself. I suspected that Dr. Parkman had been murdered by some one. "That is the very time that I paid him \$483 and some odd cents," were the words of Dr. Webster. He said "he counted the money down to him on his lecture room table. He grabbed the money up and ran up two steps to a time as fast as he could; that Dr. Parkman would go and discharge the mortgage, but I have not been over to Cambridge to see. I never knew that Dr. Parkman had disappeared until I read it in the Transcript, and I am come over to see about it, as I am the unknown gentleman referred to."

On Monday my wife told me that Dr. Samuel Parkman had called and was with Dr. Webster. She told me that Dr. Samuel Parkman had asked for me. I went right up to the laboratory where the two were. I don't know as I thought over any thing at that moment particularly of what had occurred previously. I was thinking over the matter all the time, on that Monday I suspected Dr. Parkman had met foul play at the hands of Dr. Webster. Dr. Parkman saw me, as he nodded. I did not think it proper to go through the lecture room, as it would have crowded both gentlemen out of their places; so I went down the laboratory stairs. After Mr. Blake called and had had the interview with Dr. Webster, I went out of the lecture room door.

It was about 12 o'clock that Mr. Kingsley called. I knew that I could not get in at the lower doors for they were locked, and Mr. Kingsley and Mr. Starkweather and I went into the lecture room door. I can't say whether the Dr. went before or behind us as we passed down through the room. I was watching Dr. Webster some; I

saw how he appeared. I looked about some in the room; I think that I went into the back laboratory first, and the others followed me. I can't say whether Dr. Webster went down stairs or not. I can't say whether I saw Dr. Webster again on this Monday; I heard him in the rooms—whether in the morning or afternoon I can't say. On the same night, Monday, I went to a dance.

I tried Dr. Webster's doors all the afternoon. I did not try them every moment, but at different times. My only object was to get in and do up his work. I always had work to do. On Tuesday I did not see Dr. Webster go into the building. About 9½ or 10 A. M. I went into the lecture room, and found Dr. Webster there, busily preparing for his lecture. It was about 11 o'clock when the persons came there and made such examination as was made. Dr. Webster let them into the lecture room.

[The witness detailed the particulars of the interview as testified to upon the direct examination.]

I thought that Dr. Webster lead them away from the privy, and turned their attention to another quarter. I recollect that it was after I said "that is the Dr.'s private privy" that Dr. Webster attempted to withdraw the attention of those present from the privy. I thought at the time that Dr. Webster wanted to get people away as soon as he could. The key of the dissecting vault was set up on end on the bricks, right at the corner of the vault; it was at the dark corner, where no one ever could see it.

I saw Dr. Webster come into the College while I was in the passage. I went into the entry to watch him. I wanted to know what he was about. There are bells in my kitchen, with pulls from all of Dr. Webster's rooms. I can't say which bell was rung. It was about 4 o'clock when the conversation about the turkey took place. The days were short. It was not dark when I got home from Mr. Foster's. I got into a window; I never got in there before, as I never had occasion to. The window is below my coal cellar and Dr. Webster's coal-bin. It was made when the house was built.

I might have said that I did not see the Doctor after the gentlemen left until 6 o'clock on the evening of that day, as I made a mistake about the turkey, the day when the order was given. I have said so before the Coroner's jury. I would not swear it was after 6 P. M., that I saw the Doctor. I had got home with the turkey some time previously. The Doctor came down with the light, blew it out, and placed the candle-stick upon the settee. The conversation about going to the lodge, and Freemasonry, was after I had received the turkey. I might have tried the doors after I got back from the lodge—I can't say. It was as late as 11 o'clock when I got back. I can't say whether I tried the doors, as I had no occasion to. I had no glasses to wash since the Friday previous. I guess there were not many glasses there after Friday, as Dr. Webster only delivered one lecture after that day. There were some after his arrest, which I emptied of water to prevent their freezing.

I don't recollect of saying that I heard any one in Dr. Webster's laboratory at 1 o'clock on Wednesday. I don't think that I said any such a thing. I don't recollect that I heard anybody there. Before I went out with my wife at 9 o'clock on Wednesday, I went to peek at Dr. Webster's door. Dr. Webster told me on Tuesday night that he should not want any fires that week. Dr. Webster was a man who wanted pretty hot fires. That morning being cold as I thought, I thought it was strange that he should be in his room without any fires. I did not state before the Coroner's Jury that I heard any one before 4 o'clock Wednesday, in Dr. Webster's room. I don't recollect of saying this.

I did not watch any great time. I heard Dr. Webster stop when I was at work with my knife, and this was why I thought he heard me. This was before I heard the coal-hod. I heard him move it on the floor, and this was after I laid down on the bricks. I said that I saw him go to the furnace. The cylinder did not lay upon the furnace, but upon the said bank. The heat of the wall I thought very strange, as I never knew any heat was there before. I went into the room, but I did not unkniver the furnace.

I said that there did not appear to be much fire there. When I put my hand to the wall it was about half a foot higher than my head. The furnace is about 3 feet high, and the heat I felt was above my head. The flue runs up. When I got into the laboratory there did not appear to be much fire in the furnace. There had been no fires in the large furnace since Friday. I did not unkniver the furnace because Dr. Webster had told me never to touch articles except placed upon a particular table. The soap stone cover had mineral stones upon it—there were none of the stones in paper. I know the furnace was pretty hot—the bricks hot—but I can't say that there was any fire in the furnace. I did not look at the ashes. The hogheads were made for the manufacture of gas. They had never been used.

I took the broom from the corner of the coal-pen. I did not know but that Dr. Parkman might be in the hog-head. I found two-thirds of the water gone; I did not think of finding anything in the furnace. I can't say what kind of a lock was on the privy; I never saw it. I believe Mr. Clapp has it. I believe I had under my control sixteen keys. I did not try to get into the privy that

Wednesday afternoon; I did not try a key. We have got closets but no keys to them. I should not think the lock to the privy was a common one. I made no attempt to find any keys to fit the privy lock. I was not in the room more than 20 minutes; on Wednesday night I went to a cotillion party. I had known a key about the house I should have tried it to the privy.

I thought the spots upon the floor suspicious. I noticed spatters on the stairs more than any where else. They were rather red then. I put my finger down and tasted it. I thought at the time that the spots were blood, and something had been put on to discolor it. I thought the spots upon the floor of the upper laboratory were suspicious. I could not get into the lecture room without breaking the door. I communicated the facts about the hoghead right away to my wife, as soon as I got into the kitchen. I communicated them to Drs. Bigelow and Jackson on Friday.

I did not have much to do on Thanksgiving Day. I tried the doors—did not try the window. I did not see Dr. Webster on Thursday, but I did not know but that he might have tried to get in. I was about on Thursday. Before Thursday morning I had communicated my suspicions to Dr. Hanaford, Bowdoin Square. On Tuesday night as I came from the Lodge, I was with him more than an hour. Up to Thursday morning I had communicated my suspicions to no one except my wife and Dr. Hanaford, and a man named Thompson, who worked for me. On Thursday afternoon I communicated with Mrs. Harlow. I told on Friday my suspicions to Mr. Trenholm, Drs. Bigelow and Jackson.

I told Mr. Trenholm after I came up from work from under the building, after Messrs. Kingsley and Stark-weather went away. I got home from the party on Wednesday at 10 or 10½ P. M. The first person to whom I mentioned that we could not get under the building, except through the wall, was Mr. Fuller, on Tuesday, when we were under the building looking about.

I did not wish to take up the floor in the entry to get under the building, as I had told Dr. Webster workmen had got under before. The bricks of the floor are laid in mortar. The upper laboratory floor bricks are laid the same. I saw the floor removed when the Police had charge of the building. I did not see any more sand than would naturally be with the bricks.

To a Juror.—The mortar was laid upon the floor, and the bricks laid on it, and none came up between the joints. There was sand placed all over the brick floor and swept so as to fill the cracks.

Resumed.—The remains were two or three feet from a perpendicular line let fall from the privy hole. I did not get in through the opening I made in the wall. I only put my head in. I have seen the knife with a silver sheath about the premises, in his little back private room. The Doctor kept his tools in that room, which I did not enter more than once. I fixed the time of seeing the clasp-knife on the Monday before Dr. Parkman disappeared—I have seen the Doctor cut corks. I have got twice for Dr. Webster. I did not cut any blood before for Dr. Webster during this course of lectures. He may have had blood before, but I do not recollect of getting it for him. I had no particular signal with the Doctor to get into his room. If anybody called I used to knock on the door. I sometimes found the lecture room locked, but seldom. I did not knock on Friday.

I tried the doors and did not think it proper to knock simply for myself. When he was at work I never attempted to force my way in. I did not attempt to be more accurate in my testimony before the Coroner's Jury than I do now. I did go to Mr. Merrill to correct the turkey affair. I don't recollect of going to correct anything about Tuesday's search.

I may have made some minutes of testimony before Coroner's Jury was held—I did after. I kept the minutes to look at. I never wrote the heads off but once. I did not examine the minutes every day. I have read a number of times my own testimony before the Coroner's Jury. Not a hundred times—but twenty times I guess. I used to see my testimony. I kept it in a drawer where I kept cigars and frequently went to get the articles.—I have never had a copy of my own statement before the Coroner's Jury. I never read in the book (exhibited by counsel) the statement which I made before the Coroner's Jury. It was my own minutes I saw. I never heard the book read, that I recollect of.

Mr. Somer, counsel for the defence, read extracts from the evidence of Mr. Littlefield as taken before the Coroner's Jury, as going down town on Wednesday at 9 o'clock, returning at 1 P. M., hearing some one in the laboratory, and feeling heat on the wall. He wished to know if witness did not thus testify. Some discussion ensued between the opposing counsel and Court, and the matter was dropped.

I saw the rewards offered for Dr. Parkman on Monday when I met Mr. Trenholm distributing placards. I saw them stuck up in great numbers all around the College and streets—more of them than I ever saw before in so small a space.

I was at the toll house on Cragie's Bridge Sunday afternoon about dark. I do not recollect of saying at that time to any one that I saw Dr. Parkman, either go in or

out of the College on Friday. I do not recollect of saying that I saw Dr. Webster pay Dr. Parkman any money, or that I knew him to pay him. I did not see a person of the name of Green at the toll house at the time I spoke of.

[The cross-examination was concluded at this point when a recess was granted to accommodate the jury. The witness bore himself with a good deal of discretion, and did not falter in his testimony, except upon the subject of card playing in the Doctor's room. He was generally very prompt and decided in his replies to the questions of Counsel, which certainly were urged with much determination and skill. Every effort deemed legitimate was brought into requisition by the Counsel to elicit any testimony which might differ with that advanced upon the direct examination.]

Re-examined.—I have never made any claim for reward, and disavow in Court any claim to reward hereafter. Concerning the turkey affair, I happened to speak to my wife about its being Wednesday, and she said no, that it was a mistake. I went to Mr. Foster, and found the date of the charge the same as that upon the order. It was voluntary on my part in going to Mr. Merrill to correct my evidence, without consultation with any government officer. I only went once to correct my testimony. I was two days in giving my testimony before the Coroner's jury. I signed the book and my deposition at the same time. The first time that I ever saw the cuts or hacks in the sink or the laboratory floor, was that Saturday after Dr. Webster's arrest. They may have been there before, but I never saw them. I never knew Dr. Webster to have any other keys than those of his own and the dissecting rooms. A key to the front door was found in Dr. Webster's private room after his arrest. I only knew that Mr. Leigh and myself had one.

To a Juror.—It was after dark when I went over to the toll-house.

To another.—I do not know that any ice was ever thrown into the sink. [The locality was pointed out upon the model.]

To the Government.—Keys were found to the upper and lower front doors of the building.

To the Defence.—When I saw the cuts in the sink I was looking for them. A piece was cut out by the Secretary of the Coroner's Jury. I have known ice to be placed in the sink. I know of no one having keys to the laboratory but Dr. Webster.

ANDREW A. FOSTER, called and sworn. I am a provision dealer in Court street. I supplied a turkey to Mr. Littlefield on Dr. Webster's order. It was on Tuesday, November 27. I should judge it was between 3½ and 4 o'clock. I have not got the order. It was torn up. I hardly ever keep such orders. The order read pretty much as thus: Please deliver Mr. Littlefield a nice turkey weighing (I think the order said) 9 lbs., and charge the same to me. There was another order for a bushel of sweet potatoes to go by Mr. Sawin to Cambridge. I identify the charges upon my books.

Cross Examined.—I communicated these facts to Mr. Littlefield a week or two after Dr. Parkman's disappearance, in my shop. He came to ascertain the day on which he got the turkey. I think that he may have said he was mistaken in the day.

CAROLINE M. LITTLEFIELD, called and sworn. Am wife of Mr. Littlefield, janitor of the Medical College; occupy part of the basement story. I knew Dr. Parkman by sight. I heard of his disappearance on Saturday or Sunday. I know I heard of it on Sunday, because my husband told me of it. I think I heard of it on Saturday.

[Witness was asked if she cautioned her husband on Sunday to conceal his suspicions from all persons. Counsel for defence objected to this question as the introduction of testimony dependent upon conversation. A brief argument took place when the Court decided that it should be admitted.] On Sunday afternoon after tea, he went out and returned. He came into the house to the kitchen, and beckoned to me to go into the bed-room.

My husband said he thought as much, as he was standing there, that Dr. Webster murdered Dr. Parkman. I said what makes you think so, don't ever mention it again, never speak of it, or think of it again, for mercy sake. I told him not to mention it again, for if the Professors should get hold of it, it would make trouble for him.

Well, I don't know as I noticed anything particular about Dr. Webster's apartments until after my husband told me his suspicions; but after this I recollect that the laboratory stairs door had been fastened during Friday or Saturday. I first knew it ever to be fastened on Friday. This was the door I used. About the commencement of the lectures, Dr. Webster asked me if I would not get the water from his laboratory, as he did not like to leave it running as it splattered his floor. Somewhere about four o'clock on Friday afternoon I sent a little girl to get water that way, and she said she could not get in, as all was fast. I found her she must be mistaken, but I went with her and found it all fastened.

I don't recollect any thing except that. I recollect that this was on Friday afternoon; I recollect it after my husband had expressed to me his suspicions. I also recollect that the door was closed on Saturday. I don't recollect how many times I went on Saturday to the door, but

when I went in the morning to get water for breakfast I found the door fastened. I had occasion to use more than one pail a day. I could get the same water in our cellar, but as Dr. Webster requested me to get water, I thought I would go where he wished.

I don't know whether I went to the door for water on Sunday. On Monday morning Dr. Samuel Parkman came to my kitchen door and asked for Mr. Littlefield. I told him he was about the building somewhere. He then asked for Dr. Webster, and I told him I thought he was in, as I saw him pass up a few minutes before.

I showed him the way, and I went to the door, though I did not know he could get in. But the door was open, and Dr. Samuel Parkman went up. I don't know as I told Dr. Parkman the reason why he could not get in. Shortly after, I went to the door to get water, and found it fastened. I never tried the other door, only the one from the cellar to Dr. Webster's laboratory. I think it was the same forenoon, though I am not so sure, that the express man brought a bundle of grape vines, a box, and a bag, and placed them on our cellar floor, which was never done before, in our apartments, as he always carried them to Dr. Webster's apartments himself.

At other times when Dr. Webster was out, the Express man would get in by means of a key hung up about the doors. This time the articles were left in our apartments. I don't know where the key was that morning. I don't recollect anything in particular, though I tried the doors a number of times, though the next Thursday the doors were locked. I then asked Mr. Littlefield to put the grape vines into the laboratory—he said he could not, as the doors were all locked up, and he went to the door, shook it, and said, "you see I cannot get in." The grape vines and the box were there, whether the bag was or not, I can't say. The grape vines were in my way, and the children were getting them all over the rooms.

On Wednesday, I saw Mr. Littlefield listening and trying to look through the key-hole. When he saw me, I told him to come away, and I asked him—(answer arrested) I did not see Mr. Littlefield in Dr. Webster's apartments the same day. I don't know that my husband built any fires in Dr. Webster's apartments during the week. I know that he goes to build fires, but I do not go with him, and cannot say the fires were built. I don't know anything about the regulation of lectures. I saw Dr. Webster pass through our entry on Monday, when Dr. Sam'l Parkman called; on Wednesday also, when he came as early as eight o'clock. I saw him pass through our entry.

He turned to the door which passed up the front entry, not to the laboratory door. I observed nothing more than his passing through. I don't know how long Dr. Samuel Parkman remained. I saw Dr. Webster come to the College on Friday morning; can't say at what hour. It was a rather late breakfast, as Mr. Littlefield had been out the night before, and did not get up; I tried to call Mr. Littlefield up earlier. Dr. W. came into our kitchen, took up a paper, and said, "Mr. Littlefield, have you heard anything of Dr. Parkman?" My husband replied, "No, I have not," which is as near as I can recollect.

Doctor said that a woman saw a large bundle put into a cab, the number of the cab had been taken; that they had gone to see the cab, and it was all covered with blood.—On Thursday I knew of Mr. Littlefield going to dig through the wall. I know that he went to borrow tools. I saw an axe which Mrs. Harlow brought herself.

Mr. Littlefield replied "a great many stories are flying about and you don't know what to believe," and then he said that Dr. Webster knew a great deal more about it than he pretended, but this was said after Dr. Webster went out. I knew Mr. Littlefield commenced digging under the laboratory on Thursday. I saw him go down. I should think that he was digging about an hour.

About 3 P. M. on Friday, he said he would commence digging again; but I had to watch both days for Dr. Webster. About 3 o'clock the doors were all locked, and Mr. Littlefield went down to dig again. After half or three-quarters of an hour, I thought I saw Dr. Webster out of the window where I was watching.

If Dr. Webster came, I was not to let him in until I struck four times with a hammer which I had. When I thought it was Dr. Webster I struck four times, and Mr. Littlefield came up. It was Mr. Starkweather. While Mr. Littlefield was out talking, Dr. Webster came to the College, went to the door of the laboratory and unbolted it. I heard him unbolt it and take in the grape vines, and then he went away, leaving the door unlocked as he had usually done before the disappearance of Dr. Parkman. I saw the door standing a little ways ajar. Then Mr. Littlefield came in and went to digging again. Dr. Webster went right out—was not in the building but a few moments. I saw Doctor Webster pass through the entry, but I could not tell which door he went out.

While Dr. W. was in, Mr. Littlefield was out talking with the Police officers. Mr. Littlefield had not been more than 10 minutes under the building before he came up. He seemed to be very much affected, more than I ever saw him before in my life.

Questions were put to the witness as to the appearance of Mr. Littlefield, his conversation, &c., at the time he came from under the building. This series of questions was objected to by the Defence, and the question was ar-

gued, the government contending that the testimony to be elicited had a most important bearing upon the case, especially upon the possible line of defence that might be set up, going to show that appearances were assumed. The questions were allowed as to appearance.]

When he came up he appeared very much affected, and burst out a crying, and said—"You must not state the conversation," interrupted Mr. Clifford. "I can't say any thing else, then," replied the witness.] Mr. Littlefield locked the doors and went away.

Mr. Trenholm, the police officer, came in five or ten minutes after Mr. Littlefield went. He asked for Mr. Littlefield, and I told him he was gone to Dr. Bigelow. I unlocked the cellar door with the key of another door, and Mr. Trenholm went down.

He was not gone more than five minutes I should think. He came up and said there was no mistake.—(Answer arrested). Mr. Trenholm remained at the College until Mr. Littlefield and Mr. Clapp returned.

No one else went down while Mr. Littlefield was gone. I was then about the house. After the officers came I went into my own apartments, not wishing to hear or know anything more about the matter. I never saw any bed clothes brought there by the Express-man.

Cross-examined—It was after dark when I went after the water. The boy, my own child, is four years of age, the little girl about eight—the little girl is not mine. Sometimes the little boy sets up late—sometimes he goes to bed early; that night we were in so much confusion that perhaps he did not go to bed before twelve o'clock. I don't know whether the bag was tan or not, or whether I ever saw any tan in the laboratory or not. When Dr. Webster carried these articles in I don't know how long he remained. I did not see him take the articles in; they were there when he went in, but were gone after he left.

We had a turkey on Thanksgiving day, and Mr. Littlefield said Prof. Webster gave it to him. When he mentioned about the turkey I corrected Mr. Littlefield as to the date; this was before the Coroner's Jury was held. I didn't know what he stated before the Coroner's Jury.

JOHN MAXWELL called and sworn. I live in Fruit Street Place. I know Mr. Littlefield. I knew Dr. George Parkman. He lived in Walnut street. I recollect Mr. Littlefield getting me to take a note to Dr. Parkman the week before he disappeared. It was about 12 o'clock.

I did carry the note to Dr. Parkman's house. It was the fore part of the week. I delivered the note into Dr. Parkman's own hands.

JOHN HATHAWAY called and sworn. I have charge of the medicines at the Massachusetts General Hospital. Mr. Littlefield applied to me for blood the Thursday previous to Thanksgiving Day, and I am impressed that it was the day before Dr. Parkman's disappearance. I attended all the Chemical lectures.

Cross Examined. I fix the day, as there was only one more chemical lecture that week.

The Court gave some instructions to the jury, and then adjourned to Monday morning at 9 o'clock.

SIXTH DAY.

MONDAY, March 25th, 1850.

The prisoner was in the dock this morning a few minutes before 9 o'clock. His appearance indicated that the recess from Saturday down to this morning, had been attended with beneficial effects, so far as he was concerned. His countenance was less haggard, and his manner was calm and collected. During the arduous sittings of Friday and Saturday, the prisoner appeared to suffer quite as much from the confinement of the room and the close attention which he was obliged to pay to the testimony, as from any other cause. He was also quite busy in taking notes of Littlefield's evidence. It is utterly impossible to draw any conclusion as to his guilt or innocence from his manner, and it seems somewhat unwise to us for individuals to attempt to do so.

MISS SARAH BUSELL called and sworn. I know Mr. and Mrs. Littlefield. I am niece of Mrs. Littlefield. I recollect making a visit to them last fall. I came on the 19th of November, and went home the 23d. My home is at Medford. While there I recollect of hearing of Dr. Parkman's disappearance. Heard of it Friday. I mean to say I heard of it on Friday in the afternoon. I heard them talking about it on Friday, Saturday, Sunday and Monday.

I went to the door on Friday between 4 and 5 o'clock to let a gentleman in; in the front door. I have since ascertained his name was Mr. Pettee. I did not know his name at the time. I did not let him in at the front door. As I was sitting in the kitchen, and Mr. Littlefield was lying down, and Mrs. Littlefield was gone out, I went to the front door. When I got there the key was not in the front door, and I did not know where to find it. The door was locked.

I looked through the side-lights and saw a gentleman, who asked for Mr. Littlefield. The door was at the top of the steps. I told him that Mr. Littlefield had laid down, but if he would go round to the other door I would call Mr. Littlefield. He went down to the other door. I

went down stairs to the bed-room door and called Mr. Littlefield. As I was passing into the entry I saw Mr. Littlefield come out of the bed-room door in his stocking-feet. I then passed into the kitchen and Mr. Littlefield went to the door.

Cross Examined.—I recollect it was between 4 and 5 o'clock, because Mr. Littlefield had laid down after the lecture that afternoon. Mr. and Mrs. Littlefield were out to Medford, speaking about the matter, and father asked me if I recollect anything about it, and I stopped and recollect of the day, the only time that I went to the front door. I had not heard of the disappearance when I went to the front door.

JOSAPHA W. PEARSON, called and sworn. I am a student of medicine. Have attended the last course of medical lectures. Attended Dr. Webster's lectures. I think I recollect when the talk was about the disappearance of Dr. Parkman. I recollect seeing Dr. Webster Friday, the 23d, after the lectures were over, about 6 o'clock. I saw him about 10 or 12 feet from the carriage shed on the east side of the building, and he entered the shed. I did see him enter the shed. I am not able to state whether he entered the College or not. I am perfectly confident it was Friday night, the 23d. I passed him on the walk, as I was passing out of the dissecting room entry.

Cross Examined.—The shed is on the opposite side of the building from the dissecting room. I don't know whether I touched him or not. I spoke to him, but Dr. Webster only bowed. I was to meet two young men on Hanover street, that evening—medical students. I had met them on Thursday night. I expected to be detained on Saturday night, and agreed to meet them on Friday night. It was a remarkable circumstance to meet Dr. Webster there that night. I think that I mentioned it to some one as a remarkable fact. It was not far from Thanksgiving night that I mentioned this. Whether it was before or after I don't know. I fix the hour, as we usually had tea at 6½ P. M., and I was to meet the young men at 7 o'clock. I came from the dissecting room—left some one there. I don't know how many. The witness spoke in so low a tone of voice, that we could not be certain of any thing he said.

Re-examined.—I have never seen the Dr. there before that time, and this it was which made me consider it remarkable. This is the second and last course of lectures.

WILLIAM CALHOUN, called and sworn. I drive a team for Mr. Fuller, the iron founder: know Mr. Littlefield; live on corner of Fruit street. About the time of Dr. Parkman's disappearance, I recollect seeing Dr. Webster one Sunday night, the first after Dr. Parkman was missing. I saw him in front of the College in North Grove street. I was with Mr. Littlefield, talking with him. Dr. Webster was about twenty paces off, coming down Fruit street towards us. I had no watch, but I should think it was about 4 o'clock. It was pretty clear. Dr. Webster came up to Mr. Littlefield—says he, "did you see anything of Dr. Parkman the latter part of last week?" "Yes," says Mr. Littlefield, "I did." "Whereabouts did you see him?" "About the ground where we now stand on." "Which way was the Doctor coming?" Littlefield answered, "He was coming towards the College." "Where was you when you saw him?" Mr. Littlefield said, "Somewhere about the front door of the College." He also asked, "Did you see him enter the College?" Mr. Littlefield said, "No, as I went and sat down in one of the rooms." I am not acquainted with the College, and can't say what room. He also asked what time it was when he saw Dr. Parkman? Mr. Littlefield answered, "It was about 1½ o'clock." The Doctor said he paid him \$43 on his lecture room table, and the Dr. grabbed it up, or wrapped it up, and ran away, or went off as fast as he could, or something like that, and that he must go Cambridge, and see if the mortgage was discharged, and everything done up in good shape; and that was the last I saw of him, and that is all I have got to say. He, W. did not say whether Dr. Parkman made any answer or not, he said that it was the last he ever saw Dr. Parkman, and this I recollect well enough. I can't say about the Dr.'s manners for I was never acquainted with the gentleman—never spoke with the gentleman before. He had a cane—put it down on the ground several times—that is, let it drop. While Dr. Webster was talking he had his face to the College. Mr. Littlefield was sideways, Mr. Webster and I fronted the College. I did not take particular attention, as I never thought of giving evidence about it.

Dr. J. B. S. JACKSON, called and sworn. I am one of the Professors of the Medical College—of Pathological Anatomy; known Mr. Littlefield since I was a Professor, perhaps longer, may be seven years. It was about 1 o'clock of the day of Dr. Webster's arrest, Littlefield applied to me for some purpose. I was at the Medical College that forenoon about that hour, when Mr. Littlefield came to my room, and began to speak about Dr. Parkman. He did not make any direct application to me to do anything or for leave to do anything. Mr. Littlefield informed me that he had already commenced, and partially dug through the wall. I advised him to go on and finish the opening through the wall.

I cannot repeat the very terms in which I gave the advice. I told him if he made any discovery, to go at once

and inform Dr. Bigelow, Senior, of the fact, and to call at my rooms in the neighborhood of his house, and leave his name upon my slate, if I was not in. I enjoined strict secrecy on him in case he made no discovery. When I came home in the early part of the evening, I found his name upon my slate. I don't know that any considerable portion of anatomical subjects has been used in the chemical room, and probably should have not known it if there had been.

GEORGE W. TRENHOLM, called and sworn. Last November my beat was in the district near the Medical College. Knew Mr. Littlefield, the janitor. Have known him for two or three years. Knew Professor Webster. The first time I saw Professor Webster after Dr. Parkman's disappearance was on Tuesday night, about ½ before 4 o'clock. I was conversing with Mr. Littlefield. He came up and asked me "what about this \$20 bill?" I told him I had not heard any thing about it. He then said that an Irishman had offered a \$20 bill on the Cambridge side, and they had taken it from him. This was not in the presence of Mr. Blake. I am mistaken.

[A wrong day was assigned by the witness for this conversation; and he corrected himself and said something about an interview between Mr. Blake and himself, in which Dr. Webster spoke of \$283 being paid by him to Dr. Parkman, and Dr. Parkman saying he would go and discharge the mortgage. If the junior counsel for the Government had put his questions in a more comprehensive manner, the difficulty would have been avoided in a great measure.]

On the day of the arrest I was passing by the Medical College about 3½ o'clock; met Mr. Littlefield and he told me he was digging through the wall and had his suspicions about Dr. Webster. He said that he had told the officers that every place had been searched but that one; that he was digging through the wall to satisfy himself. He took me into the entry of the dissecting room and told me that the wall had been very hot the week before. I put my hand to it but could feel no heat there.

I went out of the building and was talking, and it was then that Dr. Webster said, "what about that \$20 bill?" The toll man said it was strange that an Irishman should have a \$20 bill, and he asked him where he got it, and he said "from Dr. Webster." Dr. Webster said that the Marshal sent for him to identify the bill, but he said he could not swear to it. The Doctor then went off, bidding good day. Littlefield told me to come back in twenty minutes, and he would then be through the wall.

I was gone about twenty minutes; came back, asked Littlefield's wife if he had come up from under the building. She said he had, and had gone to Dr. Bigelow's. I asked if he had found any thing, and she said he had. She asked if I was afraid to go down, and I said not. She showed me the way to the trap-door. I went down with a light and crawled out to where he had dug, put the lamp through and my head up to my shoulders and looked through and saw the parts of a body shown afterwards to Coroner Pratt and Professor Webster. I came up and waited there, when Mr. Littlefield returned with the Marshal, Dr. Henry J. Bigelow, and Mr. Clapp.

I assisted in taking out the remains. We all went down to get the remains. Mr. Littlefield and I crawled through the hole. I held the lamp, and Mr. Littlefield passed the remains through. They were only passed through the wall and laid upon some boards close under the building. After the remains were taken out, and before Dr. Webster came, I don't recollect that anything was done to the laboratory. The remains were left at the side of the wall until the party returned in charge of Professor Webster. The Marshal left me in charge of the building, and I did take charge. No one beside me was left. It was nearly 11 o'clock when Prof. Webster and his party came. I was not at the front door when they came. Mr. Littlefield came and told me that the party had returned, and Mr. L. and I forced the door of the laboratory, so that the party could get in. Some one asked for the key of the privy door, and Mr. Littlefield made answer that the Doctor had the key, as he always had it himself. The Doctor then pointed to a hook, or a nail, and said it was up there. I think it was Mr. Starkweather took the key down and handed it to Mr. Littlefield. He and I went down to the laboratory, and the key would not unlock the privy door. I then tried the key and told Mr. Littlefield that it was not the key. We went up stairs, and Littlefield told Prof. Webster that that was not the key. I don't know that I recollect what Prof. Webster said. The door was then broken open. Up in the back room I did not take so much notice of Prof. Webster as down in the laboratory. He appeared different in the two rooms—more agitated in the laboratory. Snapped at water given to him. I remember the enquiry made about the bones in the furnace, but by whom I don't know; it was while the Dr. was in the room. Mr. Adams, Mr. Rice and myself, remained in charge all night. I remained there Saturday, and until Sunday. I was alone; I left for a few moments only. Until Sunday night the place was under custody of the Police. The remains were put into a box in the privy and nailed up. No instructions were given in regard to Mr. Littlefield's movements, and no oversight was exercised.

I remember an enquiry while Dr. Webster was up in

the back-room, about a hatchet, and Dr. Webster said it was in the sink in the lower laboratory. Search was made for it in the upper room previous to the enquiry. I don't recollect whether it was Sunday or Saturday morning that Mr. Clapp fitted a key into the privy lock, which was on the floor in the laboratory.

Cross Examined.—It was on Friday that Dr. Webster accosted me about the \$20 bill. He was acquainted with me slightly. A week or two before he asked me to make some inquiries in regard to police matters. I saw Mr. Littlefield on Saturday. There was a conversation between Mr. Kingsley and him. On Friday, the 30th, Mr. Littlefield told me about his suspicions of Dr. Webster. He told me he did not wish me to mention it to any one until he had ascertained. Mr. Kingsley asked Mr. Littlefield on Saturday if he had seen Dr. Parkman, and he said that he had not seen him for three or four days. But he went to the Marshal's office to contradict—but the answer was arrested by the Court.]

The conversation between Mr. Littlefield, Mr. Kingsley and I, did not last more than 2 or 3 minutes. Littlefield did not say when he had last seen Dr. Parkman. I assisted in breaking open the privy door by driving back the bolt with the hatchet. The lock fell off that night.

NATHANIEL D. SAWIN, called and sworn. I am an express man; run the Cambridge and Boston Express;—know Prof. Webster. I have brought in and carried out articles for him. Brought them in the week of Dr. Parkman's disappearance. I recollect of bringing them in. I was there on Monday, 26th November, and brought in two bundles. I called them faggots, or cuttings of grape vines. I took them at Professor Webster's house. I brought also an empty box and a bag of tan. The box was about a foot square—a soap box. I took the bag and box from Dr. Webster's house in Cambridge.

I received directions from Dr. Webster to leave them in Littlefield's cellar, and he said "I will take them into my laboratory myself." I never received any similar instructions before. I have been in the business three years next August. I suppose I have been to the College 200 times at least. I had always been accustomed to leave articles in the lower laboratory. Sometimes in the upper. I would take the keys in Mr. Littlefield's kitchen, hung up in a small case at the left hand of the door, as I went out of the entry into the kitchen.

The Monday when I left the articles, I looked for the keys and tried to open the door. I took hold of the laboratory stairs door to set the articles in, but found it fast. I went through the entry to the store-room door, and found it fast like the other one. I then looked for the keys, and could not find them. I always went into the store-room door. I went there again on the 29th of November, that Wednesday, and carried two boxes. The largest was about 2½ feet long, 1 foot deep, 10 inches wide—the other was about 1½ foot square. The small box was full, and the other empty. I left them in Littlefield's cellar where I left those on Monday.

A piece of the cover of the small box was broke off one end, and I observed a piece of a small check handkerchief. I did not try the door. I saw the other things there, I saw the grape vines and the box there, but not the bag of tan. If it had been there I think I should have seen it. I went to the College after the arrest of Professor Webster. I could not find but one box I could identify, and that was the small one I took on Wednesday, this was the box which had the check handkerchief. It was marked with red chalk "J. W. Webster, Cambridge." I saw the grape vines but not the other things. The other boxes were composed of pine.

Cross-examined. I carry boxes very frequently to the College. I never saw any tan in barrels in the lower laboratory. Dr. Webster did not say the door was locked when I took the things there on Monday. I have seen the clasp knife before; I saw it on the 17th of November, in Dr. Webster's hands, in his garden. He was trimming his grape vines. I spoke to him, and noticed the knife, as it was a very peculiar knife. I am satisfied that this is the knife—I am positive.

DEBASTUS CLAPP called and sworn. Have been connected with the Police since 1828. [Two notes, an account, and a memorandum, were exhibited to the witness and identified by him.]

On the 6th 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, and procured the aid of officer Sanderson of Cambridge. Went to the house of Dr. Webster; the others went up stairs; I remained down stairs. This was the second search. I went to search for a particular parcel of papers in Dr. Webster's house. In consequence of what was said, I asked Mrs. Webster if she had in her possession any particular parcel or package given by the defendant at the bar. In a short time after asking that question, Mr. Sanderson came down with a bundle of papers. Mrs. Webster remained down a portion of the time. They not being articles named in the search warrant, I requested him to replace them in the trunk where he found them and to bring the trunk down. The trunk was brought down, and I requested Mrs. Webster to hand certain papers to me, as I wished to take them to the city, and I would give a receipt, which I did.

I believe the officers went up stairs again, but this was all we found or took away. The Cambridge officer had a search warrant. I did not know what the package contained I asked for, but I supposed what Mrs. Webster handed me was the one. I recognized the handwriting of Dr. Parkman on two of the papers. I received from Mrs. Webster a note dated June 22d, 1842, for \$400; a note dated Jan. 22d, 1847, for \$2432; and an account dated April 25th, 1849. I put my mark upon the papers.

The following copy of the papers alluded to, was then read and put into the case:

\$400 Boston, June 22d, 1842.
For value received, I promise to pay to George Parkman or order, the sum of Four Hundred Dollars in fifteen months from this date, with interest, to be paid at the rate of six per centum per annum. J. W. WEBSTER

This is to be given up on payment of W.'s note of Jan'y 22d '47.

1845 July 10th—Interest is received to date, by rent and seven dollars of principal, leaving due \$383.

Oct 10—Seventy-five dollars.

Boston, July 22d, 1847—Value recd I promise to pay to Geo. Parkman or order twenty four Hundred & thirty dollars within four years from date with interest yearly, & quarter of said Capl said sum being to be paid yearly. J. W. WEBSTER.

\$2432 }
Witness }
Chas Cunningham.
\$500 of the above is G. P.'s X 1/2 -832. Bal rec Mr Chs

C On pay to G. Parkman of eight hundred & thirty-two dollars of this & int. Dr. W.'s other mortgages & note to G. P. of June 22d, 1842 is to be cancelled. Copy W. has \$331.83 corrected.

7. Nov 3d \$17 57 as by act.
1848, Apl 18th, recd a hundred & eighty-seven dollar 50-100 by Chs Cunningham, I gave recit G. P.

Nov 11th—A Hundred eighty seven dolls 50-100 by C. C. I gave recit.

The note for \$400, of June 22, 1842, is scratched across its surface, by a broad cross of a pen, and the signature "J. W. Webster," is also obliquely scratched by an ink mark, a quarter of an inch broad; not sufficiently so, however, to erase the signature.

The following statement or memorandum was next read:

Mem.—The amount of the note given was	\$2,432 00
To cover the following sums loaned	\$1,600 00
Due Dr. P., which agrees with your acct,	348 83
" Mr. Prescott	200 00
" A. & C. C.	234 00
And for amt of bills which exceed the	
\$1,600, but allowed by several individ-	49 62—2,432 46
Consequently the \$348 83 is included in both your	
notes; and Dr. P. took his security in the note for	
\$2,432, and mortgages for that sum, because he	
did not consider the security he had sufficient for	
the \$348 73, and declined surrendering the note	
until his debt is paid; he gave, however, you hold	
a document from him, dated Jan'y, 1847, stating	
the amount of \$2,432 covers both debts to him—	
the note for \$2,432 is in his favor, and is held by	
him—your debt to him appears to be the old bal-	
ance of	\$348 83
Loaned you of the \$1,600	\$500 00
Deduct paid him	375 00
	\$473 83

He says you paid him, Nov. 20, '47, and have a receipt for, without interest. 17 56

\$456 27

After loan of \$1600, February, 1847, you owed Dr.	
P. as above	\$125 00
Wm Prescott advanced	\$500 00
Paid him	187 50
Mrs. P. advanced	200 00
Paid her	75 00
Mr. Nye advanced	200 00
Paid him	50 00
C. C. advanced	100 00
Paid him	75 00

I have seen Dr. P. this evening, a request by you, and trust the above contains all the information you wish. B. Boston, April 25th, 1849. Yours, &c. C. C. Dr. Webster.

Bal. due Dr. P. \$456 27
27 37 int.
483 64 \$483 64

Examination Resumed. The memorandum I hold in my hand I got on the 30th November last, from Dr. Webster in the jail office. He gave me his wallet, in which it, and two smaller ones, were found. I marked them, and identified them now.

Mr. Bemis next read the following memoranda in Dr. Webster's handwriting:

[On the first fold.]
Nov. 9 Friday recd. 510,00
234,10
owed Dr. Big.
Pette's Cash. 275,80
Dr. P. came to Lecture Room first left hand seat. Students stopped he waited till gone and came to me and asked for

money—Desired him to wait till Friday 23d, as all the tickets were not paid for but no doubt would be then he Gooddeal Excited. Went away said I owed him \$43.64.
Friday 23d, called at his house about 1 A. M. Told him I had the money and if he wd. call on after one wd. pay him. He called at 4 past 4 I paid him. \$43.64 etc.

[On the second fold.]
9th—Due Dr P. who called at lecture, \$431.64, by his act Desired him to wait until Friday 23d Angry Friday 1. Pd him he to clear mortgage Note Feb 13, 1847. including small one—\$24.37.

125 due him on loan which the large note covers he agreed to give up towards Sale of Mini Balance due. 483.64 Paid and he gave up two notes had not the mortgage but said he wd. go and cancel it—

had paid him.....	375 by Smith
	125 due.
	500 the loan

Rest from other persons
Mortgage 22 ^d June 1847
Note 400, June 22d—42
Note 2432 Jan'y 22d—47

On one of the small memoranda were the figures in pencil, "\$483.64"; on the second was written in pencil, "ale," "molasses jug," "in box," "key," "tin box," "solder," "paint."

Resumed.—We received various reports through the Marshal that Dr. Parkman had been seen in various parts of the city. On Tuesday I was directed to take certain officers to look into the College, all vacant houses in the neighborhood and the lands about the jail. I took Mr. Fuller and Mr. Rice, went to the College on Tuesday, November 27, where we arrived about 11 o'clock. We entered the east front, through Mr. Littlefield's apartments. We tried a door, and found it fastened—a door to get into the laboratory. We then went up the front entry to the door of Prof. Webster's lecture room.

Mr. Littlefield informed us that it was Dr.'s lecture day and that it would be but a short time before the lecture would begin. Mr. Littlefield rapped but no one came, he rapped again and in about half a minute Dr. Webster came. I informed him that we wished to look over the College. He said that the police had made a search before, but if we wished to do so we could.

Seeing Dr. Webster whom I had known by sight for a quarter of a century, (I did not know that he was a Professor then) I said to him, you can't believe that it is necessary to search your apartments for a moment. He asked us to walk in. We did go down the stairs to his table. I inquired of him what time he saw Dr. George Parkman last.

To the Court. I told him that we were about to search all the houses in the neighborhood, and we were about to search the College first, or some one would get up their backs about it. Went down to Dr. Webster's table where he lectures. It was then I asked him the question.

Resumed.—Have said that he said that he saw him on the last Friday, 23d, at 1½ P. M.—he came there by appointment. I asked him how much money he paid him on that day. He said \$43, and I do not recollect he said any odd cents. He said he took the money and went up the steps in a hurried step, out of the door, and he had not seen him since.

He led us into his back room and pointed out his closets and the room where he kept his valuables. We merely looked into the room—did not search, and then went down to the lower laboratory. Passed round his tables and apparatus, which were in confusion. Saw nothing there to attract my attention. We were shown to the passage way to the dissecting room entry by the Dr. himself. We went to the stairs and the door where the privy is, and then turned and went back again. Some one called my attention, and I returned and looked to the door leading out to the dissecting room.

I don't know who it was that called my attention. I do not recollect of looking into the privy window. I did not expect to find any thing there. I made the excuse for looking at the college as I stated above. Can't say which door we went out. We carried a lantern and twine. I had no idea it was necessary to search the college, and the circumstance made no distinct impression. We searched the great vault. I held the light down myself. Could see well round. We searched every inch of Mr. Littlefield's apartments, I believe, drawers, clothing, pockets of male and female clothing, crockery ware; also searched the attics. I did not go down the scuttle.

I saw some of my party go down. Searched all the houses in the neighborhood, and all the water-side along Charles street. Friday night, the 30th of November, I was called to the College about 6 o'clock; found Mr. Littlefield, Dr. Bigelow, the Marshal, and Mr. Trenholm there. After we got down under the building I was the first to put the light into the hole where the remains were found.

After we took the body out we came up, and went into the laboratory; the door was open on the lower floor.—Mr. Trenholm, the Marshal, Mr. Littlefield and myself were there. I went in first, I believe. I found a pan of sand on the right side of the furnace where the bones were found. I found the furnace, which was covered over with a soapstone cover and minerals. I put my hand into the furnace and took out a piece of coal, and some-

thing adhered to it which looked like burnt bone.—The Marshal said, don't trouble anything there. I was sent by the Marshal to Cambridge; I took a coach, and in company with officers Starkweather and Spurr went out to Cambridge. We stopped the coach a few rods from Dr. Webster's house. I went ahead, and as I got to the gate I met the Dr. on the front steps, showing a gentleman out of his house. The gate was open; I passed in. I spoke to the Doctor before he got into his house, and told him that we were about to search the College over that evening, and wished him to be present. He went into his library, and put his boots, coat and hat on. We were not in the house two minutes, when we passed out, and the Doctor said, "I should like to go back for my keys." I told him it was not necessary, as we had enough to unlock the College. He said "Very well," and we got into the coach.

I don't recollect that Dr. Webster said any thing about the carriage being distant from the house. I told the driver to go over Crazie's Bridge. I tried to have a free conversation, and part of the time we conversed about the contemplated railroad to Cambridge. The first part of the ride we talked of the railroad; also talked of the efforts which had been used to find the body of Dr. Parkman.

I told him what distances we had sent—the stories that had been told. He said that a lady over there, pointing towards the Port, a Mrs. Bent, knows something about it—suppose we ride over there. I told him that we had better postpone it to some other time. Dr. Webster said, I don't recollect what led to it, that he had called at Dr. Parkman's house about 9 o'clock on the morning of the 23d, requesting the Dr. to call at the College between 1 and 2 P. M. He also stated that the Dr. did call, stated that he paid him \$433—that Dr. Parkman was to cancel a mortgage.

I inquired of Prof. Webster if Dr. Parkman had done so. I think his answer was that he did not know. I then asked him if, in case it had not been done and Dr. Parkman was not found, he would be the loser. His answer was that he should lose nothing. When we arrived near the bridge the tide was down; I pointed it out to Prof. Webster, and told him that soundings had been had in all these waters, above and below the bridge.

I told him that a hat had been found which was supposed to be Dr. Parkman's, and that it was found at the Navy Yard. I do not recollect that he made any answer.

We drove until we got to Brighton street, and the Doctor observed that we were going the wrong way. I replied that the driver might be green, but he would probably find his way there in time.

We arrived opposite the jail door at about 8½ o'clock. I got out on the off side to see if there were any spectators in the jail. There was none. I came out, opened the door on the near side and said, "Gentlemen I wish you would get out a moment."

I did not hear a remark made by any individual. We then all got out and went into the jail-office. After we had all got into the outer office, I took the lamp and said, "Gentlemen, suppose we walk into the inner office." Don't recollect a word being said until we got into the inner office. The first one that spoke was Dr. Webster. He turned half round to me and said, "What does all this mean?" Said I, "Doctor Webster, you recollect I called your attention by the bridge that soundings had been had above and below the bridge. We have sounded about the College, and have done looking for the body of Dr. Parkman—we shall not look for his body any more, and you are now in custody on a charge of the murder of Dr. Parkman." He articulated half a sentence; I could not understand exactly what it was, and then said, "I wish you would send word to my family."

I recommended to him to have it postponed until the morning. I told him it would be a sad night spared to them. He seemed inclined to talk to me about the crime which was charged to him, and I said to him, "Dr. I think you had better not talk to me on the subject."—He wished me to notify some of his friends in the city. 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 let it remain until morning. I told him that I wished to see if he had any articles about him improper to carry into jail.

I took a gold watch, wallet containing certain papers, \$2.40 in money, an omnibus ticket case, and five keys.—[Witness produced the keys, one of which had a label on it marked "privy."]

I took all the articles, carried them to the Marshal's office, and locked them up in my private drawer, of which I had the key, and did not see them again until Sunday about 12 o'clock.

I left Dr. Webster in the custody of Mr. Starkweather and Mr. Spurr in the back office. Made out a "mittimus" requesting them not to commit the Doctor until they heard from me, and requested Mr. Starkweather to remain with the Doctor until he heard from me. After I made the "mittimus" out, Mr. Spurr joined me, and we went to the Marshal's office. After locking up the articles I went in pursuit of the Marshal. Jailer Andrews was probably at his house. I did not find the Marshal or Mr. Parker. We then went down to the College and found Dr. Webster there in charge of two jail of-

ficers. Mr. Parker and the Coroneo and others were there; several physicians were there.

I first saw the party in the laboratory; they were standing by the sink from whence the Cochituate water runs. Doctor Webster was already down stairs, and there was great inquiry for the key to the privy.—Mr. Littlefield went and got several, but none would fit. I got the poker, somebody got something else, and we pried into the door of the privy, and in so doing the lock came off.

I did not then know that I had a key in my possession that would unlock the privy. On Sunday, I found the key marked "privy," while looking at the articles I took from Prof. Webster.

I had noticed the keys carefully before. I showed them to the Marshal. Went to the College, and found this lock (exhibiting one) which was on a shelf behind the door.

I put the lock on the privy door; put a screw in and then the key, and found it fitted. I have got some keys which I got at Dr. Webster's house on the second search. Some of them fit the doors of the college. (Witness exhibited the keys.) They are the keys which fit Dr. Webster's apartments. One of the keys I found at Cambridge fitted every door of Prof. Webster's apartments.

I saw Coroner Pratt in the laboratory when Dr. Webster was there, after I got back from Cambridge. The attention of the County Attorney was called to the bones.

Soon after I went into the laboratory I found the Doctor facing the north side—he was trembling as if in a fit. Some one put a tumbler to his mouth, but he did not appear to have power to drink.

The Dr. did not appear to know what was going on; did not notice any one or anything that was said to him. He appeared like a person in a fit of delirium tremens—a trembling madness. I obtained a warrant from Judge Livermore of Cambridge on Saturday, December 1st, and went to Mr. Charles Cunningham to accompany me to search Dr. Webster's house; I got one of the Doctor's friends, as I thought it would be disagreeable business to go alone. Our search did not amount to anything—that is, we did not get what we went for.

I took a bank-book from Dr. Webster's library, in his own house. Did not find anything locked. Searched the library very close behind the shelves; searched the trunk in which the three papers were found. The trunk was in the library at the time. I did not see any papers on Saturday answering to those afterwards found.

If they had been in the folds of other papers I might not have seen them. If they had been loose I should have seen them. Found nothing named in our search warrant.

Went again the same day; searched the minerals of the college, by permission of the President, and Dr. Webster's house, but did not find anything.

At 2 P. M. the Court adjourned to 3½ P. M.

AFTERNOON SITTING.

The Court came in at 3½ P. M.

DERABUS CLAPP, *cross-examined*.—There are other private papers in the wallet. I cannot say that I saw Mr. Littlefield try the laboratory stairs door. Everything looked tidy and snug in the little private room. I saw minerals about. I do not recollect when I was in the lower laboratory whether there was a fire or not. There was nothing said upon the subject of a search after we got into the carriage with Dr. Webster to come into the city. What I said about a search was said when I first saw Dr. Webster at his house. I don't remember anything that was said about having a receipt from Dr. Parkman for the money paid by Dr. Webster. When we talked about the loss in relation to the mortgage, I believe Dr. Webster said that Dr. Parkman was a honest man. Our conversation I desired should be free and easy. We arrived at the jail about 8 o'clock, at the College about 10. I looked at my watch when we got to the jail.

CHARLES W. LITTLE called and sworn. A resident of Cambridge—a student in Harvard University. I recollect meeting Dr. Parkman on Thursday, the 23d of November, between the hours of 1 and 2 P. M., on the Mount Auburn road and the road which leads to the observatory.—Dr. Parkman was riding in a coach. He asked me where Dr. Webster lived. I pointed out to him where, and he rode on. That was between Mrs. Saunders's and the corner—between an ⅓ and ¼ of a mile from Dr. Webster's house. I am able to fix the date, as I went to New York the next day. I went on Friday and got back on Sunday morning. Dr. Parkman was riding alone.

SARA PERREZ called and sworn. A resident of Dorchester. I do business in Boston. I am discount clerk in the New England Bank, and collect fund for the Medical College. There are seven Professors connected with the Faculty. My duty is to distribute the tickets and receive the money for the same. Each Professor has his own tickets, and receives his own funds. I entered on the duties on the 7th of November. This was my first acquaintance with Dr. Webster. I received one hundred of Prof. Webster's tickets. I disposed of them to the students who wished to attend Prof. Webster's lectures. Previous to

the 23d of November, I had disposed of fifty-five tickets, for which I had received pay at \$15 each ticket—the aggregate amount \$825. Some of the balance I disposed of, and took notes, and some were third course tickets, and some were free tickets. I disposed of 93 tickets in all for Prof. Webster; 33 were for third course and free, and 7 I have on hand. On the 33 tickets I had collected, previous to the 23d of November, \$80.

I did receive promissory notes for some tickets. Two of the notes were half-pay tickets. Out of all the promissory notes I had taken, Prof. Webster would only realize \$15 in cash previous to the 23d of November. Previous to the 23d of November, all that had come to Prof. Webster would be \$825. I have 7 tickets on hand. I have on my record 107 students as attending all the courses of lectures. The first division that I made with the Professor, there was due to Prof. Webster \$510—on the 9th of November. The course of lectures began the 7th. I paid that in this way: Dr. Bigelow gave me a note against Dr. Webster for \$225 89 in favor of Dr. Bigelow. That note was dated the 1st of April, 1849. The interest due was \$8 21—making a total of \$234 10. I gave a check for the balance \$275 90. I gave the check on the 9th of November. The next division was on the 14th, or about the 14th. I credited Dr. Webster with 13 tickets sold, or \$195 00. That I paid about the same time. I drew a check and received the funds for it from the Teller of the New England Bank. The \$195 was the full amount. The next date I have is on the 16th. I credited Prof. Webster then with 2 tickets—\$30. That I paid with a check, dated the 16th. I paid it to Littlefield on an order from Dr. Webster. I made up the division on the 16th, but the order which Littlefield handed me was dated on the 20th. I did not see Prof. Webster in the meantime.

On the 23d I credited Professor Webster with 6 tickets sold, amounting to \$90. I paid the money personally to Dr. Webster at the Medical College. The first time I saw Dr. Parkman to know him, was on the 12th day of November. He came to me and enquired if I collected funds for the Medical College. He did call and make this enquiry. I had no funds of Dr. Webster's in my hands at that time. Some few remarks were made, and Dr. Parkman left. In a short time Dr. Parkman came back and took a dividend belonging to himself and wife. I asked if Dr. Webster owed him, and he said, "I should think you might judge from my manner." He then left. A few days after Dr. Parkman came to me again; it was on the same day that I paid Dr. Webster \$195—the check for this amount was dated on the 14th. He asked as before, if I had any funds belonging to Dr. Webster; and I told him I had not, as I had just paid them over. I don't recollect whether I told him the amount or not. He said that he thought he gave me hints enough to hold the money for him. I told him that I had no further control of the money than to collect it and pay it over. He said I was not doing justice to Professor Webster, himself and all concerned.

He said that he should be obliged to distress Professor Webster and his family. He appeared to blame me for not retaining the funds. He made some remark which was that Prof. Webster was not an upright and honorable man, and he repeated his language, and said, "tell Prof. Webster so from me." I did not see Dr. Parkman again—never saw him. On the morning of the 23d of November I went to the College to pay the \$80 I had collected—I went about 9 o'clock. I inquired for Mr. Littlefield, and they told me I should be likely to find him at the front door. I did go and found him standing in the front entry. I took a notice from the notice box which I wished to alter—a notice to the students when I would be in attendance to deliver the tickets—to alter the day of attendance from Thursday to Saturday. I can't state whether the hour was mentioned. Mr. Littlefield gave me the keys to the Library, which I unlocked and passed through to the private room in the rear of Prof. Ware's lecture room. I altered the notice and returned, passed down the stairs through Mr. Littlefield's cellar, by the laboratory stairs to the laboratory. The door was not locked. I passed into the upper back private room. I excused myself for coming in at that time in the morning. Dr. Webster made some remarks and said, "walk in." I then stated to him the reason why I came. I told him that Dr. Parkman had called on me several times and inquired if I had any funds of his in my possession, and as I did not wish to have any funds in my possession, therefore I came to pay them over to him—as I did not wish to have any trouble with Dr. Parkman. Prof. Webster said to me 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, or did put his business out of his hands, and that a Mr. Bale attended to it for him. After making these remarks he said "you will have no further trouble with Dr. Parkman. I have settled with him."

I had no further conversation of any consequence. I next went to the College on the same Friday afternoon. I did pay \$80 to Prof. Webster in the morning. I gave him a check on the Freeman's Bank for that amount. I drew in my own name as trustee. It was between 4 and 5 o'clock that I went to the front door at the top of the steps, and found it locked. A woman came through the

library after I rang the bell. I supposed that she was going to open the door, but she did not; she enquired through the sidelights if I wished to see Mr. Littlefield.—I told her I did, and she said if I should go to the east end under the shed, I should find him. I did go and meet Mr. Littlefield at the door; enquired if he sent for me.—He was dressed as usual, but he came without shoes. He said that he did want to see me, and he said that he wanted me to fill up a set of tickets for a student that was going to leave in the morning. The student's name was P. R. Ridgeway. I filled up the tickets, and Mr. Littlefield told me that he would give me the money for them on the next day when I called. I went out the same door that I came in. I filled the tickets in the little room back of Prof. Ware's lecture room, where I kept my trunk. I called at the College the next day, on Saturday, not far from 3 P. M. I cannot state the precise time I saw Mr. Littlefield; he was sitting at a table in Prof. Ware's lecture room.

[The government wished to question the witness as to the particulars of the interview, but this was objected to by the defence. A brief discussion ensued, when the matter was passed over. The object of the government was to sustain the evidence of Littlefield on some collateral point.]

Examination resumed.—My visit to Professor Webster on Friday was to pay him the money to get it out of my hands. I had asked Mr. Littlefield the night before to say to Professor Webster that I should call on him in the morning. I did not say anything about money. I don't know what Littlefield said to Professor Webster. When I had the interview with Dr. Parkman I can't say that he used any profane language. When I told him that I had paid over the funds to Dr. Webster he said "the de'il you have," or something like that. His language was hard, harsh, but I do not know that it was coupled with a profane expression, when he sent the message to Dr. Webster about his being a dishonorable man. If he had used a very profane expression I should think I should have recollected it. When I talked to Dr. Webster I did not tell him what message Dr. Parkman sent.

Cross Examined.—I have no means of knowing how many tickets Dr. Webster himself sold. I have no record of any others than those I myself sold. I presume that the bills paid out by the teller of the New England Bank were New England Bank bills. I had no other business with Dr. Webster on Friday morning, except in relation to the tickets. Dr. Parkman appeared to be harsh in his expressions—he appeared to be very much excited. I am not positive whether I told Prof. Webster this language or not. I rather think not.

Re-Examined.—I don't think that I communicated to Dr. Webster that Dr. Parkman said he was a d—d rascal or a d—d whelp. If I had carried this language from one gentleman to another, I think that I should have recollected it.

JOHN E. DANA, called and sworn. I know the defendant Dr. Webster—have known him for 20 years. He has kept a bank account at our bank. Did keep one in November last. [The Government put into the case a bank book found at Professor Webster's house by Constable Clapp. Dr. Webster deposited on November 10th, \$275.90 in a check on the Freeman's Bank. November 15th, \$150, in bills. November 24th, \$96 in a check on the Freeman's Bank. On the 23d of November there was a balance due Dr. Webster of \$139.16; this balance was struck upon the checks which had been paid prior to the 23d of November. On the 1st of November the balance to Professor Webster was \$4.26. This amount was increased by the subsequent deposits. On the 1st of December a check was drawn by Professor Webster for \$93.75 which was paid to Mr. Ware. The next check was for \$5, on the 3d, the next check the same day for \$10, the next check \$19 on the same day. At that time the Doctor's balance was \$68.78 when a trustee process was served. I think there were two or three checks presented after the trustee process was served. The balance was paid on the 21st on a check of Dr. Webster in favor of the party who trusted. Mr. Richardson, a coal dealer.

DR. DANIEL HENCHMAN, called and sworn. I am a druggist in Cambridge street. I know Dr. Webster. Dr. Webster asked me if I could give him bills for a check, on the 23d of November. It was for \$10. I did give him bills. I don't recollect the number, but I gave him more than one bill. Dr. Webster gave me a check on the Cambridge Bank. [Witness produced the check, dated Nov. 22.] It was somewhere near 10 o'clock on Friday morning when Dr. Webster gave me the check. It might have been dated the day before. I sent out for collection on Friday, the day of arrest. I have never received payment for the check. I will state that the note was presented on Saturday, and they said there were no funds.

Cross-Examined. Dr. Holden took it out, and says he presented the check. I do not know of my own knowledge that it was presented on Saturday, or that he was told there were no funds.

JAMES H. BLAKE, called and sworn. I am nephew of the late Dr. Parkman. I took part in the search which was made for him after his disappearance. Sunday afternoon about 8 o'clock, as near as I can recollect, I went

over to the jail lands, and from there to North Grove street, towards the College. I went near to the College. I was talking with a police officer, and Dr. Webster came towards me from the direction of the College. He took me by the hand. I think that he had no overcoat on. It was rather an unpleasant day, cloudy,—had rained all the forenoon.

He took me by the hand, and said that he saw, in the Transcript of the evening previous, that Dr. Parkman was missing. He said he came in on purpose to notify the family that he was the gentleman who went to Dr. Parkman's house on Friday morning, and made the arrangement to meet Dr. Parkman at the College on Friday noon. That was the first time the family knew who it was. He said that Dr. Parkman met him at the hour appointed. Dr. Webster said that he paid him the amount of a note, \$483, or some such amount. I don't exactly remember whether there were any cents mentioned. Webster said that he kept the note; that Dr. Parkman left, and said that he would go to East Cambridge and discharge the mortgage. Dr. Webster said, "We all know Dr. Parkman to be an honest man, and I trusted him with it." These were his very words. By it I suppose he referred to the cancelling of the mortgage.

He then said that he should go up and see the Rev. Dr. Francis Parkman. Dr. Webster said that he went to the church in the morning, and he thought that he would wait until after dinner before he came into town. After the conversation he went into the College. I came up North Grove street from the jail lands. There were half a dozen persons in company. I presumed that the Doctor came out of the College—he came from that direction at any rate. I did not see Dr. Webster afterwards. I did not stay about the College any considerable time. It must have been between 2½ and 3 o'clock. It was not after 3 o'clock. The Doctor might have come up Grove street while I was standing there, and I might not have seen him. [Witness pointed out to the jury upon a plan of the grounds the spot upon which he stood.] We had not been there for more than two or three minutes when Dr. Webster came up. He might have seen us coming up North Grove street, or not until we stopped. Dr. Webster took me by the hand rather suddenly, and during the whole of the conversation he held me by the hand. I did not notice any thing peculiar. I never knew him to do it before, but I have not had much communication with Dr. Webster. Dr. Webster did not say anything about the search for Dr. Parkman. He was rather earnest in his manner. Dr. Webster said, "I kept the note and I trusted him with it to go over to Lechmere Point and discharge the mortgage."

Cross examined. Dr. Webster said he came in purposely to inform the family of Dr. Parkman about the unknown man. He did not tell me how he came in. I commenced the search on Saturday afternoon, after dinner.

REV. DR. FRANCIS PARKMAN called and sworn. I am a brother of the late Dr. Parkman. Have known Dr. Webster for a great many years. While a resident at the North End, I was his pastor for several years. After he removed to Cambridge, I knew him as all gentlemen did who were acquainted with the College. After he went to Cambridge I was called to certain pastoral offices there, and up to within a few months of my brother's disappearance. I was called to baptize the grandchild of Dr. Webster the last Thursday in September, I think—the child of his daughter and son-in-law, who reside at Foyal. On the Sunday after the disappearance of my brother we were in great distress. None of us went to church that day. I passed it with my brother's family. About 4 o'clock in the afternoon, just as people were passing from church, Dr. Webster came to my house and was let into the parlor. On entering the room almost without customary salutations, he said, "I come to tell you I saw your brother at 1½ o'clock on Friday, and paid him some money." It was then said by Mrs. Parkman or myself, I don't recollect which, "then you are the gentleman who called at George's house at 9½ on Friday morning, and made the appointment." He answered that he was, and that he should have come and told us so before, but he had not seen the notice of his disappearance until Saturday evening, and he had waited until now, thinking the family at church.

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 on Friday, as we feared that some one who meant him ill had called, and that he had been betrayed over to East Cambridge." Dr. Webster said, "I was the man, and your brother came to the College at 1½ P. M., and I paid him \$483 and some odd cents." I asked him "if he was certain about the hour," to which he answered, "I am quite certain; I finished my lecture at 1 o'clock, and I waited 20 minutes or so for your brother." I asked him "if he had a bundle of papers in his hand, as some persons who saw him at 1½ o'clock, said they saw him with papers in his hands." Dr. Webster said that "he had papers, and he took out one and dashed his pen through it." Dr. Webster meant to convey the idea that the action was violent.

Dr. Webster said that my brother said in relation to the mortgage, "he would see to that—he would see to that."

Dr. Webster said my brother went out very rapidly from the room in the College where the interview took place. I then asked Dr. Webster if he knew whether my brother actually went to Cambridge. He said he could not tell, but intended to go himself and ascertain. I remember nothing else. I followed him to the front door, where Dr. Webster repeated his intention of going to Cambridge. I think I have a distinct recollection of the conversation. I am confident about the statement of dashing a pen through the paper, as Dr. Webster raised his hand to indicate the motion made by my brother in the act.—Dr. Webster's manner, I could not but observe, was hasty,—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 at the mysterious disappearance and no expression of sympathy with our distress. I should consider it a business visit. In regard to the suddenness and quickness of manner, I have observed the same before. Rapidity of motion has characterized him, and it has been observed by all who knew him. There was a certain flurry of manner that I had not observed before, not so great, however, as to deeply impress me. What particularly struck me, was the expression—a want of tenderness which I should think should always characterize a man upon such an errand.

I recollect nothing more than the plain business errand that I have detailed. I should be perfectly safe in saying that Dr. Webster was there not more than 10 or 15 minutes. I cannot distinctly answer whether he wore an overcoat, but my impression is that he did not. I stood on the steps when he left. My impression is that he went down Green street towards the College—I cannot say precisely, however. My brother's domestic habits were most remarkable. He was among the most punctual of mankind in his habits and ways. Seldom or ever departed from the city, and was almost invariably at his regular meals.

He has left a wife and a son and a daughter. His daughter had been in a very delicate state—she was one for whom he was perpetual anxious. His son was in Europe when he disappeared, but has lately returned. I believe I may say with confidence that I never knew my brother to use language which properly might be called profane. When he was moved, he was not an irritable man—he would use strong language, but never, on any occasion, do I recollect of hearing him use a profane word.

Cross examined.—Two gentlemen called at my house to say that they saw my brother at 1½ P. M. on Friday. I knew their names, Fessenden and Holmes. Dr. Webster did not say what paper Dr. Parkman took and dashed his pen through. I was sorry that I did not ask Dr. Webster. I was all the morning at my brother's house. Returned after dinner. None of us went to church that day.

At 10 minutes to 7 P. M. the Court adjourned to next morning.

SEVENTH DAY.

TUESDAY, March 26, 1850.

The Court was opened this morning at the usual hour, the prisoner making his appearance a few minutes before 9 o'clock. We observed nothing in his air or manner that differed in any particular from that which has characterized him since his trial commenced. He has to submit to the close and constant scrutiny of a large multitude of spectators, and it must be, to him, no ordinary effort to preserve a generally calm and collected demeanor. Last evening, during the delivery of the testimony of Dr. Francis Parkman, wherein that gentleman referred to the children and grandchild of Dr. Webster, the prisoner manifested deep feeling—more feeling than we have witnessed at any time previous.

RALPH SMITH, called and sworn. I reside in Boston.—My place of business is in Exchange street. I am a liquor dealer. I have had very little business with Prof. Webster. He was owing me a small amount in the fall of last year. [Witness identified a letter from Prof. Webster written in answer to one sent to him.] He was owing me some money. The amount had been due some time, and I wrote to Prof. Webster to cancel the debt, as I wished to close up some old concerns, having formed a partnership business. I wrote to him, and that [the letter identified] was the reply. [The junior counsel for the government read the letter, dated Cambridge, Oct'r 15th, 1849, and it was then put into the case. The letter simply states that Prof. Webster would pay the amount when he got the fees from the Medical students, until which time he asked the indulgence of Mr. Smith.]

SAMUEL B. FULSA, called and sworn. I am one of the Police; have been for nine years. I have seen Prof. Webster but I have not any acquaintance with him. I saw Prof. Webster on Sunday, Nov. 25th, after the disappearance of Dr. Parkman. I went to East Cambridge to see if the mortgage was cancelled, and I was told I could ascertain better by going to the house of Dr. Webster. I took a Mr. Thompson, I believe, a clerk, in a chaise and went to Dr. Webster's house where we arrived about dark. Dr.

Webster invited us in, when Mr. Thompson informed the Dr. what was the object of our visit. Dr. Webster went to an account book and turned over the leaves two or three times, and appeared to tremble badly. He then left the room. He was gone some two or three minutes and then returned, sat down in a chair, and said, "it is strange that I can't find those papers." He got up and went to a trunk which was under a table in the front room, and then went back to the account book on the centre table.

He then had some conversation with the clerk, Mr. Thompson, but what it was I do not know. He then sat down in a chair, and said, "My ticket man told me that Dr. Parkman came to him and demanded what money he had in his possession for tickets sold. My ticket man refused to let him have the money; thereupon Dr. Parkman told my ticket man that I was a d—n rascal and a scoundrel." Says Dr. Webster, "I thought hard of it at the time, but I don't care about it now, as I have settled with Dr. Parkman, and it is all over." He had some conversation with the clerk, who went with me, and told him that the mortgage was on personal property and not real estate. I made the remark that we would go to the chief Clerk and see if Dr. Parkman had been there, and turned and left the room. I did not see Dr. Webster again that night. On Tuesday forenoon, about 11½ o'clock, I went with Mr. Clapp, Mr. Rice, and Mr. Kingsley to the lower laboratory stairs door leading from Mr. Littlefield's store-room, and found it fast. We found the other store-room door fast. We then went up to the front door of the lecture room. Mr. Littlefield knocked, waited a few moments and then knocked again. Then Dr. Webster came to the door. I asked Dr. Webster who was with him when Dr. Parkman paid him this money. He said "no one but myself." I asked at what hour Dr. Parkman was there when he paid the money. He said "between 1½ and 2 o'clock." We passed down through the lecture room and round the end of the table. I asked Dr. Webster where Dr. Parkman stood when he paid him the money, and he answered "here," that is by the left hand-end of the table. On Dr. Webster's left hand, as he would stand when lecturing to the students.—We passed up into the back private laboratory, and turning to a little room, he said, "that is my little room where I keep my valuables." We then went down stairs, Dr. Webster going near me. Mr. Clapp turning to the privy asked, "what place is this?" Mr. Littlefield answered, "this is Dr. Webster's private privy." Dr. Webster saying at the same moment, "Great hen, here is another room that you have not looked at," and we passed to the store-room and out, taking a little notice of what was in the laboratory. I did not notice what the others were doing. Mr. Kingsley or Mr. Rice. I know that Dr. Webster led off to another door. He seemed to be hurrying us through the room. After we had looked to the main vault, I then passed to the scuttle that leads under the main building. I took my lantern and went down underneath with Mr. Littlefield, and crawled as far we could, for the walls. [Witness pointed out upon the plan the route that he and Littlefield pursued.] We crept on our hands and knees until we got to the place where the privy is.

I asked Mr. Littlefield if it was the outside wall. There was no hole in the wall at the time. There was a conversation between Mr. Littlefield and myself while we were out there in relation to the position of the privy. I have examined the walls about the cellar two separate times. There is no access to the privy wall for the flow of the tide, except through small crevices. On Tuesday, 27th, I did not find any thing under the building by the privy wall. I am the officer who discovered the remains in the tea chest. I had been searching from 3½ A. M. until 4 P. M. of Saturday, Dec. 1st. I had seen the chest once before, but did not touch it. Others were searching with me, some six or eight persons. I told them that I would search that side of the building, and go through it thoroughly.

I looked over some things on the shelves until I came to the tea chest. I thought it was where Dr. Webster kept his minerals, but as I was searching I would look into it. I took out some minerals which were done up in papers. The writing on the papers appeared to be fresh. After getting out some minerals I found there was tan in the chest. I put my hand in and took out some minerals from the tan. I then ran my hand in, again and took out a hunting knife, which I opened, looked at, and placed in my pocket. I then remarked that I thought there was more than tan in the chest. I took it out and turned it over, when the trunk of a human body tumbled out. I stood on the right side and saw a hole in the left breast, just under the left nipple. The tan was scraped off only with the hand. I forbid an officer to use a stick, and it was not used. Remarks were made about the hole at the time. I said the knife I had I supposed would fit the hole, but I did not try it at the time. [Witness identified the tea chest in which the remains were found.]

I found one of the kidneys in the ash hole. There were some bedclothes found. In the lower laboratory, on the table, were found a comforter and two woollen blankets, done up in a newspaper. The table was near the window. I should think they had never been used, many one of them—all new. I remained there at the College until the 3d

of January, 1860, from 7 o'clock in the morning until 8 at night. No one was allowed to enter the rooms without a permit from the Mayor or Marshal. The privy hole was 9 inches across each way. We tried to get the thorax through the privy hole, and could not; the hole was not large enough. The pelvis would go through by turning it up, as I called, edge-ways.

There were some experiments made in regard to hearing noises in Dr. Holmes's room—noises that were made in the laboratory, and *vice versa*. We made the experiment by hollering. Nothing could be heard. Both doors were shut.

To the Court.—I was both above and below. I was below and another person was up stairs; then I went up and he went below. I could hear nothing, and he said that he could not.

Resumed.—A small white plate was found in the back lecture room with coloring upon it. A stick, apparently to answer the purpose of a brush, was found upon the floor, partly under the table.

Cross Examined.—I measured the privy seat, after it was taken up. The seat was up when we tried the experiment with the thorax. The seat was taken up from the floor. Littlefield, Buckman and myself tried the experiment. Littlefield held the thorax—Littlefield held the pelvis. The latter went through very easily. We found tan in barrels, about half a bushel. We found a bag of tan, about eight or ten feet from the door which led into Littlefield's store-room. The bag was very nearly full.—I did not see the tea chest on Tuesday, that is to take any notice of it. The knife was shut when I took it from the tea chest. I can't say whether I put it upon a shell, at any rate it was in my pocket a few moments afterwards. I have kept it ever since. Mr. Buckman, Mr. Starkweather, Mr. Rice and Mr. Littlefield, I believe were there when the tea chest was emptied. The officers were there who were put on duty by the Marshal. The tea chest was found on Saturday afternoon about 4 o'clock. When the thorax fell out it fell out back up, precisely as it laid in the chest. I had looked at the thorax four or five minutes when I discovered the hole in the breast. I turned the thorax over myself. I drew the thigh part way out myself and let it lay in the tan until the Coroner came.—The string was tied round the bones, but not round the thorax.

No one was allowed to meddle with the thorax until the Coroner's Jury came in the afternoon a little past 4 o'clock. They had not met when we found the tea chest. Buckman said he was going to scrape the tan off and see how the body looked. I told him not to. I did not see officer Tarron there with a stick. The tan was not taken off until the next afternoon. I scraped off what little tan was scraped off. The neck end of the thorax was up in the tea chest, and I felt it cold when I put my arm in, as I have previously stated,—nearly up to the wrist.

I told Mr. Thompson, the clerk who went with me to Dr. Webster's house, that I thought he appeared very singular. I further told him, that I did not know but it was his natural way. I had no suspicion of him at that time. His manner was rather singular, quick and nervous. It was just after dark when we arrived in Cambridge on Sunday afternoon. Our object was to ascertain the date of the mortgage. On Tuesday was the first time I was at the College. Dr. Webster's words were that Dr. Parkman was at the College between 1½ and 2 P. M. I did not state before the Coroner's Jury that Dr. Webster said that Dr. Parkman was at the College at half past 1 P. M.; if I did so, I did not state what was correct.

I made a memorandum of the conversation which took place on Tuesday, at the time of the first search. I either made it the same night or the next day. I made a memorandum of the Sunday's conversation with Dr. Webster on the next Monday forenoon. I believe I said in the memorandum that Dr. Webster was excited. I think that Mr. Clapp was by the privy door when the answer was made by Littlefield as to what the privy was. I did not notice a fire in the urnace of the lower laboratory. There is a trench round the wall. The tide flows in the trench under the laboratory, and not over the whole ground, to judge from the appearances of the ground. The trench, I should think, is three feet deep.

The ground slants towards the north and west side. A man cannot stand upright except in the trench. The slope is not very steep by the privy; when you get about six feet from the hole it is much steeper. I can't state what the angle is. I found towels directly under the privy hole. The labels of the minerals did not look as if they had been written a long time—might have been written five or six months; did not look like fresh ink.

Re-examined.—Mr. Eaton was there after I had taken the tea chest out by the window.

S. PARKMAN BLAKE called and sworn. Am a relative of the late Dr. Parkman. I took a very active part in the search after Dr. Parkman. I had occasion to call on Dr. Webster, on Monday morning, at the College, between the hours of 10 and 11 o'clock. The Monday after the disappearance. As I ascended the steps I met a student, as I supposed, and he rang the bell. Mr. Littlefield appeared at the door of the front entry. I asked him if Dr. Webster lectured that day. He said he did not, and said he believed that he was in the lecture room. He tried

the door of the lecture room, and it was fastened. Mr. Littlefield asked my name, and said that he would go round the back way and give my name to Dr. Webster. He did go.

I waited what I thought was an unreasonable time.—He unbolted the front door of the lecture room, passed out, and I went in, when I saw Dr. Webster coming out of his back private room. He had on a smoking cap and working dress, apparently. I took particular notice of Dr. Webster's appearance as I descended the steps of the lecture room. He stood still until I approached him. I told him that I had learned he had an interview with Dr. Parkman, and that I had come to learn all the particulars of that interview. Dr. Webster then went on to state that on Tuesday preceding Dr. Parkman's disappearance, Dr. Parkman had called there before his lecture was finished. He sat down and waited for the lecture to close. Dr. Webster pointed out the seat he occupied. He sat leaning upon his elbows, waiting very patiently for him to close.

After the lecture was finished Dr. Parkman came up to the table and said, "Doctor, I want some money"—he was very much excited and angry—"you have \$500 in your pocket, and I want some of it." Dr. Webster's countenance was lighted up and expressed great anger when he was relating the interview. Dr. Webster said he told Dr. Parkman that he could not pay him on that day, as he had not collected all the money for his tickets. Then Dr. Parkman asked him when he would pay him, and he said on Friday. Dr. Parkman then went out.

On Friday, the 23d of November, on coming into the city, Dr. Webster said that "he called at Dr. Parkman's house, told him if he would come to the lecture room on that day he would settle." He did come about 1½ P. M. I asked him how he knew about the time. He said "that his lecture had been finished, and several of the students had stopped after the lecture to ask questions, as they were requested to do. After the questions, the students went into the back part of the room to look at some pictures, one of which had recently been put up there.—The students then went out, and very soon Dr. Parkman appeared. Came in a great hurry up to his table where he was standing." Dr. Parkman asked him "if he was ready for him" and Dr. Webster said "he was." "Dr. Parkman took out of his pocket a bundle of papers done up loosely and drew out some notes, and he (Dr. Webster) took out his money and paid him \$488 or \$484 or about that sum. The 4 I could not tell whether it belonged to the dollars or cents. He seized the money without counting it and was going off." "I said," said Dr. Webster, "there is one thing you have forgotten, that mortgage." Dr. Parkman replied "I haven't it with me, but I will see it properly attended to."

He then rushed out of the lecture room, with these bills in his hand, carelessly exposed to view. I then asked him to recollect what money he paid him, as it was very important, and might lead to a discovery. He said that he could recollect but one bill—a \$100 bill on the New England Bank. I pressed Dr. Webster rather close. I asked him if they were out of town bills or city bills—in large or small bills. He replied that he could recollect only that one \$100 bill on the New England Bank. I asked him if he had the notes of Dr. Parkman. He answered in the affirmative, but in a way to make a strong impression on my mind. He appeared confused. I asked him if any one was present at the interview, when he said very emphatically—"No." Then I left him. I had been acquainted with the Doctor for a good many years. I noticed that his manner was singular on my first entering his room. He seemed to want that cordiality and politeness that is usual to him. As I came down the lecture room steps I had my eye on him, and thought that he looked pale. He received me in a stiff and formal manner, and I am quite confident that he did not put out his hand to me.

His manner when speaking of Dr. Parkman's being angry, was, I thought, singular. He made no expression of sympathy; this I thought strange when every person you met in the streets expressed so much sympathy with the family of Dr. Parkman. I made no inquiries as to the search. He said very little about it. He made no inquiries at all about the family of Dr. Parkman. I was not more than 15 or 20 minutes with Dr. Webster. There was a change of position and manner after we had commenced talking upon general subjects—but none while we were talking about Dr. Parkman. I went out by the same door I entered, and I heard the door bolt after I left.

Cross Examined.—Dr. Webster did not go up to the door with me. I only infer that he came up, as I heard the door bolted after I got out. I heard of the disappearance of Dr. Parkman about 5 o'clock on Saturday afternoon. I felt very great apprehension myself at that time. Dr. Webster appeared to be preparing for his lecture of the next day. He told me so. He was moving about a jar upon the table. I did not assist in the preparation of the handbills. I looked into the upper laboratory, after we had finished the conversation about Dr. Parkman. He sat upon the settee in the lecture room. He mentioned only the \$100 bill.

[A recess was granted at this point by the Court to accommodate the jury. During the recess the prisoner

was busily engaged in conversation with his counsel.] CHARLES B. STARKWEATHER called and sworn. I have been connected with the police four years. I took part in the search after Dr. Parkman, on Saturday after his disappearance, and up to the time the remains were found. I went to the Medical College on Monday with Mr. Kingsley about 12 o'clock. Went up the front steps. I saw Mr. Littlefield. Saw Dr. Ainsworth and Dr. Bigelow. I think I told them that we had come to look over the College. Mr. Littlefield tried Dr. Webster's lecture room door, and it was fastened. He knocked on it quite hard, and then Dr. Webster came and opened the door. We told him what we came for. He opened the door; we went in—down the steps to the back laboratory, and to the lower laboratory. When we got to the steps of the lower laboratory Dr. Webster said "this is all my apartments."

Mr. Littlefield opened the door into his apartments, and we went out by the laboratory stairs door. We merely looked round the rooms. Was there only a few minutes. I was one of the party who went out to arrest Prof. Webster on Friday night, the 30th of November. Mr. Clapp and Mr. Spurr were with me. The Doctor talked very freely while coming in, about the Railroad, and a Mrs. Bent who had seen Dr. Parkman on Friday, and he wanted us to drive round over to the Fort to see her. We came over Craigie's Bridge into Boston. Mr. Clapp talked with the Doctor. When we got to the corner of Second street, Dr. Webster remarked "you ought to have turned that corner, if you are going to the College." Something was said about the driver being green—also about the water that had been soured. Mr. Clapp sat beside Dr. Webster.

When we got to the jail we got out and went into the back office. When we got in Dr. Webster said "Mr. Clapp, what does this mean?" Mr. Clapp said "we have done looking for Dr. Parkman, and you are in custody for the murder of the Dr." "What! me?" says Dr. Webster. "Yes, you, sir, and you are in custody for the murder of Dr. Parkman." Mr. Clapp and Mr. Spurr then left us and said they would go and see if they could find Mr. Parker at the Marshal's. Mr. Clapp made out a mittimus, handed it to me, and said "don't commit the Dr. until I get back." He told me he would go and find Mr. S. D. Parker. Immediately after they went out, Dr. Webster called for a pitcher of water and he drank several times.

He asked me "if they had found Dr. Parkman." I told him "I wished he would not ask me any questions, as it was not proper for me to answer them." He said, "you might tell me something about it;" "where did they find him?" "Did they find the whole of the body?" "How came they to suspect me?" "Oh! my children, what will they do?" "Oh! what will they think of me?" "When did they get the information?" I asked the Dr. if anybody had access to his private apartments but himself. "Nobody has access to my private apartments but the porter who makes the fire." There was a pause of a minute and a half, when the Dr. added, "that villain, I am a rained man." There was no further conversation. The Dr. walked the floor wringing his hands, after which he sat down.

I saw the Doctor put his hand to his vest pocket, and put it up to his mouth; and in a moment he stretched out in a spasm, as if in a fit. I went to him and said, "Doctor, haven't you been taking anything?" and he said "he had not." I then helped him up from the settee, and he walked the floor. I was with him about an hour, and Mr. Clapp came back and told me to commit the Doctor. I went to him and told him I must commit him. I took hold of his right arm, and he could not stand. I asked Mr. Cummings, one of the attendants, to take hold of him. He did, and we led him to the lock-up. I told Mr. Cummings that I thought he had been taking something, and I thought that he had better send for a physician. I said this to Mr. Cummings in the presence of the Doctor, when we got to the lock-up underneath the office.—Mr. Clapp thought that we had better not send for a physician, but go down every few minutes and look to him. We had to lay the Doctor in his berth; we laid him upon his side, and he turned over upon his face. He appeared like a man in a fit. I never saw a man in such a state in my life. I have seen a great many men in a fit, but never one like him. I left the Doctor, and saw him about three-quarters of an hour afterwards at the Medical College. Dr. Webster, Mr. Parker, Mr. Andrews, Mr. Pratt, and several others, were up in the upper laboratory when I came there. I only was present when the privy door and private room door were broken open. While in the laboratory the Doctor appeared very much agitated, but not so much so up stairs as he did down stairs.

I assisted in the removal of the remains. I handed the remains to Mr. Hopkins from the scuttie. I don't recollect that the Dr. said anything but asked for some water. After the Dr. had been in the laboratory the remains were shown to the Dr. I was at the College, day times, until they were carried away. I have some fish hooks and twine. These were found just as they are in Dr. Webster's private room in his upper laboratory. [Witness exhibited the articles to the jury. The hooks were arranged as in the form of a grapple. There were three of

these grapples—of one hook, of two hooks, and one of three hooks.] I saw them on Friday night. I took the hooks and twine on Saturday. They were rolled up in a paper on the shelf. The bundle of twine and hooks together. I mean the closet where the valuables are kept. There is another ball of twine there yet.

On Saturday there was a general search. I was in the upper laboratory, and heard my name called in the lower laboratory. I went into the lower laboratory. It was Saturday afternoon. I went down, and saw Mr. Fuller bringing a tea chest. He turned a tea chest over. It contained part of a human body, together with a quantity of tan. Upon the thigh there was a quantity of twine wound round. I cut a piece of it off. [Witness exhibited the piece cut off.] All this came from the thigh. [The counsel for the government proposed to ask in relation to the bunch of skeleton keys found at the College, and this was allowed.] I found all but one in Dr. Webster's private room on a shelf, in a little drawer. The one I found in his wardrobe. I have tried the keys, and—[answer arrested.]

[The answer was arrested at the suggestion of the counsel for the defence. The government contended that the evidence to be elicited had a bearing upon the case, especially touching such explanations as Dr. Webster might have to make of the manner in which the keys came into his possession. If the Dr. should advance that he found the keys, and placed them in his drawers, and it should be shown that among them were some which would fit the locks of other apartments than his own, the Attorney General thought that this would have an important bearing upon the truth of the statement which the Dr. might have made. The question was admitted by the Court.]

I have tried the keys. One of them fits the dissecting room door. A second fits the door of Dr. Webster's lecture room, and the store room below. There are two locks on the lecture room door leading out into the front entry. This fits one lock. This bears the marks of being used. This, a third, fits the front door of the upper steps, and the one below the stairs. These are all the keys I know anything about. There was a cupboard where there had been three drawers, which had been removed. When Dr. Webster was brought to the Police Court, in the judge's room, and Mr. Andrews was there, I said "Dr. Webster, I have found some keys in your room." "What," says he "those that are filed? I picked them up in Fruit street and threw them in." These were his words.

Cross-examined.—I testified before the Coroner's Jury; I took minutes of my evidence as I found things. I commenced the search on Saturday. At the time of this conversation with Dr. Webster, at the jail, I wrote it right down, and have the paper with me. I made this writing before I testified before the Coroner's Jury. I don't think that I said anything then about Dr. Webster putting his hand in his pocket and then putting it up to his mouth. I was at the College on Friday, the 30th, at 4 1/2 o'clock, and saw Littlefield. I asked him if there was any place that had been unsearched. He said all had been searched but the privy. I said, "Can we not get in there?" Mr. Littlefield said, "No." Webster has locked it and got the keys." I spoke Littlefield the next morning. Mr. Kingsley was with me.

Examined some old buildings in the neighborhood, and then went to the Marshal's office. I found the keys all tied up in the back private room. I did not say to Dr. Webster that I had found "skeleton" keys, but as I have testified on my direct examination. When we were in the carriage we did not mention about searching over the College. This was before we entered the carriage. I recollect about the Doctor's going back for his keys, and Mr. Clapp telling him that we had keys enough to gain admission. I mean to say that I give the exact words of Dr. Webster's conversation, when I talked to him. I wrote them down at the moment, while the Doctor was talking. I did not write down my own words.

CHARLES B. RICE, called and sworn. Am one of the Police, one of the party which went to search Dr. Webster's apartments on Tuesday after Dr. Parkman's disappearance. When we got into the lower laboratory there was a conversation about the privy—the question was asked if we had been everywhere, and the answer was that we had except the Dr.'s private privy. The answer came from Littlefield I think. Nothing more was done. Dr. Webster was present. This was the last room we went into—Dr. Webster showed the way out. I was there the night of Dr. Webster's arrest when he was brought to the College. I can't say whether any inquiry was made about the furnace while Dr. Webster was in the room.

Cross Examined.—I was present when the tea chest was turned over on the floor. Mr. Fuller, Mr. Starkweather and Mr. Eaton, and I think two or three others, were present. I saw the tea chest turned over, some tan brushed off. I don't think that it was moved until the Coroner came. I saw some one stoop down and brush off the tan, but who it was I can't say; I can't say whether any one had a stick in his hand or not; I don't recollect. It was found before the Coroner's Inquest came. I think the question was put in this way about the privy—"whether we had seen the whole;" and the reply was, "we had ex-

cept the Doctor's privy, or the Doctor's private privy."—The Doctor stood back towards the furnace, talking with Mr. Clapp. I was not talking with any one. Could not say in what part of the room he was.

SAMUEL LANE, JR., called and sworn. I am in the hardware business, at No. 9 Dock Square. I know Dr. Webster; have known him since 1835. I think I recollect the time of Dr. Parkman's disappearance. After I had heard that Dr. Parkman was missing I saw Dr. Webster in my place of business. I do not recollect distinctly at what hour of the day, but I should think that it was the after part of the day, from circumstances that have been mentioned since. I should think the day must have been Monday or Tuesday after Dr. Parkman disappeared. Dr. Webster came in and enquired for fish-hooks. This is all I recollect. I recollect that I replied that we did not keep them. Stephen B. Kimball was clerk in the store at the time.

I have been in Dock Square about a year and a half.—It was the store of R. C. Warren. I had seen Dr. Webster there before. It made no distinct impression, as I had done business with Dr. Webster before. Mr. Kimball was there. I have not seen the Dr. often in Mr. Warren's store, though I have seen him frequently when elsewhere.

STEPHEN B. KIMBALL called and sworn. I am clerk for Mr. Warren. I know Dr. Webster by sight. Monday or Tuesday he came into the store and inquired for large size fish-hooks. I recollect the day, as Mr. Lane went away on Wednesday and was gone some time. Mr. Lane was in the store at the time. It was late in the afternoon, but the light was good enough.

JAMES W. EDGERLY, called and sworn.—I am in business at No. 3 Union street—hardware business. Remember the time of Dr. Parkman's disappearance. A person came into the store on Tuesday afternoon about night and inquired for the largest fish-hooks. I showed him the largest that I had, and he purchased six right away. [Witness identified the hooks found in Prof. Webster's rooms.] There is a peculiar mark on them, and the hooks are of unusual size. I have had them on hand for several years. I think I have seen the person who bought them. I think it was Prof. Webster. I did not then know him. I have seen him in jail and in court. He did not state any purpose or which he bought them.

WILLIAM W. MEAD called and sworn. I am in the hardware business in Union street. I have seen Professor Webster only lately. A person came on Friday after Thanksgiving and enquired for fish-hooks. I asked what kind he wanted. He said that he wished to have some to form a grapple with. I took down the largest, and he bought three. I put them together, and showed him how he might form a grapple. The size was considerable smaller than the ones produced in Court.

I think it may have been Prof. Webster, but I am not positive enough to swear to it. He was dressed in dark clothing. Can't say whether he had on glasses or not. I was called by officer Spurr to go with Mr. Edgerly to the jail and see Prof. Webster. I went in and looked at Prof. Webster. I told the officer that he looked different in a different dress. He had on a kind of smoking cap. I said if he would change his dress I should be more positive. Dr. Webster changed his dress, put on his hat and coat, and we then looked at him. After we came out I was pretty confident that Prof. Webster was the man who bought the hooks. It was about $\frac{1}{2}$ to 1 o'clock on Friday when Dr. Webster came in.

TRUMAN M. TYLER, called and sworn. I am a rope and line manufacturer; have been in the business for forty-five years. I am able to judge of the manufacture of different descriptions of rope and twine. [Twine was produced to the witness, which he identified as having seen before and marked. The twine was that found round the thigh of the remains.]

[Witness also examined the twine attached to the fish-hooks, and the ball of twine. The first he pronounced two-threaded marine.] I have not the least doubt that all the twine mentioned is one and the same thing. The manufacture of such twine is unusual at the present day. It is made of good green Russia hemp. This hemp is used on shipboard.

American hemp is generally used for such marine.—There is an irregularity in the manufacture, and this want of uniformity proves that it is intended for common use.

Cross-examined.—I undertake to say that the twine is one and the same thing. I used to work generally fifty fathoms, and then ball up ten or twelve fathoms. My price for this twine would be 25 cents—for dew-rotted it would be 20 cents.

I consider this twine carelessly manufactured. I judge of the small piece (from the thigh) by the stock and manufacture both. It is so laid up as to be very strong. Whether the piece from the thigh was from the same ball as the twine of the hooks, I can't say. There is a slight difference in the manufacture of the two ends of a quantity of twine. This I should say is from the "wheel end."

Re-examined.—There is considerable quantity of this kind manufactured for the use of ships, but little for store use.

NATHANIEL WATERMAN, called and sworn. I am in busi-

ness at 83 and 85 Cornhill, doing plate work. I know Dr. Webster, have known him 10 or 12 years—perhaps longer. I saw him in my shop on the 30th of November, about 10 o'clock in the forenoon.

The same day of his arrest, seeing him talking with my foreman, and feeling anxious about the disappearance of Dr. Parkman, I went up to Dr. Webster and said—"Excuse me Dr., but I want to know how Dr. Parkman appeared when you gave him the note."

He said "he took the papers in his hand, and darted out in an unusual manner." "If that is the case," said I, "he did not get far from the College before he was murdered, as some one may have enticed him into one of his houses, and I believe that if he was ever found he would be found in one of his own houses, for I did not believe the story of his going over Cragie's bridge."

Dr. Webster said "he did go to Cambridge." He said this energetically, as if he was sure of it. He then said "Only think of it, Mr. Waterman, a mesmerising woman has told the number of the cab he went away or off 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.

At this point the Court at 2 P. M. adjourned to 3 $\frac{1}{2}$.

AFTERNOON SITTING.

The Court came in at 3 $\frac{1}{2}$ P. M.

NATHANIEL WATERMAN. Examination continued. The subject was a tin box, about which Dr. Webster had been talking before I came up to him. I told Dr. Webster if he was going to put in a large-sized thing, put in the whole bigness, the sides must come up straight, without the edge turned in. If made that way, the cover would have to go on the outside, and it would be more trouble to solder it on. He said he was going to have "small things, say books, &c." He then spoke of having the handles made very strong. I told him he could have a piece of tin put on where the handles would go, and then the box would hold a hundred pounds. He was to have the handles on the cover, not on the sides. He said that he wanted it to solder it up himself, and he said "you know I can do such things, Mr. Waterman." I left him standing by my foreman. There was to be only one handle, and that on the top. I did not hear him say when he wished to have it done. I have done business for him before. This is the account (produced by the witness) of different articles which Dr. Webster has ordered from me since the year 1843. I had never made any such apparatus for Dr. Webster before, nor any thing precisely like that for any one else.

The Doctor wanted the handle made very strong. I don't remember any other particulars. On Saturday morning it came down from the shop labelled. It has not since been called for. I don't know whether Dr. Webster was to call for it or not. The label has upon it "To be called for," and "charged."

Cross Examination. My store is near the Cambridge Omnibus office. The box was made as though it was to be filled with small things. Introduced the conversation in regard to Dr. Parkman. I went up of my own accord.

CHARLES P. LORANOP, called and sworn. I work for Mr. Waterman. I remember the occasion of Dr. Webster calling for a tin box. He came on Friday, the 30th of November, about 10 o'clock, and wanted a square tin box. I showed him some, and he said they would not answer. He said he "wanted one to pack things in." I asked him what he wanted it for, and he said for "books, &c." He gave me a piece of paper with the dimensions, 13 inches square and 13 inches deep.

He said that he wanted it made out of thick tin. I told him that we generally made them of light tin, as that was all that was necessary to keep the air out. He wanted it made strong, with the handle so that it would not slip out. He wanted to know if I could not make a groove in it. I told him the best way would be to have the edge turned in one half or three quarters of an inch on top.—About this time Mr. Waterman came along and made some apology or remark about interrupting him. "How did Dr. Parkman appear when you paid him the money?" asked Mr. Waterman. The Dr. replied, "he took it in his hand." Mr. Waterman said he did not believe that story of his going over to Cambridge. "He took the money in his hand and dashed off;" this was the expression used by Dr. Webster.

Mr. Waterman did not believe that Dr. Parkman got beyond the vicinity of his own tenements in Grove street. The Doctor replied, "Oh, there is no doubt of it, he was seen going over the bridge." Dr. Webster stopped a minute, and then said, "Oh, Mr. Waterman, a woman that was mesmerised, named the number of the cab which took Dr. Parkman off, and Mr. Homer had found the cab with spots of blood on it." I asked if it was Fitz Henry Homer, and Dr. Webster said "yes." After we got through I spoke to Mr. Waterman about the box. Mr. Waterman told him if he would send the box in after he got his things in, he would solder it up for him. "No, Mr. Waterman," said the Doctor, "I have got to send it out of town, and I have got soldering irons and will do it myself." Mr. Waterman told him if he was going to solder it himself, to have a holder made to hold it down, as he could solder it a great deal easier. A flat piece of wood to

press down the edges. I told him I would have the box done for him to-morrow night (Saturday). He said he wanted it sooner, and I then told him I would have it done at 12 o'clock at noon. He spoke as though he had no kind of doubt of Dr. Parkman having gone to Cambridge.

SAMUEL N. BROWN, called and sworn. I am one of the toll-gatherers on Cambridge Bridge—West Boston Bridge. I knew Dr. George Parkman. I knew Doctor Webster. On the 30th of November I was at a grocery store corner of Cambridge and Grove street, at a little before 4 o'clock. I saw Dr. Webster pass by the window. I went out and walked down to the toll-house with him. I asked him if he could recognize that \$20 bill—a \$20 bill I took in the morning. I did not show the bill to Dr. Webster. In the morning of the 30th of November, I was on the Cambridge side. An Irishman came along and gave me a \$20 bill to take from it one cent for his toll. I asked him if he had anything smaller, and he said he had not. I changed the bill for the Irishman, and took it to the Boston side and showed it to Mr. Hadley, the old toll-man, who thought it advisable to keep the bill. I went home and changed it, and showed it to the Marshal. It was on the Freeman's Bank. I felt interested, and asked Dr. Webster if he could recognize the bill; he said he could not. I had not heard that an Irishman had said he had received such a bill from Dr. Webster. Dr. Webster said that the money he had paid Dr. Parkman he had received from the students, some in large and some in small denominations. We then parted at the toll-house. I saw Dr. Parkman on the Wednesday or Thursday before he disappeared. Dr. Parkman came down to the toll-house and asked me if he had seen Dr. Webster that morning. I told him I had not, and he turned and went back to the city. It was between 11 and 1 o'clock. In fifteen or twenty minutes Dr. Parkman came along with an old chaise and wife horse, and passed over the bridge. He had been down twice within four or six days to inquire for Dr. Webster.

Cross Examined. I mentioned this conversation with Dr. Webster as soon as I got to the toll-house, to Mr. Hadley. I did not make any memorandum of it.

BETSEY BENT COLMAN, called and sworn. I know Dr. Webster. I reside at Cambridgeport. Have known Dr. Webster a number of years. I remember the time of his arrest. I saw him on Friday, the day of his arrest. I think it was about 4 o'clock, at my house. He called, and a servant showed him into a room. He said he called respecting Dr. Parkman. I knew him as soon as I saw him. He asked me what day I thought I saw Dr. Parkman. I told him I thought I saw him on Thursday afternoon, the day before his disappearance. Dr. Webster then said, "was it not Friday you saw him?" I said "No." I was very busy on Friday down in the lower part of the house. He asked how he was dressed. I told him he was dressed in dark clothes.

I asked Dr. Webster if he had heard anything from Dr. Parkman. He said that a cloak or coat had been fished up which was thought to be his, which had spots of blood on it. There was a hat found likewise. I said "Oh dear, then I am afraid he is murdered." Then he says "we are afraid he is." He said that there was a \$20 bill left at the toll-house by an Irishman. That was all he said to me about Dr. Parkman. He asked me twice or three times if I was sure it was on Thursday. It was in the afternoon that I thought I saw him. I accompanied Dr. Webster to the door, and he repeated it again and asked "wasn't it Friday you saw Dr. Parkman?" I told him no, and this was the last I saw of him.

S. D. PARKER, called and sworn. I was at home in my parlor at 8 o'clock the 30th of November, and some ten or fifteen gentlemen came in. They made certain statements to me of the discoveries which had been made, and that Dr. Webster had been left at the jail. They asked for directions, and I told them a complaint must be made.—Some one immediately went for Coroner Pratt, and for Justice Merrill of the Police Court. The Justice at first refused to act, on account of a distant relationship to the family of Dr. Webster, but he finally consented to, and Mr. Kingsley made the complaint, which was duly made out and signed.

[Most of the details have already appeared in the evidence, and if they had not, it would be difficult to give them, as Mr. Parker spoke so low as scarcely to be heard.]

When we got to the Jail office and Dr. Webster was brought up, he was very much excited. He was not able to hold a glass in his hand. I begged him to be calm; that we had not come to harm him; that certain discoveries had been made which required an explanation.—I said I had understood that some of his private apartments had not been opened, and wished him to go to the college. He said he would if he could. He asked for Mr. Franklin Dexter, and I told him that he was out of town. He spoke two or three times of the distress of his family, which induced me to remark "that there was another family in great distress, to whom the public owed some duties." I enjoined him not to make any explanations, and I hoped in God he would be able to explain it all. When I left home, I was incredulous as to his guilt. I said to the officers that Dr. Webster was not to be interrogated. I did not ride in the coach with Dr. Webster to

the College. I did not speak to Dr. Webster while he was in the College.

While Dr. Webster was in the laboratory he was unable to drink. [So far as we could hear, the witness detailed the conversations of the visit to the College as other witnesses had done.] When the remains were brought up Dr. Webster was about 9 or 10 feet from them. He was not nearer than that at any one time that I know of.

Cross Examined. I did not send to Mr. Dexter that night.

Re-Examined. I was present at the Police Court when Dr. Webster was arraigned. There was no examination.

JOHN M. CUMMINGS, called and sworn. I am watchman and turnkey at the jail. I was at the jail when Dr. Webster was first brought in. Mr. Clapp went away for a short time, then came back, and told me to commit Dr. Webster. Dr. Webster sat upon the settee. I spoke to him two or three times, but he did not take any notice.—Mr. Starkweather went to him, and then we assisted him down to the lockup, where we hoisted him up into a berth and left him. He was in a very bad state. Spoke of his family several times.

Mr. Parker came to the jail and said that he wanted to see Prof. Webster. I went down and spoke to him, and told him that I wanted him—that Mr. Parker wanted to see him. He did not take any notice. I took hold of him; he appeared to be very much agitated, and made the remark, "I expected this." I could not handle him, and went up stairs and told Mr. Parker he could not come up. Then Dr. Gay, Mr. Leighton and Mr. Parker went down. Dr. Gay asked him if he could not get up and go up stairs. He made no answer. We then took hold of him in his berth, and he made a spring and grabbed his arm about Mr. Jones's neck as if frightened. We then brought him up into the back office, and sat him up in an armed chair. Mr. Leighton and I helped Dr. Webster into the carriage to go to the College. I rode outside. We helped Dr. Webster out of the carriage and up the steps, and I don't know that I gave up my hold of him until we returned from our visit to the College. The Dr. trembled and had a cold sweat on him all the time. His face was wet.—The weather was cold. We were detained on the steps for some time before we gained admission to the College. When the party were searching the little back room, the Dr. stood where he could look in. A coat was found, and the Doctor said that it was the coat I lecture in. They were searching some drawers, and the Doctor said, "I don't know what they want there, they will not find anything there." When the Doctor was in the lower laboratory, he felt very badly there. We lifted Dr. Webster into the coach. He could not help himself at all. We sat him upon the seat. He spoke of his family again. We rode back again to the jail. Riding back to the jail, I noticed his pantaloons were wet. I put my hand upon his legs. I noticed that his under coat was quite wet when we took off his outer coat to hoist him up into his berth.—We had to carry him down to his cell. He laid on his back with his head up, and we fixed him as well as we could. I went down at 1 o'clock, and at 2½ o'clock, and found him both times as he was when we put him into the cell. A lantern was left in the cell. I recollect of the question for a hatchet while we were in the College, but I don't know who asked for it.

GUSTAVUS ANDREWS, called and sworn. I am keeper of the jail. I remember the night of Dr. Webster's arrest, the 30th of November. I was not there when he arrived. I first saw him at the College. He had been gone but a few moments when I returned home. I went to the College through the shed door to the lower laboratory. Some gentlemen came down there and one of them, Mr. Parker I think, called my attention to the furnace. I did not observe whether Dr. Webster was in the room at the time. I went to the furnace and saw fragments of bones, and when I turned back I saw Dr. Webster standing by the privy door.

He was much agitated. When he got out of the room, Dr. Webster placed his foot down firm and braced himself up; but when the remains were brought up he commenced trembling again. After a moment I ordered the men to take Dr. Webster to the carriage. He was placed in it, and I got in. The first words when he got in were, "Why don't they ask Littlefield? He can explain all this; he has the care of the dissecting room. They want me to explain, but they didn't ask me anything." He then said, "What will my family think of my absence?" I then said, "I pity you, and I am sorry for you, my dear sir." He replied, "Do you pity me? are you sorry for me? What for?" I said, "To see you so excited; I hope you will be calmer." He said, "Oh! that's it." I don't recollect anything more being said. We placed him in his cell and on his bed. I don't think that he moved during the night. In the morning he was where I left him at night, and wanted to be raised up. In the course of the forenoon he was able to sit in a chair.—On Saturday morning the remarks Dr. Webster made were gratuitous on his part. He said, "That is no more Dr. Parkman's body than it is my body, and how in the world they came there I don't know." He then said, "I never liked the looks of Littlefield, the Janitor. I opposed his coming there all I could." I think there was nothing more said. He was in great perspiration the night

before, Friday night. I have a letter in Dr. Webster's hand writing. The rule is that all letters shall be examined before they go out or into the jail. The letter of Dr. Webster was brought up on Tuesday morning, opened. I can't say who brought it up. Mr. Holmes called my attention to it, and asked if I should let that letter go out. I replied that I should not until the officers had made certain inquiries in regard to it. It has never been sent. At the search of Dr. Webster's house, I told him if he had anything to communicate to his family that he did not wish me to see, he had better have his wife or some of his family come and communicate directly with them. I told Mr. Prescott and Mr. Cunningham that they had better tell him so also.

[The following is a copy of the letter in question, which was read by Mr. Bemis, and put into the case.]

Boston, Monday ev'g.

My Dearest Marianne: I wrote mamma yesterday, and Mr. C., who was here this morning, told me he had sent it out. I had a good sleep last night, and dreamt of you all. I got my clothes off for the first time, and awoke in the morning quite hungry. It was a long time before my first breakfast from Parker's came, and it relished, I can assure you. At one o'clock I was notified that I must appear at the Court room. All was arranged with great regard to my comfort and avoidance of publicity, and this first ceremony went off better than I anticipated. On my return I had a bit of turkey and rice from Parker's.—They send much more than I can eat, and I have directed the steward to distribute the surplus to any poor ones here.

If you will send me a small canister of tea, I can make my own. A little pepper I may want some day; you can put it up to come with some bundle. I would send the dirty clothes, but they were taken to dry and have not been returned. I send a kind note I received to-day from Mr. Curtis. Professors Pierce and Horsford called today. Half a dozen Rochelle powders I should like. Tell mamma not to open the little bundle I gave her the other day, but to keep it just as she received it. Hope you will soon be cheered by receipt of letters from Faval. With many kisses to you all.

Good night, from

Your afft father.

My tongue troubles me yet very much, and I must have bitten it in my distress the other night; it is painful and swollen, affecting my speech somewhat.

Had mamma better send for Nancy? I think so, or aunt Amelia.

Couple of colored neck hdkfs.
One mattress.

Cross-examined. I refer to the passage, "Tell mamma not to open the little bundle," &c., as the one which induced me to retain the letter.

ELI C. KINSLEY called and sworn. I am Postmaster at East Cambridge. The letter (produced) was postmarked the 30th of November, and I brought it to the City Marshal of Boston myself. It was addressed to "Mr. Tukey, Boston." It must have been dropped between the hour of 10 and 20 minutes past 10 A. M. I brought it over that day at 11½ A. M.

Cross-examined. Intended to mail the letter in the first place, but afterwards concluded to bring it in. Its peculiar appearance attracted my attention.

FRANCIS TUKEY, re-called. [Witness identified three anonymous letters which he had received. One was received before Dr. Webster's arrest, on the day on which it was post marked, the post-mark being Boston, November 26th. A second was handed to the witness by the postmaster of East Cambridge. The third he merely identified.]

At 20 minutes to 7 P. M. the Court adjourned to 9, next morning.

EIGHTH DAY.

WEDNESDAY, March 27.

The Court did not make its appearance this morning until 5 minutes of 10 o'clock, having been in consultation in the lobby. The prisoner was placed in the dock a little before 9 o'clock, and appeared calm and collected, though his countenance was quite pale.

NATHANIEL D. GOULD, called and sworn. I am an old resident of this city. I am not personally acquainted with the defendant. I have seen writing which I supposed to be Dr. Webster's, have seen his signatures to the Medical Diplomas; have filled these Diplomas for 20 years. All the Professors sign the Diplomas. Have given particular attention to the art of penmanship from my youth, having a natural curiosity for it. Have tried to use the pen in every possible way. Something like 50 years since I commenced teaching the art.

[Mr. Bemis, junior Counsel for the government, proposed to submit the three anonymous letters received by Mr. Tukey, to the witness, and by a comparison of handwriting to prove that the three letters were written by Dr. Webster. To this course, Mr. Sohler, junior Counsel for the defence, objected. He contended as the government did not pretend to say that the letters were in the natural hand of Prof. Webster, that the rule of law,

which had been previously adopted in this Commonwealth, would exclude the evidence, in the form in which the government proposed to introduce it.

Mr. Clifford, Attorney General, replied that the same rule had been applied in the cases of Gen. Miller and Eastman, Fondy & Co. and that it should be applied in the present case. The Attorney General also observed, that the counsel for the defence objected to one particular letter; this letter, he hoped to prove conclusively to the Jury was not written with a pen, but could only have been written with an instrument peculiarly adapted to the purpose, and that the little plate and brush found in Dr. Webster's room have had something to do with the production of this letter. After further discussion Shaw, C. J. decided that the letters might be placed in the hands of the witness to pass upon the question of hand writing. Mr. Bemis handed to him a letter which he stated he should denominate the "Civis letter No. 3,"—dated on the inside Nov. 21st, but postmarked Nov. 30th.]

Resumed. I should say that the letter shown to me is in the handwriting of Dr. Webster. I feel an embarrassment in explaining the grounds of my opinion. [The witness proceeded to give them, when he was interrupted and a further discussion took place between the opposing counsel. The Chief Justice then laid down the course which the witness should pursue.] I say as I said at first, it is difficult for me to give the grounds of my opinion.—In all my practice of teaching and writing I have never been able to satisfy myself that I could make two letters alike, or two words alike. I never had scholars whose writing I could not distinguish one from another, from some peculiarity that might belong to each. It is impossible to disguise all these peculiarities. A man to disguise his hand must either do it in a careless manner with a flourish, or he must be on his guard in making every letter.

Sometimes a man in disguising his hand makes some particular letters entirely different from his usual manner. In this letter Prof. Webster has made his small "a," "r," and the character "&" in a different manner from what he usually does. In this letter he has used the character "&" without writing it out. In other letters I find nothing dissimilar from his usual hand. I find some striking similarity in the other letters of this letter, to Prof. Webster's usual hand-writing. The similarity is in the capital "I." I have had for purposes of comparison and examination, the documents put into this case. [After some conversation between Counsel and the Court, the letter to Miss Mary Ann Webster, the memorandum found in the pocket book of Dr. Webster, and Dr. Webster's checks upon the Charles River Bank were placed in the hands of the witness for comparison.]

I observed that I find some striking similarity in the letter "I," which cannot be mistaken. All the other small letters which I consider similar, may not look the same to others as to me. A naturalist may detect a difference in a small shell, which I cannot. If he puts it on paper, I can. So with handwriting. I trace similarities and dissimilarities. The letter "I" is the same. Capital "D's" are all made in the same manner. I always try first to find all the letters which are similar, and then to find any that are dissimilar. I first commence with capital letters. Almost every letter in the alphabet has a different principle in its formation. All the differences in these capitals is in the dress put about them. Then I have examined the word. The whole word may be fixed in the writer's imagination, as well as a single letter; and if he is not on his guard, the word may have the same impression on the eye as a letter.

The figures 1, 3, 4, 9, are all made alike in the "civis" letter and those with which I compare it; small "f" alike in all; the word "Nov" alike in all; the words "from," "all," "was," "if," "his," and "Boston," are all alike. The "B" is not all alike. The letter "y" is always the same, but when used as a capital it is not. I have no doubt in my own mind about the "civis" letter—that it was written by Dr. Webster. [Mr. Bemis placed in the hands of Mr. Gould the letter in the yellow envelope, postmarked Nov. 26.] I have in this an entirely different hand. At first sight I supposed the letter was written by a boy. But I find that it was written by one who knew how to use the pen. I find two "ys" and small "w" similar. On writing acknowledged to be Dr. Webster's, he almost always leaves small "a" open at the top. He leaves it so in this letter. On the envelope the "a" in Francis and Marshal has been connected together after the letter was written.

I should think that the envelope and the body of the letter were written by the same hand. The address on the inside appears as if it had been erased. It could not have been done with the finger, as it would be larger at the commencement than at the end, if the finger had done it, unless it was a very small finger. This erasure is quite regular. I think that the envelope and enclosure are in the defendant's handwriting, and written with a pen.—[The East Cambridge letter postmarked Nov. 30, was next handed to the witness.] I have examined this letter before. I have no doubt that the characters, or whatever you call them, were made by the same hand as those letters I have examined.

In this case very little can be determined from letters;

but the words are very distinct. The words "was," "the," "if," occur frequently; there is a capital "E;" the letter "w," larger than the other letters, is very striking to my eye; the words "be," "but," are very striking. The word "Boston" is like all the rest. The letter was not written with a pen. I speak positively, as it could not be done with one. It was done with something soft; the top of the letters shows this. It was not done with a brush. It could not be done with a pen, as there is no evidence that the marks are stronger in any one place than another. There is about the letters something showing the marks of very fine fibres, finer than a hair. About the tops of the "w's" and "t's" there are marks of those fibres. There is no dot over the "i."

[Witness was asked if he had tried any experiments to prove how this letter may have been written, but the answer was objected to. The purpose of the government was to show that the small plate colored black, and the small stick with cotton tied upon one end of it, found in Dr. Webster's rooms, had had something to do with the production of this letter. The Chief Justice decided that the evidence to be elicited, was clearly not admissible, and the subject was passed over. The note dated January 22d, 1847, was handed to the witness.]

I should think the word "Paid," written over the face of the note, was in the defendant's hand-writing. On the Cunningham memorandum I find evidence of the same hand-writing; also on the two small "memoranda" found in the pocket book. The erasures upon the large notes could not have been made with a pen; there are traces of the same fibres that I have before spoken of.

Cross-Examined. I have seen the papers before. I have seen other anonymous letters. The letter addressed to Mr. Tukey was written in haste. The "Civis" letter is not greatly disguised. If it was shown to me I should not pretend to say it was in a disguised hand. I observed that three letters in the "Civis" letter were dissimilar to Dr. Webster's hand. I could say that the other letters were similar, though not all. I can say of the "Civis" letter that with the exception of two or three letters, it is in Dr. Webster's ordinary hand writing. The letters are similar, all but the ones which I have mentioned—I may mention that the letter "d" is uniformly curved to the left. I could not say that the excepted letters are always formed in the same way; they bear a general agreement with each other. The letter "d" is generally curved to the left—there may be exceptions. The peculiarity of the "Civis" letter is, that the letters "a" are closed at the top. I don't recollect of seeing these same letters closed in Doctor Webster's genuine handwriting. There is no attempt on the face of the "Civis" letter, looking at it alone, to disguise the hand-writing. At first sight I should not say that it was disguised. Without something to compare writing with, I don't pretend to say whether writing is disguised. I take some genuine hand-writing to compare what is pronounced a simulated hand. At first sight of the "Civis" letter my impression was it was Dr. Webster's hand-writing. The letter signed "Dart" has no general resemblance to Dr. Webster's hand-writing.

The letter "t" small; letters "o," "r," "a," were made similar at first, but altered afterwards; the letter "w," small "w" and "f," I may mention were similar. Judging this letter by itself, I could not say that it was a natural hand; for every thing about it is unnatural. I judge the letter to be a disguised hand, and that it is Dr. Webster's hand, from the resemblance I have traced in the letters as above.

The letter not written with a pen I think. I mentioned the word "was" as resembling Dr. Webster's writing. The letter "w" in watch, the words "if" and "on," "the" and the word "Boston," bear the same appearance as Dr. Webster's hand-writing. These are the words which brought me to the conclusion that the letter was written by Dr. Webster. I could tell if I had the instrument before me. I could tell if it would make such marks as this letter bears. My own opinion is positive as to this letter, that it was written by Dr. Webster. I can only say that the letter, taken as a whole, and the peculiarities I have pointed out, leads me to believe that it was written by Dr. Webster.

To the Court. My opinion is that the letter was written by the same person as the others.

Resumed. I have seen two hands apparently alike but which had essential differences, nevertheless I have probably examined a dozen times writing not written with a pen.

GEORGE G. SMITH called and sworn. I am an engraver. Have given considerable attention to penmanship. Have known Dr. Webster many years; have seen his signatures to notes in past years, but more recently to Diplomas which I have seen incidentally. I think that I have a general acquaintance with Dr. Webster's signature so that I could recognise it. As an engraver I have been obliged to notice the peculiarities of hand-writing, especially when engraving *fac similes*, and have been called into Court frequently to testify.

[Witness examined the "Civis," and other letters, and stated that he had before examined them.]

I am compelled to say, from the attention which I have given to the subject, that the "Civis" letter is in Prof.

Webster's handwriting. I am very sorry to say that I am quite confident of this. In the "Dart" letter I find certain peculiarities which resemble Prof. Webster's handwriting, though I am not so confident of this as of the other letter. I should think that it might be his, but I cannot speak of it with any degree of confidence. I have no doubt that the envelope and enclosure were written by the same hand.

The erasure looks as if it might be made with a finger—part of it with a finger, but no portion of the erasure was made with a pen. Of the East Cambridge letter I should speak with only the same degree of confidence as of the other. There are peculiarities about it, but not sufficiently strong to make it clear that the letter is in Dr. Webster's handwriting. It was not written with a pen or a brush. The appearance is not that of a brush or a pen.—It looks as if done with some soft instrument, from the peculiar manner in which the shading is done. I think I can discover the marks of fibres. The erasures on the two notes I think could not have been made with a pen. I have examined the checks.

Cross Examined. The erasures on the notes were not done with an ordinary pen. It is possible that a pen might be made to make the strokes, but I don't know. I cannot feel confident in saying so. As to the fibres, if there had been cotton in the ink they might have been caused by this. In the "Civis" letter there is great similarity to Dr. Webster's handwriting—in the termination of the letter "d," throwing it to the left, that is, the letter terminating the word.

He almost invariably makes it in this form; in the middle of a word he does not write the "d" in this manner. I trace a further resemblance in the character "d." A certain character about the whole letter which it is difficult to explain, leads me to think that the letter was written by Dr. Webster. The "d" in the middle is different from the "d" terminating a word. It is a disguised hand beyond a doubt, and I think that hand is Dr. Webster's.

I cannot conceive that the writing could be Dr. Webster's written in haste and with no attempt to disguise it. The letter "d" bears the strongest resemblance to the genuine hand. It has two airs about it—a disguised air, and a similar air. [Mr. Bemis here read the three anonymous letters addressed to Marshal Tukey, copies of which we give below.]

NOVEMBER 26th, 1849.
FRANCIS TUKEY,—Dear Sir—You will find Dr. Parkman murdered on Brookline Leights Yours truly,
M——
Captain of the Dart."

"Dr Parkman was took on Bord ship herouluu and this is all I dare to say as I shal be keld
Est Cambrige one of

[On the second page:]
the men
give me his Watch but I was fraid to keep it and throwd it In the water right side the road to the long brige to Boston"

Boston, Nov'r 31, '49.
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 afore mentioned gentleman.

In the first place, with regard to the searching of houses, &c., I would recommend that particular attention be paid to the appearance of cellar floors; do they present the appearance of having been recently dug into and covered up again; or might not the part of the cellar where he was buried have been covered by the piling of wood? Secondly, have the out-houses and necessaries been carefully examined; have they been raked sufficiently?

Probably his body was cut up and placed in a stout bag, containing heavy weights, & 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 & river, in order to cause the parts of the body to rise to the surface of the water. This, I think, will be the last resort, & it should be done effectually.

And I recommend that the cellars of the houses in East Cambridge be examined.

Yours respectfully,
CIVIS."

FISHER A. BOSWELL called and sworn.—I am a resident of Grafton, in Worcester County; am a physician. Attended the course of Medical lectures here in winter of 1847 and 1848. Knew Dr. Parkman by sight. I also know Mr. Littlefield, janitor. He was janitor while I was there. I had occasion to go to the College on the 23d of November in my usual way; it was near 2 than 1 P. M. I went from Cambridge street, up Blossom to Fruit, and to College Court. I went up the east stairs and found the door ajar. I opened it and looked in. Find

ing it so, I thought the lecture was not out; not wishing to disturb the lecture, I went down towards the dissecting room door. As I passed the foot of the stairs round the corner, I met Dr. Parkman nearly at the top of the stairs, the same I came down; he was walking very fast.

I came up to 102 Court street to do an errand, and went back to the Medical College, where I got about 3 o'clock. I rang the bell for the Janitor, and in the course of two or three minutes he came to the door, the front door. I recognized him. I don't recollect anything about his appearance.

I asked Mr. Littlefield if there was a student by the name of Coffrain. He said he did not know the gentleman, but if he was there, he was in the dissecting room. I went down into the dissecting room, and found Mr. Coffrain there, and had some conversation with him. Mr. Littlefield came to the door in his every-day dress. On the 21st of November I borrowed some money and gave my note payable in four months. I was in Grafton. On the 22d I came to Boston. I was unwell on that day and did not go out. I went out the next day after dinner. I dined with a friend up in the rear of 684 Washington street—in Cottage Place.

I ate my dinner as soon as I could conveniently, and went immediately to the College. Mr. Coffrain came into the entry, and we talked nearly ten minutes. I had a letter for him. I was in this city the next day, doing business with my brother at South Boston, the Rev. Mr. Boswell. This was Saturday. I heard of the disappearance of Dr. Parkman on Saturday afternoon.

I heard a gentleman speak of it at the depot and read the notice in the evening paper. I recollect the circumstance of seeing Dr. Parkman, and spoke of it in the depot at the time. I went home to Grafton on Saturday afternoon.

I was first apprised yesterday at 11 o'clock that my attendance would be required here. I was at Grafton.

[The Attorney General here rose and stated that the evidence for the Government was all in, when the Court adjourned to 2 P. M. adjourned to 3 P. M.]

AFTERNOON SITTING.

The Court came in at 3½ o'clock, P. M., the room being crowded to its utmost capacity. E. D. SOHMER, Esq., junior counsel for the defence, addressed the Court and Jury substantially as follows: [We use the first person, for convenience sake, in writing out our abstract.]

May it please your Honors,

and Gentlemen of the Jury:

I am aware that it is usual, and that it may be considered imperative on me, as counsel in a case like the present, involving considerations so momentous, to call your attention to my client, and to comment, in strong and vigorous language, upon the interests which he has at stake—to place before you the position in which he stands, both to the Court and Jury. But this I shall not do; I cannot do it. If I were to attempt it, I fear that I should withdraw attention from the act to the man—that I should forget the cause, and only remember the individual, who, for fifty years, has been a highly respected resident of this community—long an able and influential lecturer at Harvard University, where so many distinguished men have received their collegiate education. I should only see before me the prisoner in the dock, engaged in a struggle for life, pressed and weighed down by the evidence adduced against him.

I might think of only these things, and wander from the cause. I shall therefore only follow in the steps, though at an immense distance, of the able counsel for the government, who has preceded me,—a listing to the duties of a counsel—to run over the evidence presented, and consider its application to the case in hand.

We are here to discuss and to determine, in the discharge of our duties, the one great question which for so many months, has excited and agitated to its lowest depths the feeling of this large community—the question—is the life of Prof. Webster justly forfeited to his country for the commission of the greatest offence in the whole catalogue of crimes—and has this been proved beyond a doubt? It is the determination of this question which devolves on us—on you as judges, on you as jury, and on my self and associate as counsel.

On you, gentlemen of the jury, it depends to say whether Prof. Webster shall return to the bosom of his family, or whether that family shall be rendered drear and desolate; whether his hitherto untarnished name shall be kept free from stain, or whether he shall be consigned to an ignominious grave, in which his family would gladly bury that name, which must forever be a reproach and a shame unto them. It depends on you to say whether that fireside shall be lighted up with the smile of a father and husband—on you, Mr. Foreman, when you shall return your verdict—or whether that light shall go out, and utter darkness veil the scene, and the defendant at the bar be consigned to a felon's doom. If you err, gentlemen, in the rendering of your verdict, he and his family must be the victims, unless, indeed, you err on the side of mercy—on that side on which it is permitted for man to approach nearest unto his Maker. In this you hold the safest position. We, his counsel, if we err, must answer to

the prisoner and his friends, to a keen and scrutinising profession, and to our own consciences, for the manner in which we shall conduct the case.

Let us not then, gentlemen, stand in any antagonistic position. It ill becomes us to use any chicanery, any trick, to accomplish our ends. It would ill become you to yield in any particular. You are, gentlemen, to become in one sense the counsel for the prisoner—to watch over and protect his rights, to give him the advantage of every point that may operate in his favor, and that without the slightest regard to the manner in which we shall conduct the case, or present the evidence to you. You are never to forget that your oath binds you to have in charge the rights of the defendant and his family.

And here I beg, in the name of the defendant and all he has at stake, to make a few remarks upon a topic which, perhaps, I should not notice, except under circumstances so overwhelming as the present. I entreat you, gentlemen of the jury, to commence an examination of the case with an examination of your own minds. I ask you most earnestly to be edified from your minds all suspicion, all bias, all prejudice. I will remember, that before you were sworn, you were each of you asked, by the Court, if you were sensible of any prejudice; and I will remember your answers, that you were not sensible of any prejudice. Can you say so now? Can you, at the end of a week's examination of evidence such as has been presented—much of it bearing against the defendant—can you say that you are free, entirely free from prejudice? What safety, let me ask, in simply saying that you are not sensible of prejudice, when we know that it is the very life of prejudice to lurk in the mind—to conceal itself, as it were, in its inmost recesses, to blind the intellect and to distort the judgment? How, under such a state of things, can we look for safety or protection? I entreat you to discern everything like prejudice from your minds; if you do it, then are we safe. Prejudice is contagious—it flies from mind to mind—from eye to eye—and is communicated by every intonation of the voice. If prejudice exists in the mind of a single member of the panel, then there is no safety for us. Let me again entreat you to search for it—to exterminate it. I ask it as between man and man—as between friends.

Are we to forget, or are you to forget, the great excitement which prevailed in the community when it was first bruited forth that Dr. George Parkman was missing; when men gave up their business, congregated in the streets, upon the corners, and even in the churches, to converse upon the one all-absorbing topic—an excitement in the highest degree creditable to the community, but extremely dangerous to the defendant?

Can we forget the deep indignation which was called forth against Prof. Webster, and the innocent College itself, when it was announced that the remains had been found in the laboratory? No—these things are not forgotten, but they are burned into our memories. Can we, then, say that no prejudice still clings to us? It is this which urges me so strongly to entreat of you to free yourselves from all bias, and to commence a consideration of this part of the case with your minds entirely open to the evidence as it shall be presented.

Instead of detailing minutely the course we shall adopt, or what we intend to prove, I shall first call your attention to the rules of law which apply to the offence of which the defendant stands charged; secondly, to the manner in which that offence was committed, or to the indictment; thirdly, to the nature of the government evidence, and the rules of law which apply to that; and lastly, briefly state the facts we intend to prove, taken into connection with the government evidence, or such parts of it as you may rely upon.

1st. As to the rules of law which describe the offence charged against Prof. Webster. The offence charged is murder—the murder of George Parkman. What are the rules which describe the offence? We must know these, to know when the offence is proved and when it is left in doubt. Murder is a division of the word homicide. Homicide covers every possible form or mode of killing a human being, and is divided into homicide criminal, and therefore punishable, and homicide not criminal, and therefore not punishable.

Criminal homicide is divided into two parts—murder, which is punished with death—and manslaughter, which, though it may be punished with a severe and protracted imprisonment, still is not punished with death. The indictment charges murder, but as an individual indicted for murder may be convicted of manslaughter, the very man indicted stands as if twice indicted—first for murder and then for manslaughter. The first question which arises is—what is murder in itself considered?—the second, what is manslaughter considered by itself? Murder is the killing of any human being by malice aforethought. Two things are necessary—the killing and the malice aforethought. And what is malice? It is divided into two kinds—first, express malice; second, malice implied. Express malice you well understand: it means that an individual has a wicked and rancorous mind, which leads him to commit some heinous act, as to kill a man. The definition of implied malice, is not so easy of comprehension, as the law infers the malice from the act or acts. The law intends to punish the mind, or

intention, as much as the overt act. But how dive down into the mind to ascertain its state, or discover the motive? The acts must be taken as fruits, and then a decision can be arrived at. The law assumes the acts as evidence of the malice, and lays down the circumstances under which, if a homicide is committed, malice shall be implied. It is only by knowing what the acts are, that we can infer what is malice implied.

Now, what are the acts which the law defines as malice implied. Malice is implied in any cruel, deliberate act, whether committed without provocation or not—or whether suddenly or otherwise. Therefore, if one person kills another suddenly, in a cruel and deliberate manner, without provocation, the act is murder. Manslaughter is not deliberate—not without provocation—but is sudden—occurs in the heat of blood—with provocation—or in the heat of combat. And thus is shadowed forth the distinction between murder and manslaughter. A narrow line, it is true, may divide the two, but it is a line that should never be forgotten, for on one side is life, on the other death.

The law lays down that manslaughter is committed in the heat of blood, or with sufficient provocation, or in the heat of combat. What is sufficient provocation? In determining this question, the law always regards the weapon or instrument with which the offence is committed. For example: an offence committed with a cane might be held excusable in the eye of the law, while if the same offence had been committed with a heavy bar of iron, it might subject the party to severe punishment. Weapons are divided into two classes, those which are deadly and those which are not so. What is a sufficient provocation to reduce murder to manslaughter when a deadly weapon is used—what when a weapon not deadly is used? An assault upon the person, if suddenly resented, and death ensues, reduces murder to manslaughter.

[And here Mr. Sohler read from the authorities some cases in point. A man was riding along the road—a person came along and whipped his horse out of the pathway. The first party got out of his carriage, assaulted the man, and killed him upon the spot. This was held to be manslaughter. Three soldiers were drinking in a tavern, when a quarrel arose between the landlord and one of the soldiers about the reckoning. After some trouble, the soldier was thrust out of the house, an act which the landlord had a perfect right to do. The soldier immediately drew his sword and killed the landlord upon the spot. But as the assault upon the soldier was violent the act was held to be manslaughter.]

What is a sufficient provocation to reduce a homicide to manslaughter, when the weapon is not of a deadly character? Neither words of reproach, nor contemptuous and insulting language, nor distress of property or goods, constitute a sufficient provocation; and this was when the weapon was of a deadly nature. But observe the distinction. If the act was committed in consequence of the use of such language, with a weapon not deadly, as with the fist, then the provocation the law held sufficient, and the murder would be reduced to manslaughter. If words of reproach pass between two men, and the parties proceed to blows, and no undue advantage is taken by either, and death ensues, the act becomes manslaughter; no matter whether the original cause of the quarrel was real or imaginary. A uses provoking language towards B; a fight ensues, and B kills A. The act is manslaughter, provided they commenced the fight on equal terms—but it must be on equal terms.

Prof. Webster stands charged with the crime of murder. The malice must be express or implied. It is implied in the commission of an offence in a cruel and deliberate manner, and without provocation. Or Prof. Webster stands charged with manslaughter, an act sudden and without provocation. The government is bound to prove the manner in which the murder was committed. When the indictment charges he committed murder, it charges a cruel and deliberate act. If it charges manslaughter, then it charges an act with sufficient provocation. Hence the great importance that the government should prove the manner in which the murder was done.

I come now to state what are the rules of law applicable to the indictment. It is of no manner of consequence how many crimes a man may have committed, if they are not charged against him in the indictment. The particulars of the offence are of importance, and must be set forth. Thus it was that our bill of rights provides that the particulars of an offence, for the commission of which an individual is indicted shall be clearly stated. If this was not so, who would be safe? Now, what are the particulars of the offence of which Prof. Webster stands charged?

The indictment contains four counts. The first charges that the prisoner killed Dr. George Parkman by striking him with a knife; the second, that he killed him by striking him with a hammer; the third, that he killed him by striking him with his fists and feet, and by throwing him down upon the floor; the fourth that he killed him in some way or manner, and by some weapon or instrument to the Grand Jury unknown. I will make the application of the rules of law to the first three counts, as they can well be considered together.

In an indictment for murder, it is imperative that the prosecution should accurately describe the means of death,

and then prove, beyond a doubt, those means. It is a rule of law to constitute distinct and different classes of means. One class is striking; another class is striking a person down upon or against a floor or wall. There are other classes, such as poisoning, strangling, &c. Striking forms a distinct and separate class of means. Which ever means the government adopts and charges, these means the government is bound to prove beyond a reasonable doubt. I am free to say that the government is not bound to prove the weapon; any weapon sufficient to cause death, would answer the charge—a knife, sword, or hatchet, it would be all the same. If Prof. Webster is charged with the murder of Dr. Parkman with a knife, and it was proved he killed him with a hatchet, I would not argue for a moment. The means must be proved—therefore, if a man was charged with committing murder by striking, and strangling should be proved, the indictment must fall through.

[Mr. Sohler again read from the authorities upon this point. A case was cited in which a person had been indicted for murder by striking with a stone, death ensuing. But it was proved that death resulted from a fall upon a stone, and the defendant was acquitted. So again in another case an individual was charged with producing death by striking with a hammer. But it was proved that death resulted from a fall against a wall, and the defendant was acquitted. These authorities were deemed sufficient by the Counsel to illustrate his position.]

The government have charged in the first two counts that the murder was committed with a knife and hammer, and the government is bound to prove it. I contend that the fourth count is insufficient, and the government has no right to introduce proof under it, and that no proof has been introduced. The authorities I say, the weight of authorities, are against the introduction of a count of that nature. The authorities all declare that the indictment, or its various counts shall set forth "the manner of the death." [Several authorities were quoted by the Counsel to sustain this position.] This indictment is clearly distinguished from an indictment in which the party indicted was charged in one count with striking with a hatchet, and in another with striking and cutting the deceased with a weapon, to the Jurors unknown. In this count the means were described, which constitutes a wide difference between it and the fourth count of the indictment against Prof. Webster.

This mode of alleging in an indictment, if permitted, would give rise to great confusion, and through it an indefinite number of issues might be tried. How, under such circumstances, could a party prepare for his defence? I submit, therefore, that the fourth count in the indictment is imperfect and insufficient. The first two counts allege a death by striking; the third alleges death by striking with hands and feet, and by striking deceased against the floor. The question now arises: has the government proved, beyond a reasonable doubt, that Prof. Webster killed George Parkman by the means alleged? If the proof fails then the government fails; if there is a doubt, gentlemen of the jury, left in your minds, as to the means by which the murder was committed, then the defendant is entitled to an acquittal. If you believe that Prof. Webster killed George Parkman, and still have a doubt as to the means he employed, you must acquit. This holding of the government to a strict account is no hardship to it, when it is considered that it has the power to allege as many counts as it please against the prisoner.

To convict under the first two counts, you must be satisfied that the murder was done by striking—under the third count that it was done by striking the deceased against the floor. But under the third count I submit there is not a particle of evidence, though under the other two counts the government has submitted what it is pleased to call evidence sufficient to convict. The government, I repeat, must prove that Prof. Webster killed Dr. Parkman, and prove likewise that he did it with a deadly weapon, and all this beyond a reasonable doubt.

An error has gone abroad in the community, that this matter of a reasonable doubt is a gratuity to a prisoner—a privilege granted to him by the law—a means of escape for a vast number of villains. But this is a gross mistake. Although a guilty party might sometimes escape, yet the well known maxim of the law is, that it is better for many guilty to escape than that one innocent man should suffer. But this reasonable doubt is no privilege; the prisoner returns an adequate compensation for what is granted—for what, indeed, is his right. All systems of criminal laws are imperfect, and this matter of a reasonable doubt has been engrained, as a check upon our system.—A man is taken from his family, charged with the commission of some heinous offence, and is then told to prepare for his defence. In the meanwhile, *ex parte* proceedings are going on against him—hearings before a coroner's jury, and before a grand jury, at none of which he is present. He is then brought into Court and put upon his trial, and his mouth sealed up, or if he speaks, no credit is to be allowed to what he says.

Witnesses are let loose against him—and who are they? Some are malicious persons, who wish to swear off an old grudge; some are interested parties—interested for rewards or for property; some desire to swear off guilt from themselves; and some, perhaps, act from worse motives.

Under these circumstances, there would be no chance for acquittal, unless checks and balances were provided, one of which is, this very reasonable doubt. It is no gratuity to the prisoner, but it is his right. What is a reasonable doubt? According to Starkie, it is "such a certainty as you would act upon in matters of the highest concern," as, for example, in the preservation of your life. If you would not risk your own life on a doubt, how dare you to risk that of a prisoner at the bar?

I come now to my fourth head, which is an examination of the government's evidence, and the rules of law which apply to it. Evidence is divided into direct and circumstantial proof. There is no direct proof in this case. Direct proof is derived from "persons who have an actual knowledge of the affair in dispute," as if a person should swear that he saw some particular act or offence committed. Circumstantial evidence is where an act is attempted to be proved when no one has been a witness to it. A series of facts is proved in advance, and then a conclusion is drawn to establish the main fact, to wit: A murder is committed, but no one sees the crime perpetrated. But a series of circumstances are proved, touching a party indicted, and then a summing up of these circumstances leads to the conclusion of his guilt—the main fact which was to be tried. There is no comparison between direct and circumstantial proof. Circumstantial proof is weak, as the chances of error in this kind of proof are greatly multiplied. [Mr. Sohler again read from the books quite a number of cases going to show how great had been the evils inflicted through the admission of circumstantial evidence.] There may be scores of facts to be testified to; men may mistake as to them; or they may lie, and so on. Circumstantial proof is exposed to error from beginning to end.

A watchman discovers a man murdered on the side walk, and sees a man running from him and entering a house not far distant; another watchman enters the house and arrests a man who appears to be out of breath as if from running; a third watchman takes the man to the watch-house and discovers what he supposes to be blood upon his clothes. How are the chances for error multiplied in this chain of circumstances. In the first place, the first watchman may have been mistaken as to the house which the man entered; the second watchman may mistake the house also, or he may lie; the third watchman may not know what blood is, or he may lie. The man arrested may not be the party who ran away—or he may have been a friend of the party killed, and have run to avoid trouble.

How difficult, then to draw a right conclusion, but we are always liable to draw wrong conclusions. An uncle and niece lived together, and she was heard to cry out "oh! don't kill me." The next day the girl was missing. The uncle finding himself suspected procured a girl to perorate his niece, but the trick was discovered; the man was tried and hanged for the murder of his niece.—After his death she returned. She had absconded from fear of punishment. This case was no doubt proved by a conscientious witness, and decided by a conscientious jury. A man stole a horse and meeting a countryman in the road, asked him if he would not hold him for a moment. He did so, when a posse of officers coming up arrested him as being in charge of a horse but recently stolen. He was tried and hanged. There are certain notions prevalent in the community that circumstantial evidence is as strong as direct; circumstances do not lie, says one, but witnesses lie, and the conclusions we draw from circumstances may lie. [Extracts from Best's work on Presumptions of Law were read by the Counsel to sustain the positions.]

But there is a moral cause which shows that presumptive evidence is not to be relied on—and that is the natural proneness of persons to exaggerate, witnesses to over-state, and to remain to mis-judge from the same cause. The best circumstances relied on are still proved by other circumstances. The best rule which the law has adopted to guard against error, as far as possible, for it is impossible to prevent it altogether, is this.—1st. Every circumstance relied on must be proved beyond a reasonable doubt;—2d. shows, therefore, that if in a long train of circumstances a material one fails, the case falls with it. 2d. Such circumstances as are proved must establish, to a moral certainty, the hypothesis attempted to be proved by them.—(Wills on Circumstantial Evidence.) 3d. The circumstances which are proved beyond a doubt must not only support the hypothesis set up, but they must not sustain any other hypothesis.—(Starkie's Evidence.)

If they go, for example, to a certain extent, to sustain both the guilt and innocence of a party under trial, then the party must be acquitted. [Mr. Sohler again read from Best, to sustain this position. But the Attorney General objected to the authority. Mr. Sohler then referred Mr. Clifford to Starkie, to whom Best refers.]

Take the government's evidence, gentlemen. It is one great chain of circumstantial proof, which the government has thrown round Prof. Webster, and by which it has attempted to crush him. The chain consists of two great divisions. First it consists of the *corpus delicti*, or the fact that George Parkman came to his death—second, that Prof. Webster was the party who produced his death.

The government say that George Parkman came to his death. But how does the government prove it? By various circumstances—to wit, that George Parkman being in the Medical College, on a certain day, which it is admitted he was, never came out again.

The second division in the chain is, that Prof. Webster destroyed him by violence, because he is the last person he is known to have been with. Suppose it should be shown, by the evidence for the defence, that Dr. Parkman did come out again, the whole case falls to the ground. Take another point. The government say that it has proved the identity of the body found, by some peculiarity in the mineral teeth found. Suppose it should turn out that there is no great peculiarity after all, in these mineral teeth. What becomes of this circumstance, forming a connecting link?

Now, what is the line of defence that must be adopted? The prisoner is tried by circumstantial proof, and the line of defence must follow this course. In the first place I insist that the circumstances relied on by government are not proved beyond a reasonable doubt; and secondly, that they do not sustain only the hypothesis of guilt, but, to a certain extent, sustain the hypothesis of the prisoner's innocence.

I will briefly name the heads under which we shall introduce the evidence, but I shall not go into the particular circumstances advanced by the government. That must be reserved for another part of the trial. We shall not produce any direct proof to show how the remains were found in the laboratory of the College; we cannot do it; we shall rest it where Prof. Webster has left it—"These are the remains of a human body, but how in the world they came there, I don't know." Prof. Webster stands as anybody else would stand, who should find the remains of a human body beneath his building. In regard to the interview between Dr. Parkman and Prof. Webster, we shall produce no direct proof. The circumstances under which the interview was held, admit of no direct proof. Seeing, then, that we have no direct proof, the evidence must consist of circumstances.

Prof. Webster stands charged of committing a violent, cruel and inhuman act. As to his being a person capable of committing such an act, we shall introduce his character. I am aware that under certain cases this kind of evidence would avail very little perhaps. But in a case admitting of doubt, where the proof is circumstantial, I think character is perfectly admissible, and should have its weight with the jury. In a case of direct proof, character might avail nothing.

It is a rule of law to introduce traits only so far as they bear upon the offence charged—to wit: if a man were on trial for perjury, it would avail him very little to say that he was a good and loyal citizen. We shall undertake to show, so far as proof is accessible, what Dr. Webster's conduct was, and how he spent his time during the interval between the disappearance of Dr. Parkman, and his arrest. We hope to offer you convincing proof that Dr. Parkman did come out of the College on Friday, the day of his disappearance. Though this fact may have little to do with the fact of the remains being found in the College, whether Dr. Parkman's or not, still it has much to do with the question whether Professor Webster killed him or not.

Prof. Webster has devoted his whole life to the study of Chemistry. He is a man of nervous disposition; of harmless and peaceable habit; petulant and irritable as all nervous men are, a timid man, and not a man to engage in acts of strife. He has devoted his days and nights to the study and practice of his profession. Whatever other knowledge he may have gained, he is certainly not a man of the world. He is far from it. It is no new thing for him to be locked up in his laboratory days and nights; it is his common and ordinary practice, both at his laboratory at the Medical College and the one at Cambridge, and it is a very proper course for him to pursue when engaged in work.

He, for a time, allowed access to his rooms, and permitted the water to be used. But, for good reasons, he cut off this access, and here is the whole head and front of his offending. We shall attempt to prove, as I said before, that Dr. Parkman did leave the College on that Friday after he entered it—that Dr. Webster went to his own home at quite a seasonable hour, on that same day, and that he was at home to dine and at tea, almost every day during the week. These are all the points upon which we shall introduce evidence, except it may be some collateral points to contradict the government. And this is all the statement that we feel called upon to make at the present time.

[The address was two hours and twenty minutes in length, and was listened to with the closest attention by the large assembly present. After Mr. Sohler closed, the following witnesses were introduced for the defence:]

JOSEPH T. BUCKINGHAM, called and sworn. I reside in Cambridge. I am acquainted with Prof. Webster. I have known him, I think, thirty years. I have lived in Cambridge for 17 years. I never heard that he was ever guilty of any act of outrage or inhumanity. I have never heard him charged with these acts. We have been on familiar terms, and met frequently, though perhaps I am

not so well acquainted with him as some of his other friends.

JOHN G. PALFREY, called and sworn. I am acquainted with Prof. Webster. I have been his neighbor for about 15 years, in Cambridge. I have never heard his character for humanity discussed. I have my own impressions in relation to it. I never heard imputed to him any acts of violence or inhumanity. I have understood that Prof. Webster was a petulant man, subject to sudden fits of passion, which would be exhausted in words.

JOHN H. BLAKE, called and sworn. I reside in Boston; am acquainted with Prof. Webster; have been acquainted with him for about 25 years; at one time I was quite intimate with him; in the laboratory with him. As a peaceable and humane man, Professor Webster has been esteemed very highly. Have been acquainted with the society in which he moves.

Cross Examination.—The commencement of my intimate acquaintance with him was during the first year of my acquaintance.

Rev. Dr. WALKER, called and sworn. I reside at Cambridge; am acquainted with Professor Webster; have been since I resided in Cambridge, for 10 years. Been his neighbor for 5 years. Never heard it said that Professor Webster was a violent man.

Prof. FRANCIS BOWEN, called and sworn. I reside in Cambridge. Am acquainted with Prof. Webster—have been acquainted with him about 20 years. We have many common acquaintances. He has been esteemed as an irritable person—a timid man, but lacking depth of passion. I have never known any acts of violence imputed to him.

Prof. JOSEPH LOVERING, called and sworn. I reside in Cambridge; am acquainted with Prof. Webster; for 20 years; I always regarded Prof. Webster as a humane man, and I never heard anything to the contrary.

GEORGE P. SANGER, called and sworn. I reside in Charlestown. Have been acquainted with Prof. Webster personally for 12 years. I should think that Prof. Webster had been held in very good estimation as a quiet and humane man. I never heard any acts of violence imputed to him.

Rev. CONVERS FRANCOIS, called and sworn. I reside in Cambridge. Have been acquainted with Prof. Webster since 1812; met him in the common intercourse of life. As a neighbor, so far as I know, his reputation for peace and humanity has been a highly honorable and honorable one.

ABEL WILLARD, called and sworn. I reside in Cambridge. Have been acquainted with Prof. Webster for twenty years. His reputation for peace and humanity has been good.

JOHN CHAMUSLAIX, called and sworn. I reside in Cambridge. I have been acquainted with Prof. Webster for twenty years. The estimation of Prof. Webster, as a peaceable, quiet and humane man, I should think had been very high. I have never heard any acts of violence imputed to him.

JOEL GILES, called and sworn. I reside in Boston in the winter, and in Cambridge in the summer. I am an attorney at law. I have known Prof. Webster since 1829. So far as my knowledge goes, the reputation of Prof. Webster for peace and quietness is good. I never heard any acts of violence imputed to him.

EDMUND T. HASTINGS, called and sworn. I reside in Medford. I have been a merchant; am perfectly well acquainted with Prof. Webster; my first acquaintance commenced in May, 1825. I lived in Cambridge until 1834. I never heard anything to the contrary that Professor Webster was a peaceable and humane man, until his arrest.

JOHN A. FULTON, called and sworn. I reside in Cambridge. I am a painter. I have been acquainted with Prof. Webster for the last twelve or fourteen years. I have never heard anything to the contrary that Prof. Webster was a quiet, peaceable, and amiable gentleman. I never heard any act of violence or inhumanity imputed to him.

Cross-examined.—I can't say that I ever witnessed any act of violence on his part. I don't know that he is an irritable man. I recollect the decoration of the hall at Cambridge. Dr. Webster took an active part in the decorations. He had orders to stop. He removed part of the articles. I never saw or heard that he removed them with his own hands.

JAMES D. GREEN, called and sworn. I reside in Cambridge; have been mayor of the city, but am not now. I am acquainted with Prof. Webster; have known him for fifteen or twenty years—more particularly for the last six or seven years. So far as I am able to judge, Prof. Webster has been regarded in the community as a peaceable and humane man.

C. M. HOVEY called, and sworn. I reside in Cambridge. I keep a seed store in Boston. Have known Prof. Webster for 20 or 25 years. His reputation as a peaceable, quiet, humane man, has been very high—as high as any one should wish to hold.

Prof. DANIEL FREADWELL, called and sworn. I reside at Cambridge. Have been connected with the College for a great many years. I am not now connected with it. Have known Prof. Webster nearly 30 years. I think

that Prof. Webster has been esteemed as a quiet and humane man, rather irritable, but quite harmless.

At this point, 7 minutes to 7 P. M., the Court adjourned to to-morrow morning.

NINTH DAY.

THURSDAY, March 28.

The Court came in this morning at the usual hour, 9 o'clock, the Court Room being well filled with spectators. Prof. Webster was placed in the dock at an earlier hour, and appeared perfectly calm and collected. The Jury were called and the proceedings commenced.

N. I. BOWDITCH, called and sworn. I reside in Boston. Have known Prof. Webster for twenty years. I supposed that his general reputation was that of a mild and amiable man, but of a quick and irritable temper.

J. D. HEDGE, called and sworn. I reside at Cambridge. Have known Prof. Webster for twenty-five years. I suppose his reputation to be that of a mild and amiable man, but he is nervous and excitable.

JAMES CAVENAGH, called and sworn. I reside at Cambridge; have been there sixteen years. I lived three years with Professor Webster. I have known him sixteen years. He has the reputation of being kind and peaceable and agreeable, but sometimes hasty.

Major EDWARDS, called and sworn. I reside at Cambridge. I am City Magistrate of Cambridge. Have known Prof. Webster for 15 years. He always bore a reputation for kindness and humanity.

PELEG W. CHANDLER, called and sworn. I have known Prof. Webster personally for about 12 years. Knew him personally prior to that. His estimation I should think as that of a mild man, deficient in energy of character and depth of passion. As to humanity I should think that his reputation was decidedly favorable.

Dr. MERRILL WYMAN, called and sworn. I have resided at Cambridge about 12 years. I am a neighbor of Prof. Webster. My acquaintance commenced with him 12 years ago. His reputation as far as I know is that of a kind and amiable man.

PRESIDENT SPARKS. I reside in Cambridge. I am President of the University. For 17 years I have known Prof. Webster intimately as a neighbor. I never heard anything previous to his arrest, that implied that his reputation was not that of an amiable man.

Cross Examined. Since his arrest I have heard some remarks, but previous to that I never heard any other character of him than that of an amiable man.

CHARLES O. EYON, called and sworn. I reside in Boston. I have been acquainted with Prof. Webster for about 3 years. I have always found him, and heard him spoken of as a peaceable man. I am a sign and ornamental painter. I have done work for Prof. Webster for the last 2 or 3 years; had occasion to go to the Medical College. In early part of winter and during his lectures, I have done more work for him than at any other time. I have always found him in his lecture room or private room. I have frequently been there and found his doors boited on the inside. I have been there and found them all open. I used to go to his private entrance by the dissecting room. I have gone away frequently without getting into his rooms. I have been there when the janitor, Mr. Littlefield, could not get into his rooms. I have gone away when Mr. Littlefield said Prof. Webster was in his rooms. I was at the College on Nov. 12th, by appointment. I called and asked Mr. Littlefield to see Prof. Webster, and he told me I could not see him as he was busy; I told him I had an appointment with Prof. Webster. Mr. Littlefield tried the lecture room door, and it was boited. I went to the private door, and it was locked; but I subsequently gained admittance by another door.

Cross examined. I have not been to the College this fall, except on Nov. 12th. I made the diagrams illustrative of his lectures. I had little occasion to go to the College in the summer time. I was at the College three or four times some weeks, and some weeks I did not go at all. I think that I have prepared diagrams for three courses, including the fore part of 1849. During some of the courses I was an apprentice for Thomas C. Savory. I went into business in October, 1848. I went to the College oftener when I was an apprentice than since I have been in business for myself. I think that the days on which he did not lecture were Thursday and Saturday. I got an idea when the lectures commenced, by Dr. Webster coming to my shop to see about his diagrams. I do not know the precise day when they commenced or ended. I suppose the lectures commenced in November, and ended early in April or May. I cannot say how late it was in the spring when I have been at the College during lectures. I have been there in warm weather, whether it was in the month of March or April I cannot say. I cannot say that I have been there as late as April during the delivery of lectures. When I spoke of being at the College late in the spring, or early in the summer, I meant to say that I have been there during warm weather. It might have been during the January thaw. I had not been at the College for a long time prior to the 12th of November. I was there, I think, in the summer of the same year. One bill was paid in January, one in June, and one in July. Last January or the first of February,

(my receipt fixes the time), I asked him for money, and he then gave me orders for diagrams, to be finished last December, for this course of lectures. I did make some for him. He asked me to wait until January last.

Re-examined. My whole knowledge of the time of the commencement of the lectures was derived from the business of making diagrams. I have delivered some diagrams to Prof. Webster, and some an upholsterer put up. I did not know that Prof. Webster lectured at Cambridge. I did not attend Prof. Webster's lectures. When I wanted to see Prof. Webster particularly, I went at 1 o'clock. But I did not always go at that hour.

ROBERT C. APPOOR called and sworn. I reside in Boston. I am acquainted with Prof. Webster. I resided at Cambridge from 1842 to 1845. I have known him for several years. I do not know that I heard any thing to his prejudice from the period of 1842 to 1845. I know nothing against his character for kindness. I was intimate in his family.

SAMUEL S. GREEN. I reside at Cambridge. I have resided there for forty years. I gave the information to the Marshal that the toll-man had seen Dr. Parkman pass the bridge. I was at the toll-house on Sunday evening after the disappearance of Dr. Parkman. I was there when Mr. Littlefield came. He said he was Janitor of the Medical College—had charge of the building. And I also understood him to say that he had seen Dr. Webster pay Dr. Parkman \$470; I afterwards understood him to say that he did not see the money paid. I was sitting back in the toll-house when the conversation took place. I understood him to say that he saw Dr. Parkman go out of the College. I remarked upon the discrepancy of his statements at the time.

Cross Examined. I think that Mr. Edward Whitney was there, with whom I held a conversation. I am told that he differs with me now. I could not tell how the conversation originated. I cannot give the exact words of Littlefield. He said something about \$480 being paid. I did not say \$470 on my direct examination. I do not know that the person who spoke was Littlefield. It was the man who came up and said he had charge of the building. I do not know Littlefield. He did not say where he was when he saw Dr. Parkman. He mentioned the building—a particular room. He said he saw Dr. Parkman go out. He did not say that he saw him come in. I mean to tell the truth just as I understood it. [The witness was a very aged man.] I did not hear him say anything about Dr. Webster. [The witness spoke so low that it was with great difficulty we could hear him.]

Judge SAMUEL P. P. FAY called and sworn. I have resided in Cambridge for forty years. Have been a near neighbor and intimately acquainted with Prof. Webster. I have always supposed him to be a kind, humane man, not a violent or passionate man, but somewhat irritable.—I recollect the Friday on which Dr. Parkman disappeared. I heard of it on Saturday evening. I saw Prof. Webster on that Friday evening—the day of Dr. Parkman's disappearance. I saw him at Mr. Treadwell's, about 9 o'clock. Met the Professor and his wife and Dr. Wyman and his wife. I think it was about 9. I have no particular recollection of his appearance—there was nothing to excite attention at the time. It was Dr. Morrill Wyman. There was nothing but conversation, which was upon various subjects. Something about recent discoveries in ventilation.

I saw Prof. Webster several times during the week. I called at Dr. Webster's house on Monday and Tuesday evenings. I think I called on Sunday evening. I called in to make some inquiries about Dr. Parkman's disappearance, thinking that Dr. Webster would be likely to know anything new. Monday evening I was there two or three hours. I think it was Monday evening. I was invited to play whist with Dr. Webster, his wife and daughter. There were three or four games played. Dr. Webster and his daughter played against Mrs. Webster and myself. I am confident of being at Dr. Webster's house two evenings out of Sunday, Monday or Tuesday. I made the inquiries about Dr. Parkman of Dr. Webster himself.

JOSEPH KIDDER called and sworn. I am a druggist. I keep in Court street. I know Prof. Webster. I recollect the day of Dr. Parkman's disappearance. I saw Prof. Webster that afternoon in my shop, about 5 o'clock—just before we lighted our gas. It was about fifteen minutes after sundown, say quarter before five. Prof. Webster was a very nice moments in my shop. I am positive as to the day.

Cross Examined. Prof. Webster called to purchase a box of ologue. A box contains six bottles. He bought a box—did not pay for it.

Re-examined. He took the box away with him.

Miss MARY ANN WEBSTER, called and sworn. I am a daughter of Dr. Webster. Since his arrest, I have endeavored to call to mind the places he was in and his conduct during the week. [The prisoner was much affected at the appearance of his daughter on the stand.] On Friday, the day Dr. Parkman disappeared, my father was home at tea. Came home before 6 o'clock. He drank tea at home. He was at home until 8 o'clock, and went to a neighbor's house with us. I again saw him at 12½ o'clock. He went with mother, my sisters and myself to a friend's house.

He left my sisters and myself at the gate. Mother went away with father; he did not go in. I was at a small party. When we returned home, father opened the door for us, at 12½ o'clock. We remained up about half an hour. Father went to his room about 1 o'clock. I am positive about the hour. We all went up stairs together. I don't know where father was that night, of my own knowledge. Father was accustomed to breakfast at home.

I saw father a little after 1 P. M., on Saturday. He dined at home. After dinner I did not see him until towards evening. I was not at home that afternoon. I saw him at tea. One of the neighbors takes the Transcript. Father was at home in the evening. He read aloud to us, and played whist a part of the time. I am certain that father was at home in the evening. I retired about 10 P. M., on Saturday night. Father was at home and up when I went to bed. Sunday morning I don't recollect of seeing my father until I saw him at church—the chapel. After church he went to take a walk. We dined sooner than usual on Sunday, as father was going to town to see Dr. Parkman's brother. After dinner he went into town. I knew of his going into town on that morning. His purpose was, as I stated, to inform Dr. Parkman's brother that he was the individual that had the interview with his brother on Friday.

I cannot call to mind of seeing father on Sunday evening after he returned from the city. Father dined at home on Monday. We dine on week days at 2 P. M.—Father came home just at dinner time. I did not see him at home in the afternoon. He was at home to tea. I cannot recollect whether father was at home Monday afternoon or not. At 6 P. M. I saw him again. He was at home in the evening. He had a friend the early part of the evening. Judge Fay came in. I went to bed with the rest of the family—about 10 P. M. Father was in at the time.

On Tuesday father was at home to dine. I don't recollect whether I was at home Tuesday afternoon or not.—He was there a little after dinner—at tea, and in the evening until between 10 and 11. There was a fire that evening in the direction of Porter's. He was at home that whole evening. We played whist among the family.—Father generally breakfasted at home with the family.—Father was at home to dinner on Wednesday. I recollect of seeing him about 11 o'clock Wednesday forenoon. He came into the house at this hour. I was reading a book in the dining room and he came in and spoke to me about it. He went out to the garden to trim the grape vine, where he was until dinner time. He dined with us. He remained at home until twenty minutes after 6 and then came with sister and myself to Boston. Went to Mrs. Cunningham's to a party. Left about 10½ P. M., and took the 11 o'clock coach. Father came home with us. I left him up when I went to bed, at that time he was sitting in a dressing room reading a newspaper.

Thanksgiving Day father was at home. He did not come to Boston. So far as I know, the most part of the time he was in the garden. I saw him in the evening until about 10, when I retired. I generally left him up. I recollect of first seeing him on Friday at dinner. He was at home part of the afternoon, about half an hour after dinner, and then again until sunset. He was at home part of the evening. I have a sister abroad, in Fayal—married there. Have pretty constant intercourse between the family there and the family here. I keep a journal, from which I write letters to Fayal; and it is from this journal that I have refreshed my memory about these facts. My father frequently sends things to Fayal; sends plants in air tight boxes. I know that he intended to send some plants to Fayal this winter. I do not know whether they were in preparation or not. He has had flowers from Fayal. I don't know whether father had made any preparation to have flowers got for him at this time.

HARRIET P. WEBSTER, called and sworn. I am a daughter of Prof. Webster. On Friday, the 23d of November, I saw father between 5½ and 6 o'clock. He was at home until 8 o'clock; went with us to the party, and I did not see him again until 12½ or 1 A. M. He opened the door for us. I saw him up about half an hour after we returned. He went up stairs at the same time I did. I saw father about 1 o'clock on Saturday. He was at home to dine. He spent the afternoon at home until about dark, when he went out for about half an hour. When he came back he brought a book with him—a new book. He spent the evening at home. Miss Hodges was there part of the evening. Father read aloud to us in the beginning of the evening, after which we played whist. I recollect he was up until about 10 o'clock, when I retired. I saw him about breakfast time on Sunday. He went to church. He was at home until dinner time, when he left and came to Boston to see Dr. Francis Parkman in relation to his brother. I heard this spoken of in the morning, and that it was his intention to go into the city in the morning. I recollect seeing him in the evening before I went to bed, but I cannot state the hour. I think I retired about 10 o'clock. I think that I left him up. I recollect of first seeing him on Monday at dinner time. I don't recollect of seeing him in the afternoon. He was at home in the evening. Judge Fay was there and we played whist. I

retired early. On Tuesday I saw him at dinner time. I don't recollect of seeing him again until tea time. He read aloud a part of the time and we played whist a part of the time.

I breakfasted with father on Wednesday morning I saw him again about 11 A. M. He spent the rest of the forenoon in the garden. He spent the afternoon at home, until about 6 o'clock, when he left with sisters to come to Boston. I did not sit up for him. He passed the day at home on Thursday in the garden; spent the evening with us, and read a part of the evening. The family were all at home. We had music and reading. On Friday he dined at home, and I saw him again about 5 o'clock. He took tea at home. I think I breakfasted with him on that day. Certain articles came out to the house from the laboratory in Boston after father's arrest. Came out on New Year's Day. There was a cup amongst them—a pair of overalls, one or two coats, and pantaloons.

Amy FINNEGAN, called and sworn. [Being a Catholic, this witness was sworn upon the Bible.] I live in Dr. Webster's family. I went there the 15th of November, of a Friday. The Dr. usually breakfasted from 7½ to 8 o'clock. I had been there two weeks when he was arrested. He usually dined at 2 o'clock. I attended to preparing dinner. On Wednesday he came out earlier than usual from Boston. He came into the kitchen at 12 o'clock. I thought, seeing him, that it was 2 o'clock, and I looked at the clock and saw that it was but 12 o'clock. He then went out into the garden to work, taking off the key of the ladders, which were locked up. He got his breakfast at home every day while I was there. I first missed him from the breakfast table the morning after his arrest.

CATHERINE F. WEBSTER called and sworn. I am a daughter of Dr. Webster. I saw my father on Friday, Nov. 23d, between 5½ and 6 P. M. I saw him again at 12½ or 1 at night. I saw father soon after breakfast on Wednesday. He came home between 10 and 11 o'clock and went into the garden.

We passed the evening at Mr. Cunningham's. Father came home with us. We walked from Mr. Cunningham's to the toll-house. While we were waiting at the toll-house, I remember seeing a notice offering a reward for Dr. Parkman. My sister pointed it out to father, and he read it to us. It was rather high up. We then went out in the 11 o'clock omnibus.

Sunday preceding, in the morning, I saw father with his shoes in his hand, preparing for town, and my mother asked him to wait until the afternoon. He was going to see Dr. Francis Parkman in relation to the disappearance of his brother. He did wait. Went to church, and to walk with him after church. He left the house to come to town in the afternoon. I heard his voice in the entry on Sunday evening, just about dark, and I saw him afterwards between 9 and 10 o'clock. He was in his study then. He came into the parlor at 10 o'clock the same evening—at 10 o'clock. I heard that my father brought out a small bundle on Friday.

[The daughters of Prof. Webster bore themselves with becoming fortitude in the painful scene. The utmost silence prevailed during the delivery of their testimony, and the greatest sympathy was felt for them by all present.]

Dr. WINLOW LEWIS—*Recalled.* I have been acquainted with Prof. Webster for about 30 years. Have known his acquaintances. I supposed he always stood fair as a man of kindly feelings. I never supposed him to be a man of violence. I never could get into his room in the Mason street College without knocking at the door. He was Professor there, while I was Demonstrator there.

I noticed the cut in the ribs of the remains very carefully. The cut was an thing, but a clean cut; it had a ragged opening. I could not tell whether a bone was fractured before or after it was cauterized. We finished the examination on Sunday. I think that Dr. Strong was seen there afterwards. There was a bloodless appearance about the lower limbs, as if soaked in water.

Cross Examination. I do not regard my own judgment as of as much weight upon osteology as that of Dr. Wyman. There would be less likely to be a clean cut after death.

Dr. GEORGE K. GAY—*Recalled.* We finished the examination on Sunday. I think that I saw Dr. Strong there on Monday. The cut was ragged. My impression was that it was done with a cane. The limbs looked as if they had been wet a great deal. The parts which came from the privy.

Dr. OLIVER W. HOLMES—*Recalled.* The quantity of blood in a human body during life has been tested in two ways. One examiner says one-fifth of the weight of the subject, about twenty-seven or twenty-eight pounds; the other says between one-quarter and one-fifth of the weight—in an adult male thirty-four and a half pounds. This would be about seventeen quarts. I have broken bones to ascertain what would be their appearance after calcination.

Cross Examination. [Mr. Clifford asked the witness if there was any man in the world to whom he would more readily yield his opinion than to Dr. Wyman, thus applying to the opinion of Dr. Wyman that a piece of the bones found in the furnace was fractured during life.] For a simple physical fact I trust a man would not defer his opinion to anybody. I could not say

whether a bone was fractured during life. I examined the bone which Dr. Wyman handed to me, and which he thought might have been fractured during life. I gave my own opinion, if you please, of my own opinion.

Prof. E. N. HORSBORN, called and sworn. I am instructor in the University at Cambridge, in the Lawrence Scientific School. I have delivered part of the lectures at the Medical School in this city, since Dr. Webster's arrest. I gave instruction in chemistry in 1841. I have nitrate of copper in my laboratory, and I have seen it in others. It is used for a variety of purposes. In organic analysis, it is used to ascertain the constituents of organic bodies. I have made experiments to ascertain with what facilities bone can be consumed—with potash, and nitric acid, each by itself,—with a hook joint, the flesh being mostly removed. The parts were tested separately with commercial nitric acid. In four hours and twenty minutes the bone had disappeared, except some very small pieces. In five hours and twenty minutes every vestige of bone was gone. I have dissolved human muscle in a very short time—have not tried any experiment with human bone. I found common salt in Prof. Webster's laboratory. There are solutions of copper still in the laboratory. I have occasion to use blood not infrequently. I never made any experiments upon gases from anatomical vaults. I know that gases are generated there. I sent out articles to Prof. Webster's house after I took possession of his laboratory. I sent out an old blue ket—two pairs of pantaloons—one or two coats—and a pair of overalls. There was a little light colored cap. I examined the overalls very cursorily, before I sent them out. I looked the clothes all over. I have seen them since, and I did not recognise any difference in them. There was no blood upon them.

Cross Examination. I found the overalls in the small back room. I think that the Policemen had had them for a pillow. There was nitric acid in 4 or 5 bottles—a gallon or gallon and a half—about 16 lbs. This however would depend upon its concentration. I should think that rather more than the weight of flesh and bone, of acid, would be required to dissolve the bones and flesh.

In the experiments I made no noxious gas escaped. No offensive odor would escape from the body, but from the decomposition of the acid. I did not discover in the laboratory any vessel sufficient to contain 150 pounds of nitric acid. I did not examine the spots supposed to be nitrate of copper. I did not attach any importance to them, as I know that nitrate of copper is quite likely to be spilled over a laboratory. It might affect clothes and would slowly corrode the skin. I took 2 pounds and 2 ounces of flesh and 4 pounds of bone for my experiments. The quantity of acid I do not exactly know.

Re-examined. It is not impossible to destroy flesh in an iron vessel. The identity of flesh would be quickly lost. I have known Prof. Webster intimately for the last three years. I know nothing to the contrary, that his reputation is good for humanity.

Cross Examination. I should not think that nitric acid would act on mineral teeth.

W. T. G. MORRIS, called and sworn. I have practised dentistry for about 8 years. I usually manufacture my own mineral teeth. I have had opportunities to make myself acquainted with Dr. Keepe's method of manufacturing teeth. I was instructed some five years ago in his manner. I see no particular mark to identify these teeth (the teeth taken from the furnace). I see marks of grinding the teeth after they are carved. This is not unusual by any means.

We use a wheel from the size of a fourpence to a dollar. I have used platinum pins, and so have others. It is the common material to attach the teeth to the plate. We usually drill the hole in the centre of the tooth to fasten it to the plate. Rules are given, by the best recent authorities, where to drill the hole for the springs. I see nothing peculiar in the absorption of the lower jaw of Dr. Parkman, (as judging from the casts) I see no particular absorption of the alveolar process.

I don't think that the teeth, as they are now, fit the block with any degree of exactness. The a block, a refuse block, of my own, which fits the teeth on the side of the east of the lower jaw of Dr. Parkman. It fits it as far as it goes, as perfectly as I could make it.

[A large number of moulds were brought into the Court, when the witness explained to the jury the peculiar absorption which had taken place in the jaws of the individuals from whom the casts had been taken. He also fitted the block of teeth to the natural lower jaw bone, and found it to fit very well.]

The witness also exhibited several models of a lower jaw which project much, the cases occurring in his own practice. The projection of the lower jaw is not very remarkable. He thought that the blocks had been subjected to great heat, had warped, and therefore it would be difficult to determine what had been the original fit.]

Cross Examination. I knew Dr. Parkman when he was alive. I don't know what to make of a peculiar jaw. I never saw any two jaws alike—but there is a general resemblance in all jaws. I cannot say that I think the jaw of Dr. Parkman peculiar. These jaws (I have) look like Dr. Parkman's jaw. I should not be able to identify blocks of teeth after they had been subjected to the action

of fire. I think I could identify my own work generally. I never saw a set of teeth that would fit another person—that is, a complete set. The peculiar absorption in a case of my own practice, was that of the jaw of a man—I should think 50 or 55 years of age.

Re-examined. I could not distinguish the jaws of Dr. Parkman from other jaws if placed in a box. I meant to say that the plates made for one man would not fit another, but the blocks of teeth might.

Cross Examined. If there was a peculiarity in the mouth of a patient, I think I should notice the peculiarity, and be able to identify the model, or the teeth, perhaps, if too long a period of time had not elapsed.

PROFESSOR TREADWELL. Recalled. I live in the neighborhood of Dr. Webster. I saw Dr. Webster in the evening of Friday November 23, at my house, about 20 minutes past 8. He came with his wife. Dr. Morrill Wyman and his wife were there. Judge Fay came in afterwards. It was nearly 10 P. M., when Mr. and Mrs. Webster left.

There was nothing unusual in his appearance at the time; he was cheerful, perfectly self-possessed, and did not wander in the least. I am on intimate terms with him. I saw Prof. Webster again on Tuesday evening, near the corner of the burial ground. It was after 6 P. M., but not so late as seven o'clock.

He stopped, and we recognised each other. I have a strong impression that I saw him again, in the evening of another day. I talked with Prof. Webster about the disappearance of Dr. Parkman. Nothing unusual in his manner.

Cross Examined. Tuesday I am quite confident that he was going up to his house. I think that it was after 6 P. M.

At 2 P. M. the Court adjourned to 3½ P. M.

AFTERNOON SITTING.

The Court came in at 3½ P. M.

DR. JAMES W. STONE—Recalled. I was one of the gentlemen who examined the remains. The hole in the breast was not a clean cut. We finished our examination on Saturday, December 1st. There would be no trouble in making a clean cut after death. When a student, and accustomed to dissect, I never found any difficulty in making a clean cut—no more than the butcher would in cutting a piece of meat.

PHILENA HATCH, called and sworn. I live at 15 Vine street. I was acquainted with Dr. George Parkman; fourteen years last October, was the first I knew him. I saw him on Friday, November 23d, in Cambridge street, between North Russell and Blossom streets. I was going to my home. When I got into my house it wanted to five or thirteen minutes of 2 P. M. Dr. Parkman was going towards Court street. I looked at my clock when I got home. On the morning of 22d of November, my husband went on a journey to Vermont. That night a sister, whom I had not seen for five or six years, came on a visit from Maine. On the 23d, the next day, I went to the South End to let her daughter and my niece know that she had come to town. On my return home, I met Dr. Parkman. I looked at the clock to see how long I had been gone. When I was told Dr. Parkman was missing, I first said he could not have been missing long, for I saw him on Friday afternoon. I heard of his disappearance on Sunday morning. I mentioned the meeting to my sister as soon as I got into the house.

Cross-examined.—I did not know which way Dr. Parkman went after I saw him. I do not know whether he turned round or not. I said to my sister, when I got into the house, that I met "Chiu," to make her laugh. I mentioned, some time in the course of the afternoon, to my sister, that I met "Chiu." She asked me what I meant, and I told her I said "Chiu," because he had a very long one. I did not meet any other person that I knew. I was going down Cambridge street, on the right hand side.

JOSIAH HAYES called and sworn. I reside at No. 15 Vine street. I went away from the city on Thursday, the 22d day of November. I went to the town of Corinth, State of Vermont. I returned on Monday, the 3d of December. I am a married man. The lady just on the stand is my wife.

WILLIAM V. THOMPSON called and sworn. I reside at East Cambridge. I am clerk in the Register of Deeds. I went to P. of Webster's house on Sunday evening with Mr. Fuller. I should judge it was about 6 o'clock when we started. Prof. Webster was at home; went to ascertain the date of a mortgage. I called at the house—a young lady came to the door, and I asked for Prof. Webster. I was shown into the study. I asked Prof. Webster if he recollected the date of the mortgage. He said if we would wait he would tell us. He looked into a trunk on the floor, and remarked it was strange he could not find the papers. He then remarked that he could give me the information in another way. He read extracts from a book, which I supposed to be a journal of his daily proceedings. He gave me the date of a mortgage, and corrected himself immediately, and said "I suppose that is not the one you want." I told him I wanted the date of the one he paid on the Friday previous. I told him I would go to Mr. Page and ascertain. I made a minute of

the mortgages myself. We at first supposed the mortgage was on real estate, but found it was on personal property. This ended the interview. Dr. Webster said he had called over to see Rev. Dr. Francis Parkman, and told him he was the man that was to meet his brother. He said he asked the tollman if he had seen Dr. Parkman pass over the bridge on Friday afternoon, and that he had called at Mr. Page's, City Clerk, to see that the mortgage was cancelled. He said he did not find Mr. Page at home, and was not aware his communion day came on the last Sunday in the month instead of the first. He had ascertained that the mortgage had not been cancelled. I made the observation that we should call at Mr. Page's house and see for ourselves, as Mr. Page might have overlooked the matter. I saw nothing at all peculiar, except his giving me the wrong mortgage. I did not notice any trembling. I conversed with Dr. Webster.

To the Court.—The larger mortgage was the first he gave me. I took the minutes of the mortgages as he read them.

Recalled.—I am acquainted with Dr. George Parkman. I had seen him very frequently the last past five years.—I saw him on Friday, the 23d of Nov., in Causeway street. I have known Dr. Parkman by sight for the last ten years. I saw him last in Causeway street, on Friday, 23d of November, about 10 minutes or 1 past 2 o'clock.

To the Court.—I was going down Causeway street to Charlestown bridge. He was coming towards Leverett street.

Recalled.—We met a little below the centre of the street. There is a millinery shop on one side and a carpenter's shop on the other side, where I met him. [Witness pointed out on the plan of the streets, to the Attorney General, the spot where he met Dr. Parkman on this occasion.]

To the Court.—I was on Causeway street when I met Dr. Parkman.

Recalled.—It was in Causeway street, somewhere near Portland street. I was on the left hand side going down. Dr. Parkman was on the opposite side of the street. I fix the day by having paid for this coat on that day (coat he had on). I also made a short examination of a title for a man on India street, and got a copy of a receipt I gave him. I had not been in Boston before for nine days.

To the Court.—I had made the examination at the office, and was going to meet the man on India street.

Recalled.—I came into Boston again the week after, to carry the memorandum to the man. I had not been in Boston for nine days when I met Dr. Parkman. I think I came in on Thanksgiving Day the week after. I had the examination verbal, and the young man wished me to write it down, and I left a note for the man. I started from East Cambridge, by one of the clocks, three or four minutes of 2 P. M.

By the clock on the Court House it said 2 when I started. The first place I had to call into was Mr. Orr N. Towne's, corner of Elm and Hanover streets. My object there was to leave some things. I took out my watch and it was about 23 or 25 minutes past 2 o'clock. I had passed Dr. Parkman and went to this place. I walked in, over the Bridge. I went through Leverett street, down into Causeway street, and then into the street which leads into Portland street, and then into Hanover street, and to Elm street. I am called a rather quick walker. I noticed Dr. Parkman's appearance. He was dressed in a dark frock coat, dark pants, and a dark hat. When I saw him he had his hands behind him, and appeared excited as if angry about some matter. I did not turn round and look after him. He was walking as I passed him. On Sunday about 5 o'clock I recalled this, and stated it to Mr. Blake, Ex-City Marshal.

Cross-Examined. I do not use spectacles. I don't think I am near sighted. I am not aware that I am remarked upon as near sighted. My eyes are weak and sometimes I wear glasses, which are slightly colored. I give attention mainly to copying. I suppose it tends to weaken, but not to impair the eyesight. After you pass Lowell street I should say that the widest opening occurs in Causeway street. I met Dr. P. before I came to the first cross-street leading off to the right from Causeway street. I should say the name of the street is Lancaster street. I should not say that it is Merrimack street. Looking at the map I should now say it is Merrimack street. I met Dr. Parkman between Leverett street and Merrimack street. I can recollect of going through Merrimack street. I do not think that I am near sighted. I do not carry a magnifying glass for my own use. I have one with me now. I carry it for the purpose of looking at fine writing.—I am not aware that I ever made the statement that in a mesmeric state I ever writing that I could not read. I never used the expression mesmeric state. I believe I have told Mr. Andrews, your informer, that when in the biological state I had written a very fine hand. I never told Mr. Andrews in the course of conversation that I had written in a biological state so fine I could not read it. I have told him that others could not read the writing. I simply carried the glass for others to use, not for myself. I do not pretend to say that I have a better sight at one time than at another. I do not pretend to say that in a biological state I have a more perfect vision than at other times. I do not know whether my power of vision is augmented in one state or another. I do not know

whether my vision is better in the biological state than it is now. I do not know that I am able to see a great distance in a biological state. I never used a magnifying glass to see a great distance. Dr. Parkman did not speak to me; did not bow to me.

I spoke to Mr. Blake on Sunday night. There was some further conversation about Dr. Parkman. I asked Dr. Webster how Dr. Parkman appeared when he paid him the money. He said he appeared angry and excited. He also informed me that Dr. Parkman had called on Mr. Pettee, the gentleman who sold his tickets for lectures, and enquired if he had any money in his hands belonging to Dr. Webster. He, Mr. Pettee, informed Dr. Parkman that he did have money in his hands. Dr. Parkman wished him to pay over the money in his hands to him. Mr. Pettee, he said, refused. Dr. Parkman was very angry, and used an expression to Mr. Pettee that he (Prof. Webster) was a d—d whelp. Why I did not say this before is because I was interrupted, I wanted to go on and finish the whole story. It is no fault of mine. I have not stated the whole story now.

When we left and got into the entry, Dr. Webster accompanied us to the door and said "gentlemen, I trust you will be successful in your search; any assistance in my power I shall be happy to render you." That is my handwriting. [A paper shown to him.] I did not state the whole affair to Mr. Andrews. Mr. Andrews said he merely spoke a rough outline, which I gave him. Dr. Webster spoke of the great feeling which had been excited in the community. I think that Dr. Webster used some expression to the effect that Dr. Parkman had been very insulting to him every time he met him. I did not use the expression that "Dr. Webster said there were two men in the room at the time I paid the money." Mr. Andrews wished me to put this down. I told him that it was all an impression. He told me to give a rough outline, and I did put it down.

Re-examined.—Mr. Andrews came to the Registry of Deeds and asked for the paper. I told him, in regard to the persons in the room, that it was only an impression, but he wished it put down.

SAMUEL A. WENFORTH, called and sworn. I reside in Vine street. I am in the provision business. I am acquainted with Dr. George Parkman; have known him for two years. I saw him last on the 23d of November, in Court street, between the hours of 2½ and 3½ P. M. I ate my dinner at 1 o'clock, came back, and my young man went to dinner at 2 P. M. I waited for him to come back at my shop in Lynde street. I then went down town. My shop is No. 1, corner of Cambridge and Lynde streets. My young man was gone more than half an hour. I was going to the market to get my marketing for Saturday morning. Dr. Parkman was near the head of Sudbury street, in Court street, opposite Mrs. Kidder's medicine shop, when I met him. He turned round and faced the street. I was on the same side of the street as Dr. Parkman. He was going towards Bowdoin Square. When he got near Mrs. Kidder's shop, he stopped all of a sudden and turned. He had his hands behind him when he stopped; his hands were under his coat. When I went home on Saturday evening at 10 or 10½ o'clock, my wife stated that two men had been there after Dr. Parkman. I immediately made the remark, that "I guess he had not gone a great way, as I saw him yesterday afternoon in Court street." Dr. Parkman stopped after I passed him.

Cross-examined.—There was a lady at the house at the time I made the remark. I communicated it to a man by the name of Foster the week after the remains were found. I thought of it at various times. No new circumstances had occurred to fix it in my mind. It was about 3 o'clock—after 2½ o'clock. I am sure it was not Thursday afternoon when I saw him. I never saw my marketing for Saturday on Thursday. A gentleman, I at Russell, was with me; I spoke to him about it. He recollects being with me when I saw Dr. Parkman, but he does not recollect the day. I did not see the two men. I did not say they were police. The first person I spoke to, except my wife, of the fact of meeting Dr. Parkman, was Mr. Foster, the week after the remains were found at the College. I knew that he said—were offered.

SAMUEL CLEVELAND, called and sworn. I reside in Chelsea. My place of business is No. 26 South Market street. I was acquainted with Dr. George Parkman; have known him about 11 years. In 1839 I was a tenant of his in West Centre street. I last saw him on Friday, Nov. 23d. I saw him in Washington street, between Milk and Franklin streets. It was between 3½ and 3¾ P. M., perhaps, as near 20 minutes past as any other hour. I fix the hour as I went up to see the Rev. G. O. Wilde. I met him on the east side of Washington street, going towards Roxbury. In calling on Rev. Mr. Wilde, as he officiated occasionally for us at Chelsea, I always called at 3 o'clock. He boards at No. 18 Franklin street. I was coming from there. On Wednesday, Nov. 21st, I addressed a note to the Rev. Mr. Allen of East Boston, to officiate at Chelsea.—Not receiving an answer, on Friday morning I sent another, by a boy to East Boston, who returned, and said he could not find Mr. Allen. He gave me the note, which I have now in my pocket.

About 11 o'clock, I addressed a note to Rev. Mr. Woot of Christ Church, and sent the boy with it. He returned

with an answer, which I have in my pocket, stating he could not possibly preach all day. I then, about 3 o'clock, went up through Devenshire street, through Theatre Alley to Franklin street. After the call, I proceeded up to Washington street, where I saw Dr. Parkman walking as if with a laboring man. But I afterwards found that he was not walking with the man. We passed on the same side, nearly touching each other. I did not speak to him. I heard of his disappearance on the following Monday morning, Nov. 26th.

Cross-examined.—I communicated the information to my partner first. I do not know whether the information got to Dr. Parkman's family. I mentioned it to Mr. William Knapp, of the Police Court, and he told me it was unnecessary to mention it to the Marshal, as Dr. Parkman had been seen at the South End, and it was of no consequence. I saw the advertisements for reward on Monday. I don't know that my information got into the hands of the family. I did not think it necessary to do so, as the advertisement mentioned he was seen going to the South End. I should think it was very nearly half way between Milk and Franklin streets. The street was not crowded at the time. I might have seen him at first 4 or 6 rods off. I was on the inside of the street. He was on the outer side of the street. I do not know that he varied his direction as he approached me. There were persons between us when I saw him. He was walking at his usual pace. We met—he passed one way and I another. I did not mention the fact of meeting until Monday morning. I am not aware of stating this to Mr. Lee, Superintendent of the Providence Railroad. I may have had conversation with him. I saw on Monday an advertisement in which it was stated that Dr. Parkman was seen going to the South End. I communicated the fact to Mr. Bradley, of the Mail. If anything prevented my mentioning the fact, it was the fact that he was seen by others going in the same direction as I saw him.

Re-examined.—These are the notes I spoke of (exhibited to witness).

Lucius R. PAGE, called and sworn. I am City Clerk of Cambridge. On Sunday succeeding Friday, Nov. 23d, I saw Dr. Webster not far from 4 to 5 o'clock, at my house. I was not at home when he called, but found him there when I came in. He said he called to ascertain if Dr. Parkman had been at my house since Friday to discharge a mortgage. I replied that I knew him, and that he had not been there. I think before Dr. Webster left I went and examined the records, and ascertained that the mortgage was not discharged.

ABBY B. KNODES called and sworn. I reside in Minot street. I knew Dr. George Parkman. I knew him for twenty-five years. I saw him on the afternoon of Friday, Nov. 23d, in Green street, near the corner of Lyman Place, in front of Souther's apothecary shop. I think that it must have been a quarter to 5 o'clock—very near dark. There was a man with him. I was on the inside, my daughter on the outside. I was going towards Cambridge street; he towards Bowdoin Square. We bowed as we passed, Dr. Parkman and myself. I don't know which bowed first. I fix the day because there was no other day in which my daughter and myself went home together. We were out once before, but did not go home together. We had been out shopping, and made some purchases. Went to Mr. Hovey's store in Winter street.

I went into Hanover street after we made our purchases at Hovey's store in Winter street. My daughter took the bundles. I bought a muslin de laine. There was no charge for it. I paid for it. Eleven yards at 20 cents per yard—the whole cost \$2.20. I do not recollect the name of the man I bought it of. I am positive as to the day. I have taken the greatest pains to fix the day. I went to Dr. Francis Parkman and told him of it. I was at home on Saturday, I know. Thursday I was at home all the day. I communicated with Rev. Dr. Francis Parkman on Tuesday afternoon. I saw in one of the papers on Sunday morning that Dr. Parkman had disappeared.

My daughter went to Lexington on Saturday, returned on Tuesday. I saw her at dinner time. There was some conversation about the disappearance, and my daughter asked me if I did not recollect meeting Dr. Parkman on Friday afternoon, and I immediately recalled it to mind. I have a memorandum of my purchase. I cannot be mistaken in the day. I did not go out until after dinner, between 2 and 3 P. M. Dined at 1½ or 1¾. I did my shopping and on my way back met Dr. Parkman.

Cross-examined.—I have been a parishioner of Rev. Dr. Francis Parkman—felt a great interest in the fate of Dr. George Parkman. I saw the notice of disappearance on Sunday morning. I asked my son about the disappearance, on Tuesday at dinner, and my daughter asked the question I have stated. I have never expressed any doubts or misgivings about this. I have no recollection of expressing doubts to Mrs. Harrison. If I did I did not intend to. I have never said to my sister within a day or two that "if I had not said so often that I had seen Dr. Parkman on Friday, I should think I might be mistaken." I never said so to my sister. I don't know who was walking with Dr. Parkman. It was not Dr. Webster, I know. It was a taller man. I should not know him again.

I saw Rev. Dr. Parkman on Tuesday afternoon, and told

him I was reminded of it by my daughter. I went to see Rev. Dr. Parkman on Friday morning again. I did not go to reiterate my statement. I presume I may have told him that I was reminded of it by my daughter.

MARY RHODES, called and sworn. I am daughter of the lady who has just testified. I knew Dr. George Parkman by sight, for nearly ten years. Saw him last on Friday, Nov. 23, opposite the store of Mr. Souther, apothecary.—My mother was with me.

We had come from Mr. Hovey's, Winter street. There was a gentleman with Dr. Parkman. We bought a muslin de laine dress. I carried it home. Dr. Parkman passed nearer to me than to my mother. I moved my bundle so as not to hit him. I was out on Wednesday shopping. I went to Lexington on Saturday afternoon. Heard of Dr. Parkman's disappearance on Saturday. On Tuesday I mentioned meeting him, to mother and my brother. Did not mention it to any one before I came to Boston. I have taken great pains to fix the day I saw Dr. Parkman. It was near dark, about 4½ to 5 P. M.

Cross Examined. I did not mention this meeting at Lexington. There was no discussion at the time. A gentleman where I was read the notice to the whole family. I did not hear any thing of murder. I thought the disappearance occurred the same day the paper was published. I don't recollect that mother mentioned about reward before I told her she met Dr. Parkman on Friday. The gentleman with Dr. Parkman was a stout man—not so tall as he was. I did not take pains when I came into town to communicate this information. I do not recollect the streets we went through after leaving Hovey's store.

I was at home all the week before the Doctor disappeared. I was out on Wednesday with my mother. I went through Green street from home. I was not in Green street with her on any other day, going home, except on Friday. I did not see Dr. Parkman anywhere in Green street on Wednesday. Used to see him very often, not daily.

SARAH GREENOUGH called and sworn. I reside in Cambridge. I was not personally acquainted with Dr. George Parkman. I saw him on the Friday, I believe, the week before Thanksgiving. It was in Cambridge street, between South Russell and Belknap streets. It was about 10 minutes before 3 P. M. I was passing up Cambridge street, and looked at my watch and saw it was 10 minutes to 3. I then looked up and saw Dr. George Parkman, as I believe.

Cross-examined.—Dr. Parkman was going towards the bridge, and I was coming up on the left hand side of Cambridge street. I had no particular occasion to notice him. Probably I should not have thought of it unless for the disappearance. I had no occasion to observe him after he passed.

To the Court.—I can't say positively, but I believe that I saw him at the time I mention.

SAMUEL B. DEAN, called and sworn. I am clerk of C. F. Hovey & Co., Winter street. I am salesman. I sold 11 yards of muslin de laine on the 23rd of November. There was no cash sale on that day amounting to the same sum paid for this article—\$2.20. A memorandum was made of it at the time. I do not recollect whether the muslin de laine was purchased by a lady or not.

[Mr. Sohler said that the defence had closed its evidence, but claimed the indulgence of the Court to look over their memoranda, to see if any portion had been omitted.]

At six minutes past 7 P. M. the Court adjourned to the next morning.

TENTH DAY.

FRIDAY, March 29, 1850.

The Court came in this morning at the usual hour. A few ladies were present in the room for the second time since the commencement of the trial. The prisoner looked remarkably well this morning.

E. D. SOHLER, Esq., junior counsel, rose and stated to the Court that the Defence rested its case on the evidence already introduced.

Mr. CLIFFORD rose and stated that on the large mortgage there were still sums due and unpaid, which sums, however, did not mature until 1851. The government were prepared to show this, if the Defence should rely upon the ground that a portion had been paid.

The following rebutting testimony was then introduced on the part of the Government:

JOSEPH SANDERSON, called and sworn. I am one of the Police officers of Cambridge. I should think that I have known Dr. Webster for about 4 years. I saw Prof. Webster between Sunday, and Thanksgiving, after the disappearance of Dr. Parkman. I saw him get out of the Theatre coach, in Harvard Square, in Old Cambridge, in the vicinity of the colleges, where the omnibus stops. I should think it was between 11 and 12 o'clock at night.—There was no one in company with him—none of his family—others got out. He passed me as he got out, and I turned round and followed him in the direction of his house. I do not recollect seeing him after he passed Graduate Hall. The Hall, from the place where the om-

nibus stops, is not more than 4 or 5 rods. I think I may have followed him 15 rods to take the sidewalk. I am a watchman and was round there. I met Mr. John Bryant directly after Dr. Webster passed. Mr. Bryant is a watchman. I made an observation at the time that it was Dr. Webster, and then some conversation ensued between us. Dr. Webster might have touched me at the time he passed. I am certain it was between Sunday and Thanksgiving. I mentioned it on Saturday after the arrest. I am confident it was after 11 o'clock from the direction I took after he went home. I took a course I never take until after 11 o'clock, unless something special calls me that way. I cannot tell whether it was nearer Monday than Thursday.

Cross Examined. I mentioned this to Mr. Bryant on Saturday. I am a watchman. I did not go a different route from usual. I fix the hour in my mind from the direction I went. I can't say that it was not Wednesday night. Quite a number got out of the coach at the time. I can't say whether there were ladies in the coach. I recollect the fact of Dr. Webster getting out of the coach after the disappearance of Dr. Parkman. It was not on Thanksgiving evening. That evening was very pleasant. It was hazy on the night to which I refer. I don't know it was not on Tuesday night. It was not on Saturday night. It must have been on Monday, Tuesday or Wednesday night. I walked some considerable distance in the direction of Dr. Webster's house. He was not in my sight any further than Graduate's Hall. He walked very fast. I did not notice the person after he got by the upper end of Graduate Hall. I was standing when the coach stopped about against the head of the wheel-horses, on the sidewalk. I was looking in the direction of the people getting out of the coach. I did not speak to Prof. Webster. It was not a misty night at that time. It was cloudy—as light as star-light. The moon was not out. The person passed me—I met him—he came towards me, and I turned and followed him. I spoke to no one until I spoke to Mr. Bryant. At the end of Graduate Hall there is not a street. Next to it there is a vacant lot—then Church street, and next the Church. The coach runs out every night when the theatre is open.

Dr. DANIEL HARWOOD, called and sworn. I am a Dentist in this city. I have practiced here since 1829—all the time except from April 1841 to January 1847. I am a member of the Massachusetts Medical Society. I have always been very busily occupied. I was one of the first who did anything extensively in the manufacture of mineral teeth. Not the first perhaps. As a general answer a dentist would be as likely to recognise large cases as the sculptor would his own product, or the merchant would his own writing. I mean to be understood in general.—By large cases I mean when teeth are connected upon a plate. A dentist would not recognize single teeth unless he depended upon composition. About teeth in combination there are general characteristics. I think that one dentist might recognize the work of another. I should not like to say positively that I could recognize Dr. Keep's work, but I think I could generally. His manufactured teeth have no very distinct marks. When I see persons furnished with teeth from different dentists, I am in the habit of saying "this is Dr. Keep's work, Dr. Tucker's, or Dr. Flagg's work" [The block of teeth from the furnace was shown to the witness.]

These are covered with foreign substances, and changed. Other dentists use the same material as I have the impression, Dr. Flagg and Dr. Kelley of Newburyport. We all use the same material in general; quartz and feldspar, and other substances, as pipe clay. Dr. Keep's teeth appear to have very little, if any, pipe clay. These teeth appear to have the same composition as Dr. Keep's teeth. I am pretty confident that it is Dr. Keep's composition.—This is Dr. Keep's style, pretty certainly. I have gained a knowledge of his style by seeing it in the mouths of patients, and some at Dr. Keep's office. The parts of Dr. Keep's teeth that represent teeth, are not separated down to the gums. This is not general. [Some discussion arose upon a point of law in the introduction of the evidence. The Court decided that the ground taken by the Government was untenable, and the form of question was altered accordingly.] I think that Dr. Keep could not be mistaken in his work, after having made the moulds and manufactured the teeth [The witness accidentally broke the teeth in handling them, and so stated to the Court. The original surface was therefore exposed.] I can't conceive that Dr. Keep could be mistaken—about the case to which the teeth belonged, unless they were duplicated.

Cross Examined. If a block of teeth were shown in this state, I should say that a dentist would identify it as his work, because it has some peculiarities. I should say that he could identify it from the workmanship and the style of making. I could have identified the block if I had made it. I don't make blocks. Dr. Morton makes blocks. I have understood that others make blocks. The making of blocks is not a peculiarity of Dr. Keep. I have looked over all the models I have, some two bushels, and I cannot find one in which so great an absorption has taken place, as is shown in the model of Dr. Parkman. All things taken together, I think the maker of the block of teeth could not be mistaken.

Dr. JOSHUA TUCKER, called and sworn. I am a practising

dentist in this city. I have received a medical education. I have been in practice twenty-one years. I have been at work all the time; so far as myself is concerned, I have been continually at work—or had sets on hand—in manufacturing mineral teeth, as well as attending to natural teeth. [The block of teeth exhibited to witness.] All the blocks are so disfigured except one, that I should not like to say that the marks are sufficient to identify them. That one is the left lower block. The marks of identification upon this are strong enough to enable the maker to identify the teeth, I should think, as well as the painter can identify the face upon which he has wrought for a week.

Cross Examined. With the model upon which the teeth were made I should think the maker could identify them. These teeth may have been warped by the heat to which they have been subjected.

Dr. WILLARD W. GODMAN, called and sworn. I am a dentist of this city. I have had a medical education. I have been connected with the practice of dentistry sixteen or seventeen years; part of the time I wrought upon mineral teeth entirely. I think that the blocks of teeth [those from the furnace] furnish sufficient marks of identification.

To the Court. The artist who made and fitted them, would be able to identify his work.

Cross Examined. I should think that there would be a very strong probability that the maker could identify them. The teeth might be warped by the heat and might not.

BENJAMIN H. TOWN, called and sworn. I am a resident of this city. I am employed in the Custom House. On the Sunday evening about dusk, succeeding the disappearance of Dr. Parkman, I was on Craigie's Bridge; at the toll house. I was in company with Littlefield. We went over to East Cambridge out of curiosity, understanding that Marshal Tukey was going to have a body of men to search for Dr. Parkman. The tollman was at the house, and an old gentleman sitting in the back part; I did not know the old gentleman. Mr. Littlefield asked if the policeman had gone on; and was answered that they had.—I then asked the tollman if he was the one who saw Dr. Parkman pass over, and he replied that he was not. Mr. Littlefield said he was engaged at the College; that he saw Dr. Parkman coming towards the College on Friday afternoon.

Cross Examined. I don't recollect hearing Mr. Littlefield say that he saw Dr. Parkman come out of the College on Friday afternoon. I did not hear him say it. I mean to swear that he did not say it. I recollect every word he said. I cannot state the minute or the hour when I recalled this conversation and the interview to my mind.—I do not mean to say that I had it in my mind all the time. I have talked to Littlefield about it since the trial commenced. Littlefield asked me if I recollect going over to Cambridge and what I said. I told him that I did. I have talked with him once. He did not ask me if I recollect his particular expressions. Littlefield told me that I would be likely to be summoned as a witness.

ISAAC H. RUSSELL, called and sworn. I am a resident of Boston. Am in the dry goods business. I know Mr. Wentworth, provision dealer in Lynde street. I do not recollect of walking with him on any particular day. I don't recollect of being in his company on Friday, Nov. 23d. I think that I have been in his company when he pointed out Dr. Parkman. It was before Dr. Parkman's disappearance. It might have been six months or eight months before. I can't tell the day. I don't recollect—it might have been three months before. I have no recollection of seeing Dr. Parkman at any time. If I had seen him I think that I should have recollecting it. I don't recollect when I heard of Dr. Parkman's disappearance. I can't tell the day of the week. It might have been on the 23d, or it might have been afterwards. I saw the advertisements in the papers.

To the Court. I was with Wentworth when he spoke of seeing Dr. Parkman, but the place I do not recollect.

Cross Examined. I know Mr. Wentworth. I occasionally walk with him. If I had seen Dr. Parkman I think I should recollect it. I cannot call it to mind. I cannot call it to mind, when I heard of Dr. Parkman's disappearance.

To Mr. Clifford. I read the papers daily.

[Mr. CLIFFORD rose and stated that five persons had been summoned to prove that a person resembling Dr. Parkman was about the streets of Boston, at the time of his disappearance, and that he had been approached by different individuals, under the belief that he was Dr. Parkman. The person was unknown to the government. The object in introducing the witnesses was to explain the testimony offered by the defence in relation to Dr. Parkman's being seen on Friday, Nov. 23d, subsequent to the time at which the Government contends he was murdered by the Defendant. The Attorney General did not know how far this course might be proper, and he therefore laid it before the Court for their direction. Mr. MERRICK objected to the introduction of the evidence, as contrary to universal practice. A brief discussion took place, when SAUL C. J. decided that the evidence was inadmissible.]

GEORGE W. HIRSH, called and sworn. My place of business is at the toll house on Craigie's Bridge. I recollect the time when the clock was put up on the Court House, at East Cambridge. It was put up last fall. So far as I know

it has not kept accurate time. It frequently stops. Did not agree with the Lowell Railroad clock. It has been an inaccurate timepiece.

Cross-examined. I refer to the clock on the Court House at East Cambridge. I have noticed a difference between that clock and other clocks—half an hour or quarter of an hour difference. It would be sometimes faster and sometimes slower than the railroad clock.

SAMUEL D. FULLER, called and sworn. My place of business is at the toll-house of West Boston Bridge, Cambridge side. I have observed the clock on the Court House; it was put up last Fall; it has not been an accurate timepiece all the time; it has stopped, and been faster and slower than my time.

Cross-examined. I have known it to stop in snow storms. It has been five and ten minutes out of the way at times.

And here the government rested its case.

The Hon. PLINY MERRICK then commenced the closing argument for the Defence.

He alluded to the embarrassment under which he labored, in commencing his argument. He spoke of the case as transcending in importance and interest any one that has been for a long period before a Court for adjudication. Only a few months since an individual of the highest respectability was lost. The deepest sympathy of the whole community had been excited for his loss, and the utmost efforts had been used to ascertain what had become of him. Soon the astounding intelligence was announced that his mangled remains had been found, and that another respected individual had also been found who had been connected with the sudden and mysterious disappearance of Dr. Parkman.

Then all the circumstances of the finding of the remains were spread before the community. The prisoner at the bar was incarcerated in our prison cells, alone and unaided, while all the dark and damning evidence was accumulating against him. No effort was made by him to arrest the course of events; he suffered all the evidence to spread far and wide, without once offering an explanation of the events connected with the disappearance. He waited for the excitement to subside, that he might have an impartial trial by his country. He asked for no delay, but came for trial at the earliest possible time that could be named at the convenience of the Court. He well knew that a time would arrive when excitement would subside, and an impartial jury could be secured.

If all the circumstances known previous to the trial could produce no bias on the minds of the jury, then could the defence hope the evidence produced in a judicial form, would be carefully and impartially considered by them.

The government charges that on November 23d, Dr. Parkman disappeared, and that the prisoner murdered him. And the counsel explained the particulars of the charge made by the government. To establish the charge the government must prove the death of George Parkman, and that his death was caused by the agency of some person, that the prisoner at the bar was that agent, and that he did it with malice aforethought. If any one of these proofs fails, then the charge for murder fails, though a less crime may have been proved.

A large amount of testimony had been introduced; but no one direct fact has been produced to show that any one of these great facts has been sustained. The government has not shown, by any direct evidence, that George Parkman is dead, or that his death was caused by the direct agency of any one individual.

The counsel then took up the evidence which the government had introduced. By indirect evidence, the government had attempted to show that Dr. Parkman and the prisoner had met on November 23d, at 1½ o'clock, and that Dr. Parkman had never since been seen. The government has never attempted to show, that after the interview of a few moments on that day the two parties ever met again.

The prisoner concedes that an interview took place between him and Dr. Parkman on that day at 1½ o'clock, and that it lasted but a few moments. Beyond this the prisoner denies every thing. If the government contends that the two men ever met again, they must prove it. It must be admitted that the government have introduced some evidence to sustain their charges. But the defence has produced evidence going to show that Dr. Parkman did leave the building as Dr. Webster says he did, and was seen abroad in the community afterwards. The case fails for the government if the jury believes that the evidence for the defence is entitled to credence. If it is still believed that the remains of Dr. Parkman were found in the College, then there is a dark mystery which cannot be fathomed.

If the parties separated, and although the remains of George Parkman were found beneath the College, then there is no proof to connect the defendant at the bar with his death. Did the parties separate? The defence contends that highly respectable individuals have proved, and conclusively proved, that the parties did separate, a little after the hour named in the government's charges. Mrs. Hatch testifies that she saw Dr. Parkman at 7 to 2 P. M. in Cambridge street. The government contends that he was seen 10 minutes to 2 P. M. in the vicinity of the Med-

ical College. Mr Thompson testifies that at 20 minutes after 2 P. M. he met Dr Parkman in Causeway street. Mr Thompson testifies that he knew Dr Parkman perfectly well. The hour at which Mr Thompson met him was confessedly long after Dr Parkman entered the Medical College.

The witness explained how he had made a written statement to Mr. Andrews, Clerk of the Coroner's Inquest. The paper is not produced, and the defence therefore contends that there is nothing in it to invalidate the evidence of Mr. Thompson. Men have strange systems of belief; but it does not follow from the adoption of such systems that they are insincere in their belief or that they are not to be relied on in statements which they may make. No attempt has been made to impeach the witness; no attempt has been made to prove that his powers of vision are impaired, and he himself swears they are not. If, then, Mr. Thompson saw Dr Parkman in Causeway street, he saw him long after the time at which the government contends Dr Parkman held his last interview in the Medical College. Mr. Wentworth testifies he saw Dr. Parkman in Court street on Friday afternoon, between 2½ and 3½ P. M. He gives all the particulars which fix the time and event in his memory. Mr. Russell testifies that he was with Mr. Wentworth when he spoke of having seen Dr. Parkman. But Mr. Russell does not recollect the time when Mr. Wentworth told him this. He has a most extraordinary memory—he cannot fix the time within months. The matter was so unimportant that the time was not fixed in his memory. He recollects that mention was made of it by Mr. Wentworth. But Mr. Wentworth recollects the time—has recollecting it ever since. His testimony is unimpeached and unimpeachable.

Mr. Cleland testified to important matters. The business upon which he was engaged is of such a character as to entitle him to confidence. He produces sundry notes to fortify his recollection of matters, to which he testifies. He testifies that at an hour which could not vary much from 20 minutes after 3 P. M., he saw Dr. Parkman in Washington street. He declares that Dr. Parkman and he passed side by side. Of the time and place there can be no question. It was on Friday, the 23d of November, at 20 minutes past 3 o'clock, in Washington street. Mr. Cleland knew Dr. Parkman perfectly well, and he mentions the circumstance to an officer of the Police, and is told that it is of no consequence to mention it to the Police.

Then there is the testimony of Mrs. and Miss Rhodes. They testified to going out shopping on Friday, November 23d. Mrs. Rhodes testifies to the purchase which she made at Hovey & Co's, in Winter street. A clerk of Hovey & Co's proves that a sale, of precisely the same amount as testified to by Mrs. Rhodes, was made on that day, and no other sale of a similar character and amount.

It is not contended that Mrs. and Miss Rhodes were not in Winter street on that day. Mrs. Rhodes knew Dr. Parkman, and bowed to him as she passed him in Green street. She knew perfectly the whole family, and was a parishioner of the Rev. Dr. Francis Parkman. Miss Rhodes testifies that her mother bowed to Dr. Parkman as they passed him. Mrs. Rhodes is certain that she met Dr. Parkman at the time and place to which she testifies. She has taken every effort in her power to be correct as to time and place.

Mrs. Greenough testifies that she saw Dr. Parkman in Cambridge street, at 10 minutes before 3 P. M. She is confident, though perhaps not quite so certain as some other witnesses.

This is the evidence upon which the defence relies to show that Dr. Parkman and Dr. Webster did separate on Friday at 1½ or 2 P. M. We know that responsible persons did see Dr. Parkman abroad after the hour fixed by the government. It may be suggested that they are mistaken. But is this beyond a doubt? Can the life of a fellow man be put in jeopardy upon such a suggestion? It may be claimed that witnesses were mistaken in the face—in the living man. But compare this with the evidence as to the identity of the naked limbs!

The counsel next proceeded to an examination of the testimony introduced by the government. The Hon. gentleman declared that he would treat it in all fairness; the parties were not there to contend for victory, but to learn truth and to vindicate justice. The counsel took up the evidence as presented by government. The prosecution was bound to prove the murder, as the law presumes that the defendant is innocent until the murder is proved; and more, the proof must be beyond a reasonable doubt. They must first prove the death, and secondly, prove that it was the result of the agency of another person. It must be admitted that considerable evidence has been introduced to show that Doctor Parkman is no more.

It is conceded that Dr. Parkman entered the Medical College on Friday, Nov. 23d. Bones and remains were found in the College. Dr. Wyman testifies that he found parts of a head, arms, left leg and feet. The question arises were these the remains of Dr. Parkman? Important circumstances are introduced to show the strong probability that the remains were those of Dr. Parkman. The Counsel reviewed the circumstances—as the size of the remains, the color of the hair, and the finding of mineral teeth, to which a skilful dentist testifies. If the jury are

not satisfied that the remains were those of Dr. Parkman, then the case fails. But if it were proved that the remains were those of Dr. Parkman, then the Jury must decide whether the person came to his death by violence.

Dr. Wyman thinks that a portion of the bones of the skull were fractured before calcination. But of this he was not entirely certain. Dr. Holmes testifies that he is of the opinion that the same appearance might be presented if a bone was fractured after calcination. He states that he has tried the experiment and knows. In this particular Dr. Holmes does not defer his opinion to that of Dr. Wyman. Take the testimony of the two together and there must be doubt upon this point. Is it proved that there was a blow upon the head?

Now as to the cut in the breast. Several respectable gentlemen testify that the cut was not a clean one, but it was ragged. Three witnesses testify that whenever the stab was made it was not done with a sharp knife. One witness (Dr. Strong) testifies that the cut was a clean one. Here again there is doubt—discrepancy in testimony. Is it clear that life was lost by a stab?

The parts are divided. Though this body is found mutilated, distressingly mutilated, there is not one who believes that this mutilation was the cause of death. How the man died is still a matter of mystery and doubt.

Is it a necessary conclusion, because the remains are found, that a violent death took place? A man is seen to run from a house with a bloody sword. Persons enter and find a bleeding corpse. The inference is plain. But how in this case? The man was missing on the 23d, but the remains were not found until the 30th, seven days after. Can it be said that Dr. Parkman did not die a natural death, in some of the many forms in which death comes upon us? or that he may not have fallen by his own hand?

Can it be certain, under such circumstances, that a violent death took place—that Dr. George Parkman died by the hand of a fellow-man? Lord Hale said he would not recommend a conviction, under circumstantial evidence, except the body had been found. The same caution must be applied to the means of death. And if there is left doubt of the means, then a violent death cannot be assumed.

Dr. Webster does not pretend to say how the remains came in the Medical College. Some one may have placed the remains in the College after suspicion had fallen upon the College. Can it be said that is not so?

Suppose we arrive at the conclusion that those were the remains of Dr. Parkman, and that he came to his death by violence, what is the crime committed? Dr. Webster denies that he took the life of Dr. Parkman.

But his counsel cannot rest the case here. They do not feel it right so to do. We contend that the evidence shows that if a homicide was committed by Dr. Webster, it was done under such circumstances of extenuation as to reduce the crime from murder to manslaughter. The Court will instruct as to the law bearing upon the question of malice aforethought.

[Some remarks were addressed in a low tone of voice by Mr. Merrick to the Court, upon its ruling in the case of Peter York, to which Judge Shaw rep. i. d.]

If the jury is satisfied that Dr. Webster killed Dr. Parkman, and did it by design, then the homicide, by the law, becomes murder; but if it was not done by design, but with provocation, or in the heat of combat, then the homicide is only manslaughter. The government contends that there was express malice—that Dr. Webster enticed Dr. Parkman into the College, and then murdered him.

The government denies that a business interview took place, as Dr. Webster has admitted—denies that he paid the money to Dr. Parkman, as he says he did, because he had not the money about him—therefore the government concludes that the visit of Dr. Parkman was in consequence of the enticements of Dr. Webster. As to the evidence of Mr. Pettee and Mr. Dana, in relation to Dr. Webster's cash accounts, the counsel were authorized to say, that this was not the money which Dr. Webster was to pay to Dr. Parkman.

It is true that he drew a small check on Mr. Henchman. But the money he deposited in the Bank,—the money he obtained from Mr. Henchman,—were only for his every day use. No attempt has been made to show where the money came from, to pay Dr. Parkman, for this is utterly impossible, under the circumstances.—But the government has no right to contend that malice is expressed, because proof fails on this point.

It is well known to all that business arrangements had taken place between Dr. Parkman and Dr. Webster. The counsel went into the details of the mortgages, the bill of sale of the cabinet, &c. Dr. Webster well knew that the claim of Dr. Parkman must be satisfied—the time was near at hand, and Dr. Webster was saving up the money to meet the claim. Of the \$195 paid to Dr. Webster by Mr. Pettee, and deposited in the Charles River Bank, about the middle of November, Dr. Webster only checked out \$150—leaving \$40 for Dr. Parkman's claim.

It is true that Dr. Webster did not desire to pay the money as speedily as he might—there were no friendly relations between the parties. But still he was saving up the sum necessary to discharge the claim, and was expecting the day when such discharge would take place,

and he would be free from his inexorable creditor.—The counsel passed in review the statement that Dr. Webster had paid the \$430 to Dr. Parkman, and contended that the evidence as produced by the Government went to sustain the declaration of Dr. Webster. The other business transactions were gone over.

All the considerations which were advanced, the Counsel contended were sufficient to repel the suggestion of the government, that Dr. Webster enticed Dr. Parkman there for the purpose of committing a diabolical murder.

He was of the opinion that the inference that a business visit took place was much more likely, than that Dr. Webster enticed Dr. Parkman to the College for the express purpose of murdering him.

At this point, at 10 minutes to 2 P. M., the Court adjourned to 3½ P. M.

AFTERNOON SITTING.

The Court came in at 3½ P. M., when Mr. MERRICK resumed and concluded his argument for the defence.

If Dr. Webster did kill Dr. Parkman at the interview on the 23d of November, there is no human voice to declare it; there is nothing but circumstances to show this to be the case. The defence contends that if Dr. Webster did kill Dr. Parkman, that it was under circumstances which cannot establish the crime of murder. It is well known that a business relation was established between the parties—that Dr. Webster was indebted to Dr. Parkman; this has all been proved. Dr. Parkman had charged Dr. Webster with dishonesty—had determined to use strong measures to recover the debt due to him—had applied to Mr. Pettee, and was disappointed and chagrined at his want of success in his application. Dr. Parkman had sent a bitter message to Dr. Webster, which, if he had received, must have caused a feeling of anger in his breast. Early as Monday evening, on the week of the disappearance of Dr. Parkman, we hear from Littlefield, the witness, that Prof. Webster and he had an interview; that Dr. Parkman left with a menace on his lips—"To-morrow something must be accomplished." On the next morning, Dr. Webster wrote to Dr. Parkman, probably in relation to his business—a note which we had hoped the government, in the multiplicity of its papers produced—would have produced, also. During the week we find Dr. Parkman making inquiries for Dr. Webster,—frequently at Cambridge bridge,—at Cambridge also, in search of his debtor. We find that on Friday morning Dr. Webster called and made an appointment to meet Dr. Parkman in the afternoon of that day. Knowing the state of feeling of the parties, can it be strange that a meeting should be attended with conflict—that a combat should ensue—blows be given—and one fall under the hand of the other. This is spoken of probabilities. Is it not more probable that strife ensued and death was the result than that Dr. Webster coldly and calmly led on Dr. Parkman to the interview, and with the determination to take his life. The annals of crime furnish no such instances as this—that a man like Prof. Webster, of his profession and habits, should plan a diabolical murder of the character which the government charges was committed. It must be that death came in the heat of blood—that one act led to after another, until there was a fatal issue of the conflict.

Is it to be argued that the disposition of the remains must be taken as evidence of the malicious intention? In struggles like the one suggested, it may be urged that the guilty party should at once come out and divulge the act. But who can say that he would disclose such an act? Who can tell how he would act under such circumstances? In cases like these, when the blood is up, the first act of concealment is taken, and all opportunity for divulging the act is lost forever. The first act of concealment would be followed by others. If the letters were written by Professor Webster to divert the attention of the Police, (and there is no evidence to sustain this point) it can only be considered as a result, a legitimate result, of the first erroneous step. The subsequent conduct, then, cannot be taken as evidence of malice. The probabilities, as suggested, all go to establish the theory that the homicide, if committed, was manslaughter, not murder.

The first two counts of the indictment to all practical purposes may be considered as one and the same—killing first with a knife—secondly with a hammer. Any evidence to show death by the knife would support the second count—any evidence to show death by the hammer would support the first count—but no such evidence would support the third count. As to the fourth count the defence claims that the government is bound to set forth the manner of death, in a clear and distinct form—to make a precise and exact statement in an indictment, or that indictment falls to the ground. Therefore we contend that it is incompetent to offer any evidence under the fourth count, or to apply any evidence offered, to this count. If this mode of charging were allowed, how prepare for trial—whether for poisoning, strangling, stabbing, &c. The law does not limit the number of counts—they may be extended as far as the ingenuity of man will admit. But when the indictment comes to trial then there must be a direct application of evidence. The government has no right to em-

ploy the count or counts not setting forth offences in a clear and distinct form.

If the government should prove that death was caused by the fists and striking upon the floor, the evidence would not apply to the first or second counts. This was because the law provides for the class of killing enumerated in the third count. The only evidence going to show death was the result of the hammer or the knife is the evidence of Dr. Wyman as to the piece of the skull, and the cut in the left breast. But is the evidence clear and distinct upon these points? When the government attempts to prove death by hammer or knife is it clear that some other form was not employed? Is it clear that liquid poison was not poured down the throat of the deceased? Is it clear that Dr. Parkman may not have fallen from the steps and been killed? It may have been a knife—it may have been a hammer, but is this clear? Is there no doubt upon these points? Suppose, as the Attorney General contends, the law is erroneous in restricting the modes of preparing an indictment; so long as it is the law it must be sustained. Besides the law says—be it that a hundred men should escape than that one innocent man should perish.

The counsel then proceeded to consider the evidence as applying to the charge of murder. The government charges that Dr. Parkman is murdered—that he came to his death by the hands of Dr. Webster. This Dr. Webster denies. The government charges that the remains are those of Dr. Parkman. This, for present purposes, is neither admitted or denied. Dr. Webster takes the ground that the remains, for some purpose, were taken and placed in the College, without his knowledge or consent. Dr. Webster, on the morning after his arrest, opened the whole defence, and declared that for the world he did not know how the remains came there.

The great circumstances upon which the government relies are that Dr. Parkman entered the College, and never left it, and that the remains were found, and that the living and dead man had been in the keeping of Dr. Webster ever since the hour of his disappearance. There are collateral circumstances, and first as to the three anonymous letters received by the City Marshal. The government charges that the letters were written by Dr. Webster, and for the purpose of diverting attention from the Medical College. The counsel regrets that more time had not been allowed to examine the letters at greater length.

There is, however, no proof that the letters were written by Dr. Webster. The letters the government had put in. Mr. Gould has testified to these letters. Mr. Smith has so testified. But the witnesses do not agree in their testimony. Upon the "Civis" letter, Mr. Smith agrees with Mr. Gould, but disagrees with him in his opinion as to the other two. If there is any one of the letters written by Prof. Webster, it is the "Civis" letter, beyond a doubt. The opinions of Gould and Smith are only evidence, which the jury must weigh—not be governed by it. The jury are to have the letters before them, and to draw their own conclusions as to handwriting. The counsel thought that the most careful scrutiny of the "Civis" letter, compared with genuine handwriting, would show that the evidence of Mr. Gould was not entitled to any weight whatever. He had no doubt that the jury would arrive at the same conclusion after a careful examination of the same.

The government has introduced testimony in relation to certain articles, that on Friday morning Dr. Webster ordered a tin box. This is true. The government says that the remains were to be placed in it. But the box was not to go to the College, but was to go out of town to be filled. But the government must prove beyond a reasonable doubt that the box was prepared for the reception of the remains. Suppose this were the only issue in the case—how important to prove it beyond a reasonable doubt. This fact, that Dr. Webster obtained the box for the remains must be as clearly proved as any circumstance in the case. So with the fishhooks—unless the government proves that they were to be applied to the purposes which they allege, then they were not to have the slightest weight with the jury—as being in any way connected with the case.

Now the bag of tan. Dr. Webster sent in a bag of tan from his house, on Monday. The remains were imbedded in tan. The police prove that the tan was there on Saturday, Dec. 1st. The tea chest was seen by the police on Tuesday after the disappearance. The tan was there for a purpose which Dr. Webster would gladly explain. It is not strange that a chemist's laboratory should contain almost every article in the world.

The bunch of keys found in Dr. Webster's rooms caused the defence, at one time, some fears. But among them were keys to Dr. Webster's room—to the dissecting room—to which Dr. Webster always had a right to go. The keys would touch a burglar, but not a murderer. The keys, therefore, have no bearing upon the case.

There was a sledge, to which Littlefield testifies; and twine about the remains, to which others testify. The sledge may have been thrown away by Prof. Webster if he committed the murder. The sledge and twine may have been there, as Dr. Webster says, he knows not how. Upon the theory that a third person had been about

these rooms, all these things could be explained. The fact of the bank bill and Irishman has no bearing upon the case. Mrs Colman testifies to an interview with Dr Webster, in which she declared, quite sharply, that she did not see Dr Parkman on Friday afternoon, November 23d. But Dr Webster, while in charge of the police, and coming to the city, urged them to visit Mrs Bent, to ascertain about Dr Parkman. It seems very clear that he must have misunderstood Mrs Betsey Bent Colman or he certainly would not have invited the police to visit her, while riding into the city.

As to blood, Professor Horsford has said, it was not unusual to use blood in laboratories. It is to be presumed that Professor Webster wished to use blood in his lecture, unless it is shown its use was entirely incompatible with the subject of his lecture. This matter, therefore, should not bear upon the subject. It is a presumption of law that a party is innocent until proved guilty.

As to the conversation with Littlefield about the main vault. The evidence in relation to it has no special weight, for it shows of itself that an entirely innocent purpose was had in view by Dr Webster, though the government contends that the interview has to do with the murder of Dr Parkman.

Now for the evidence of the government as it applies directly to Dr Webster—that Dr Parkman never left the College after he entered it on Friday afternoon. The alibi of Dr Parkman is not only proved by the evidence for the defence, but also by the evidence for the government. One and a half was the hour in which the government alleges Dr Parkman was present in the College. But the government witnesses prove that he was there at a later hour, and therefore when seen by them he must have held his interview with Dr Webster, and must have been on his way home. The government fixes the time at 1½ P. M. Two of the government witnesses say he was seen at 10 to 10 minutes to 2 P. M.—some minutes after Dr Webster admits the interview took place.

Littlefield fixes an indefinite hour. What was the hour of appointment? Dr Parkman's servant states that he heard the hour of 1½ fixed as the time. Dr Webster fixes this hour. It is likely that Dr Parkman was at the College at the hour appointed, for it is admitted that Dr Parkman was one of the most punctual men that ever lived. Dr Parkman was in pursuit of Prof. Webster—and was urgent to secure his claim. Now as to Bosworth. Littlefield says that he saw Dr Parkman coming towards the College, when he left and went into an inner room.—When Dr Parkman came to the College the first time, according to Littlefield, the front door was wide open.—When he came according to Bosworth, the door was ajar. Therefore Dr Parkman must have been there twice; for Littlefield did not see Dr Bosworth at the same time that Dr Parkman was coming toward the College. Mrs. Hatch saw Dr Parkman at 15 minutes to 2, P. M., in Cambridge street. Mr. Thompson saw him again a few minutes after 2 P. M. in Cau-away street. The counsel contended that the evidence of the government itself showed that Dr Parkman must have left the College at 1½ or 5 minutes later, and that at the later hour in which he was seen, he must have visited the College the second time. If Dr Parkman had not been at the College, how came it that he spent so long a time in Holland's store? Is it possible that Dr Parkman, so punctual, so urgent for his money, would have stopped so long at this store, unless he had completed the interview?

On Friday night, November 23d, Littlefield fastens the door of the dissecting room—boits it on the inside; in the morning the dissecting room door was open. Dr Webster was at home that night—proved so by his daughters and others, who testify that he was out in the evening at 10 or 10½ o'clock. On Tuesday, the rooms of Dr Webster were passed through, though there might not have been any close examination. Dr Webster was at home on Wednesday. The tea chest on Tuesday was partially covered up with minerals; when the remains were discovered, it was entirely covered up. And yet the College had been mysteriously entered on Friday night, so testified by Littlefield, who states that he found the dissecting room door open on Saturday morning, though he boited it on the inside the night before.

There was a knife in the tea chest. Why was it there, if Webster committed the deed? Why that clean knife in the chest? What could be Webster's object in placing it there? Why the twine on the thigh, if Professor Webster perpetrated the murder? It cannot be answered unless on the supposition that some mysterious person had been there and altered the face of things in the absence of Professor Webster.

On Tuesday there was a bright fire in the assay furnace, according to Kingsley. But it does not appear that any bones were discovered in it. On Wednesday Prof. Webster left early and was at home all day, and did not visit the College again until Friday.

But at the College were remains, but where were the clothes? Dr Parkman must have had garments on. If you admit that Dr Parkman was laboring under an aberration of mind, then it may be admitted that Dr Parkman was taken in a naked body, and treated as he was.—The chemist discovered in the furnace a minute portion of tea chest lead. But were there any buttons, any re-

maina of the incombustible portion of clothing? The Counsel next referred to the testimony of Littlefield, which he did with regret, as anything to be said would seem to throw suspicion over him, as being connected with the disappearance of Dr. Parkman. He disclaimed any such intention. He felt constrained to allude to anything that might affect the testimony of this witness, as his evidence bore upon the defendant. If there were any circumstances affecting him they should be known. Littlefield is corroborated to a slight extent by other witnesses—by Sawin of Cambridge, who brought in things for Prof. Webster, and placed them in his cellar, where he had never placed them before.

Dr Webster did not say to Sawin that the door was locked—he said nothing about the key. Sawin, it is true, found the door locked. Mrs Littlefield corroborates her husband to a slight extent. But it is not so much as particular as to the whole testimony, that attention is to be paid. Littlefield makes out that Dr Webster changed his whole conduct that week. The defence did not attempt to impeach the character of Littlefield. He had made some discrepancies, some errors as to time, &c., but it is not upon these points that the jury was called upon to make abatement. But it was upon the intrinsic and internal evidence that the Counsel would fix the attention of the jury. Much time had been occupied with Littlefield's evidence, but not an unnecessary period. The evidence, however, might be narrowed down to a few points.

Take Sunday night, on which he had his conversation with Dr Webster. He told Dr Webster that he had seen Dr Parkman on Friday afternoon. On Saturday he told Trenholm that he had not seen Dr Parkman for three or four days. From the appearance and conversation of Dr Webster, on Sunday evening, Littlefield suspected that he was a murderer. Up to that very moment, nothing being shown to the contrary, the most peaceable relations had subsisted between the parties.

Littlefield mentions his suspicions to his wife, on Sunday evening. On Friday afternoon Littlefield attempted to enter Professor Webster's rooms—did so soon after his return from a party in the evening. He tried them on Saturday—on Friday also. We speak of Littlefield's conduct before he entertained suspicion of Professor Webster. See what it was after suspicion had fastened itself on him.

On Monday, Littlefield passed through the lower laboratory of Prof Webster three times alone, and once with the police; he had every opportunity to search the rooms, if he desired. Dr Samuel Parkman called to see Prof. Webster on that morning. Littlefield went to the laboratory the first time on that morning; he passed up and heard part of the conversation between Dr Parkman and Dr Webster; he goes to it again when Mr. Blake calls; he makes no search at either time, and still he has a deep conviction on his mind that Prof. Webster had murdered Dr Parkman. Kingsley and Starkweather went to the College on Monday, and Littlefield says that the party passed through the building without any search at all. On Tuesday a party of police comes to search again. Littlefield at the time deeply impressed with the conviction that Dr Webster was a murderer. When the party was in the lower laboratory a question was asked about the privy, and Dr Webster, it is said, turned the attention of the party another way. And still Littlefield does not divulge—his suspicions do not manifest themselves—he indeed appears the least observant of all. On Tuesday he takes an order for a turkey. Can it be possible that he would take his Thanksgiving turkey from a man whose right hand was red with blood? He goes out in the evening and walks some distance with Professor Webster, and all the while believes him a murderer. In the evening he says that he called at Hanneford's and talked an hour with him about his suspicions. Can this be possible?

On Wednesday he finds heat on the wall. He enters the laboratory and finds no fire in the furnace. Whence, then, this immense heat—so great as to excite his fears that the building was on fire? How can it be explained? He does not even remove the crucible on the furnace; he does not examine the privy; he looks at the hoghead, thinking, as he says, that he might find Dr Parkman stowed away in the hoghead. On Wednesday he communicates his suspicions to his hired man—on Thursday to Mr. Harlow. On Thursday he goes under the building, and sets to work with a hammer and a chisel on the privy wall.

Why did not Littlefield contrive some means to get into the privy? If after having got in and not being able to see, why did he not lower a lamp into the vault, which would afford light sufficient to discover the remains, if they had been there at the time? The last advertisement for reward was offered coincident with the commencement of Littlefield's labors, and he still disclaims all hope of reward. Why not claim this reward, if honest? The parties are willing and able to pay it. On Thursday, Littlefield gives up his work, notwithstanding his suspicions. He goes to a ball on Thursday night, dancing eighteen dances out of twenty. And this is done when he suspects the murdered remains of Dr. Parkman are beneath the building.

On Friday, Littlefield details an easy conversation with

Dr Webster in his kitchen, while he (Littlefield) was at breakfast. After this period it does not appear that he sought Dr Webster again during the day. In the afternoon he goes to work again. But during the week he does not mention his suspicions to any proper authority. On Friday morning he mentions his suspicions to Drs Bigelow and Jackson, who desire him to go on and clear up the matter. He jokes with the Fullers when he borrows their tools. And yet he was expecting to find the body of a respected citizen, and in the finding to accuse another respected citizen of his murder.

Mr. Starkweather asks if every place has been searched. "All except the privy," is the reply. "Let us search it, now," says Starkweather. "Not now," replied Littlefield; "Dr. Webster has the key, and has gone home." He does not tell Kingsley, his friend—and that too, when he has already perforated the wall; his friend Trenholm comes, and he puts him off—tells him that in twenty minutes he will get through the wall; and the remains are found, just opposite the hole made in the wall, and some distance from a line let fall perpendicularly from the privy hole. Can it be supposed if Professor Webster is guilty of the murder, that he would have changed his whole conduct so as to furnish grounds of proof against him? This is utterly improbable.

The Counsel next proceeded to speak of what he deemed as favoring the theory of the innocence of the prisoner. Where are the traces of blood? Only minute spots on the pantaloons and slippers—none on the knife—none on the sheath knife—none though pavements are taken up—and everything examined. The overalls have no trace of blood on them. So says Professor Horsford.

Littlefield says he could never find the overalls after the discovery of the remains. And yet Prof. Horsford says they were there after he took possession of the rooms—the police had used them, apparently, for a pillow—that he sent them out to Prof. Webster's house. Could not Prof. Webster have destroyed every vestige of the body? How comes it, with all his chemical knowledge, that it is left scattered all over the rooms, to be used as evidence against him? There are no traces of a violent deed. These improbabilities render it utterly impossible that Prof. Webster could have been guilty of murder. An unknown and a mysterious agency must have arranged those matters.

Professor Webster, at home on Friday evening—at Professor Treadwell's the same evening, exhibits no nervousness of manner—no marked expression of countenance. The children of his bosom discover nothing to indicate that anything unusual had happened. To appear as he did, if guilty of murder, he must be more or less than man.

On Saturday Prof Webster reads that Dr Parkman was missing—that he had an appointment with an unknown man on Friday. On Sunday Dr Webster comes in to announce to the family that he was the unknown man. What necessity for this if he was a murderer? He meets Mr Blake first, and then visits Key Dr Francis Parkman; with one he is too warm, holding him by the hand—with the other he is too cold, and formal.

How is this? It is a matter of some difficulty to know how to treat afflicted friends, at such interviews. On going home, Dr. Webster calls on Mr. Page to ascertain if the mortgage was discharged. During the week he appears as natural and collected as ever. Nothing whatever in his manner to indicate that he had gone through such scenes as he must have gone through if he murdered Dr. Parkman.

On Friday, Nov 30, he appears perfectly unsuspecting when Mr. Clapp and the officers went out to arrest him. He offers to go, in the most collected manner, to search the Medical College—makes no objection whatever. Could he have sustained himself as he did if he had been guilty of murder? Is it possible that this could be? He asks "What does it mean, that the driver goes up the wrong street?" He appears calm and collected all the while.

Arrived at the jail, he is shown into the inner room, and there asks, "What does all this mean?" He is told that he is arrested as the murderer of Dr. Parkman. In the utmost alarm he asks, "What! me?"—and there his voice falters. He attempts to speak, and Mr. Clapp tells him not to speak of the crime; he then asks for his friends, Messrs. Dexter and Prescott; is told he "cannot see them to-night," and he then sinks under it; he exclaims, "My children! my children!"

No matter whether for good or not, he was deceived when taken from his house. In the midst of his anguish, while overwhelmed with the enormity of the charge, he utters some half broken sentences, which Mr Starkweather takes down at the moment, and repeats in Court. He says, however, that the porter alone has the key—has access to his rooms. Prof. Webster is carried to the College. His rooms were broken open—he was nearly helpless all the time. He was most composed in the upper laboratory, and that, too, when the key of the privy was asked for—the very place where, as the government alleges, Professor Webster had deposited the remains. And this was before the remains had been exposed. He went into the lower laboratory, but no inference can or should be drawn from anything which he might say under such circumstances.

He was taken back to the jail and his cell, where he was

most kindly cared for by the jailor, Mr. Andrews. And here a few half broken sentences escaped him. In the morning when a little recovered he opened his whole defence—"I do not think that those are the remains of Dr. Parkman, but I cannot tell how they came there." All classes come before the Court and testify to what Prof. Webster has been. And it is a rule of law that in all doubtful cases, character shall be weighed in the scale.

Judge Merrick, in closing, urged upon the Jury the awful responsibility that devolved upon them. All that his client demanded was that they should carefully weigh the evidence in the case, and render such a verdict as would leave their own consciences free from all reproach.

[The Hon. gentleman occupied some six hours and a quarter in the delivery of his argument, which was most ably arranged, considering the depressing and overwhelming evidence of the government in the case. Judge Merrick's manner was impressive and earnest, and his delivery energetic. The Court room 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 25 minutes past 7, P. M., the Court adjourned to the next morning.

ELEVENTH DAY.

SATURDAY, March 30, 1850.

The Court came in this morning, at the usual hour, the attendance of spectators being very large. The appearance of the prisoner was in no wise different from what it has been since his trial commenced.

The Attorney General, Hon. J. H. CLIFFORD, at 10 minutes past 9 o'clock, commenced the closing argument for the prosecution.

In a cause of as much magnitude as the present, the Attorney General said, he expected, and doubtless the Jury expected, that every thing that could be advanced would be advanced, to show the innocence of the defendant at the bar. In that expectation he had not been disappointed. All that could be done had been done by his counsel; the transcendent ability that marked the closing argument for the defence, showed that all had been accomplished that could be accomplished. The Attorney General, in his opening, had expressed the hope, a sincere hope, that the prisoner would be able to show his innocence of the crime, which is charged to him. But in this hope he must say, and say it, too, with regret, he had been disappointed. It was not true that the prisoner had been the lonely inmate of a cell—unassisted and unfringed, as his counsel had asserted. He had not been alone and without friends. Every facility had been afforded to him to prepare his defence. Nothing had been withheld by the government; it had afforded every opportunity to the prisoner and to his counsel, to examine and inspect every thing that might bear against him. It fell to the prisoner, or his counsel, to complain of the prosecution in the case.

Complaint had been made against the government in relation to the secret proceedings of the Coroner's Jury. But the prisoner had an opportunity to open his lips before he came to his present trial, if he had been so disposed. But the prisoner had chosen, with or without advice of counsel, the Attorney General could not say which, to keep silent, and offer no explanation of the deep and damning evidence which had accumulated against him.

The Attorney General would ask the Jury if they thought that an innocent man would have thus conducted? Would he have suffered himself to be incarcerated in a felon's cell, and the good name upon which he had been building for sixty years to be consigned to infamy, and his family to suffer the most excruciating agony?—Was this reasonable?

The evidence of the defence applies only to four propositions, and upon these propositions the counsel had founded four hypotheses. The first proposition of the defence is as to the character of the prisoner. That he did bear an outside character was never denied by the government; how well grounded that character was, the event of the trial must determine. The second proposition of the defence is, that Dr. Webster's being locked up in his rooms was not an unusual thing by any means. This was only shown by one single witness, and had signally failed. The third proposition is the attempt to show the conduct and whereabouts of the prisoner during the week after the disappearance of Dr. Parkman. The fourth proposition is, the attempt of the defence to show that Dr. Parkman and Dr. Webster separated after the first interview at the Medical College. The hypotheses founded on these propositions must be considered in another connection.

The constitution and the laws have for their highest object the protection and safety of human life. And if there ever occurred a case in which the majesty of the law was to be vindicated, it is the one now under trial.—The defendant, Dr. Webster, has moved all his life in ed-

ucated circles—has been the associate of men of wealth and standing. His position has been eminently elevated, far different from that of the poor felon who is usually seen in the prisoner's dock. We are now to learn by the verdict which the jury shall render, whether the law alike regards the weak and the powerful.

The Attorney General next took up the question of the improbabilities that a false charge had been made against the prisoner. It had been urged by the defence that the government had introduced no direct evidence to show that the prisoner did commit the crime of murder. In answer to this it may be said that individuals do not usually take witnesses to crimes like the one charged.

The nature of the evidence from which the jury are to draw their conclusions is circumstantial, and must of necessity be circumstantial. We are to use all the means that lie in our power, to determine the point of the guilt or innocence of the prisoner.

It has been urged that circumstantial evidence is much less powerful than direct evidence. But direct evidence does not depend alone upon the veracity and integrity of the witness, but upon his intelligence and his powers of observation. And here the Attorney General read from the case of the Commonwealth vs. Harmon, tried in Pennsylvania, Chief Justice Gibson presiding. He read from the remarks of the Judge upon the nature of circumstantial evidence. The Judge declares that there is hardly any such thing as positive evidence. As for example: a gun may be discharged, and a man may fall, and die. A third person may witness the act, and testify to it. There is a possibility that there may not have been a bullet in the gun, but this is inferred because there is no other inference which can be drawn, upon which the death can be accounted for. Justice Gibson admits that innocent persons have been convicted and hanged on circumstantial evidence—so have persons been convicted and punished on positive evidence. The cases, of the conviction of innocent persons, however, are few, and the individuals who have fallen, have done so for the common good, as much so as soldiers who have fallen on the battle field.

Mr. Clifford next considered the points of law bearing upon the question of malice aforesaid. He contended that if any thing is found by the jury to show express malice; then the crime is murder. But implied malice must be inferred, if nothing is shown to the contrary. If exasperating language was used, and a blow was given by the defendant, and with an instrument likely to cause death, then is he justly charged with murder. Exasperating words alone were not sufficient to reduce the crime from murder to manslaughter. It was a somewhat singular spectacle that the Counsel in the opening for the defence should spend some two hours in a nice discussion of points of law, and only some five minutes upon the facts to be presented.

The Attorney General next considered the objection of the defence to the fourth count in the indictment. He thought the objection was not well grounded. He thought that the Court would demand strong authorities to sustain the objection. If a prisoner were keen enough to conceal his means, a conviction could never be secured,—however strong the proof of the murder. It had been suggested that Dr. Parkman had fallen from the use of the jasso,—or from some other means. But is there one particle of proof going to show that this suggestion has any foundation in fact? The Attorney General read from Hawkins the authority for the form of indictment, wherein it is declared the government is bound to set forth the fact as accurately as the nature of the circumstances will admit. If the authorities cited by the defence show conclusively that the law is as they contend in regard to the form of indictment, then it is time the law was altered. If the jury doubt, as well they may doubt, whether Dr. Parkman came to his death by a blow or a hammer, the Attorney General still hoped to show that Dr. Webster had had such connect' on with it as to convince them he was guilty of the murder.

It has been gravely urged that Dr. Parkman may not now be among the slain; and this, notwithstanding all the evidence upon this point. Can this be so? It has been said that when the brains were out, the man would die. But under the invocation of the learned counsel, the man revives, and rises with more than a thousand mortal murders on his crown—to push us from our stools—to push the jury from their solemn convictions in the case.

The next point reviewed was the alibi attempted to be proved by the defence. Dr. Webster started it at the outset, in saying that the remains were no more those of Dr. Parkman than his own. Could not the defence have put in fifteen witnesses as well as five? But if this were done, would not the witnesses have proved Dr. Parkman to have been ubiquitous?

The testimony of Mrs. Hatch is perfectly reconcilable with the testimony of the government—the hour and place all show he might have been where she states he was. But she speaks of “chin”—may she not, as her only recollection is confined to this point, have been mistaken—have deemed some other man as Dr. Parkman. As to Thompson, it has been proved that the clock on the Court House, at East Cambridge is notoriously inaccurate. And it was from this clock that he took the hour when he left East Cambridge.

Wentworth saw Dr. Parkman under peculiar circumstances, but he mentions seeing him only to his wife, for the whole time. Mr. Russell does not corroborate Wentworth—his testimony is therefore entirely unreliable. As to Cleland. How is it certain that the notes upon which he relies were dated on the day which he alleges?

Mr. Cleland had not spoken to Dr. Parkman for years. He did not speak to Dr. Parkman at the time he passed.

Now, as to Mrs. Rhodes' evidence. The sunset occurred on November 23d at thirty-two minutes past 4 P. M. It was near dark. Mrs. Rhodes says the gentleman did not bow first, which would be quite a different thing. Suppose she had bowed to a stranger resembling Dr. Parkman, would he not have returned the bow? She hears of the disappearance of Dr. Parkman on Sunday, but does not mention the meeting to Rev. Dr. Francis Parkman until Tuesday. Mrs. Rhodes speaks of a gentleman being with Dr. Parkman. But where is he? Mrs. Rhodes, it is clear, must be mistaken.

Mrs. Greenough is not certain, by any means, that she saw Dr. Parkman. If it is shown that Dr. Webster had to do with the murder of Dr. Parkman, then must the jury consider the testimony of these witnesses in connection therewith, and weigh the two. How does it appear?—that Dr. Parkman was roaming about the city—now in one place, now in another.

A computation shows that 30,000 persons pass through Court street in 12 hours. In this great city would not more than five persons have seen Dr. Parkman if he had been abroad on Friday afternoon after 1½ P. M.? But it is a fact that a gentleman was in the city at the time, to whom persons addressed themselves as Dr. Parkman. How often have persons been mistaken in this particular. The Attorney General said that he had been mistaken, for Mr. Train, the District Attorney for Middlesex, [and the counsel related the circumstances under which the mistake occurred.] The Attorney General supposed that the individual who made the mistake would have gone upon the stand and sworn that he had talked with Mr. Train in the street, instead of Mr. Clifford who it really was. It was sometime before the man would believe that he was mistaken. [Another example in point was cited by the Attorney General.]

He urged that the testimony of the defence in relation to Dr. Parkman's being seen on Friday afternoon, was not entitled to any weight whatever—certainly not sufficient to call up a reasonable doubt in their minds. But if Dr. Parkman was seen, as testified to, and Dr. Webster is connected with the murder of Dr. Parkman, and this connection is fully proved, the fact is of no material weight in the case. The day or the hour are not material. Where was Dr. Webster on that Friday afternoon—where did he dine? Is it not shown that Dr. Webster was dinnerless and alone at the laboratory on that Friday afternoon? Could not Dr. Webster have shown where he dined if he had been so minded? The Parkman alibi, as it is called, is therefore of no weight in the case.

Now as to the identity of the body. Something has been said as to the negative side of the argument. The evidence shows that all the remains found in the privy, tea chest, and the furnace, were parts of one human body. The testimony shows that the remains were not used for the purposes of dissection. It is not contended that any other person had been killed and was missing at the time except Dr. Parkman. The remains all afford points of resemblance, and none of dissimilarity, to Dr. George Parkman. Under these circumstances can it be possible that there should be any mistake? The chances for mistake cannot be calculated—they are millions to one. One single point of dissimilarity would be fatal to the question of identity. The remains were identified before Dr. Keep had examined the teeth. His friends were satisfied that the remains were those of Dr. Parkman upon the first examination. The points of resemblance are in size, general configuration—length and quantity of hair, &c. It may be said that the traces are slight. But they all tend to one point.

The demonstrative testimony was next reviewed; the testimony of Dr. Keep, Dr. Noble, and Dr. Wyman. It is a singular fact that a set of teeth was made for Dr. Parkman, that he might be present at the opening of the Medical College—a still more singular fact that this same set of teeth should be found in that same College, to preserve his memory, and to vindicate justice. Such a fact directly points to the overruling hand of Providence. The agitation of Dr. Keep, when upon the stand, proves how reluctantly he gave the testimony which he knew went so forcibly to fix the charge of murder on Dr. Webster.—Dr. Keep knew his work, and fully recognised it. Drs. Harwood and Tucker testified that the dentist could recognise his work as readily as the sculptor his productions. But here comes the testimony of Dr. Wyman, who finds the lower jaw, or fragments of the lower jaw of Dr. Parkman, in the contents of the furnace. Amid the ashes of the furnace, science detects and reconstructs, so as to be recognized, the remains of the deceased. [And here a beautiful tribute was paid to the cause of science, to the medical profession, and to the memory of the late Dr. Gay.]

The counsel considered the matter settled that the remains of Dr. George Parkman were found in the rooms

of Dr. Webster. The condition of the remains negatived, and without argument, the propositions that Dr. Parkman died by his own hand, or by the visitation of God.—There was crime connected with those remains—in their concealment. All the circumstances connected with the concealment prove this.

The Attorney General took up the consideration of the hypotheses set up by the defence. The counsel contended, as inconsistent as were the hypotheses, the defence had done all that could be done for them—simply from the reason that the truth was against the defendant.

The defence admits that Dr. Parkman was at the College on Friday. But Dr. Webster did not admit this except for the purpose of turning off suspicion from himself.—The hypotheses were: first, there was no direct evidence that the remains were those of Dr. Parkman; secondly, they might have been the remains; thirdly, that Dr. Parkman did not die by violence; and, fourthly, that Dr. Parkman was killed out of the College, and his body was taken into the building.

Mr. Clifford reviewed the testimony of the defence that there had been a separation of the parties—Dr. Parkman and Dr. Webster; and then contrasted this with the hypothesis that Dr. Parkman had been killed out of the College, and the body was taken in and treated in the manner it was. He pronounced the whole matter a mass of absurdity. After 1 o'clock on Saturday morning, and 1 o'clock P. M., where was Dr. Webster? It does not appear from his own evidence that he was at home.

The dissecting room door was found open by Littlefield on Saturday morning, although he bolted it on the inside the night before. How does this bear upon the point that Dr. Webster is not proved to be at home on Friday night or Saturday forenoon. It has been suggested that the offering of the reward was coincident with the commencement of Littlefield's search. But this is not so. Besides, the remains were in such a condition as not to be easily identified, in case any one, in finding them, should claim the reward.

If Dr. Parkman was killed in the College, either Dr. Webster or Mr. Littlefield must have known it. There is no escape from this proposition. The proposition that an assassin lurked in that entry and killed Dr. Parkman is perfectly absurd—that he was killed outside, and his body taken into the building without the knowledge of Dr. Webster is equally as absurd. If taken in for purposes of consuming by fire, Dr. Webster must have noticed the operations. All the other facts, as testified to, about the appearance of the rooms, go to show this. The person who is supposed by the defence to have placed the remains in the College, acted a most inconsistent part, if he wished to procure a reward, or to cast suspicions on Dr. Webster.

Now as to the testimony of Mr. Littlefield. The defence admits that his testimony, if believed, bears hard upon the defendant. The defence did not dare to call his character in question. The government could have sustained it, and shown that he had the confidence of as honorable men as any in the community.

The Attorney General deemed it unjust that after Littlefield had passed such an examination as he had undergone, that the defence should charge him with telling an improbable story. That the remains were in the College must have been known to Webster or to Littlefield. This is clear, and it can be shown that Littlefield did not know it. Littlefield was not placed on the stand as a man of refinement, or nice moral sense. His rooms were searched throughout, and no evidence of guilt was detected. He has been retained in his place ever since the arrest of Dr. Webster. The attacks made by Dr. Webster on Littlefield demand that justice should be done to him. His testimony is entirely uncontradicted. The old man Green could not recollect, or was not certain of the conversation held on Craigie's bridge.

The Attorney General contended that the Jury was bound to receive the evidence of Littlefield as true. The falsity of the argument for the defence, lies in the fact that they consider the suspicion of Littlefield, as a settled conviction—at the time, too, when he mentioned it to his wife on Sunday evening. It was not a conviction in Littlefield's mind—it was not an expectation even—but a mere suspicion. And he is accused of acting inconsistently with entertaining this suspicion. Did not a slight suspicion cross the minds of more intelligent men earlier in the week? Littlefield did not dine at home on Thursday—so all the paths about the turkey is lost. Is there any thing improbable in the heat upon the wall? Certainly not.

He would not risk everything by going into the laboratory or the privy. It is for this that he digs through the privy wall. Dr. Jackson exacted secrecy from Littlefield. The defence do not charge Littlefield, but they attempt to try him. They have all along contended for specific charges. Is this justice—Christian justice? Littlefield has spoken out every thing—Dr. Webster nothing. The testimony of Littlefield and his wife corresponds. Through all the cross examination of the parties, nothing was elicited to show any discrepancy in testimony. Even Littlefield, the janitor of the building, and accustomed to sights unusual, weeps when he discovers the remains of Dr. Parkman under the privy.

The Attorney General went on to review the testimony going to show that no opportunity was afforded Littlefield to commit the murder, or to dispose of the remains. He concluded that not the slightest opportunity was afforded. In relation to the destruction of the remains by the means of a chemical substance, the Attorney General said that no certain inferences could be drawn touching the conduct of men engaged in criminal enterprises. This was a general answer to the suggestions of the defence. But fire suggests itself most readily as a mode of destruction; and this mode must have suggested itself to a man of as much intelligence as Prof. Webster.

To dispose of the body of Dr. Parkman, Dr. Webster had two things to do. He had to keep up his natural conduct, to be prepared at all moments to speak or answer questions in relation to Dr. Parkman. He has been seen during the trial, when others were in tears, to manifest not the slightest emotion, not even when his own daughters were on the stand. [Some excessively severe remarks were uttered by the Attorney General in this connection, to which Franklin Dexter, Esq., who was sitting beside him, replied in an under tone, addressed solely to the speaker. The remarks were entirely inaudible to us.]

Mr. Clifford commented upon the presumption set up that a man of Dr. Webster's attainments and position could not commit a crime like the one charged to him. His own evidence showed him to be a man of no very marked character—one who might, perhaps, be readily left to commit a crime. Although a man may not become suddenly vile, he may be overcome by sudden temptation; we can never know what operations are going on in the mind. It is all mere cant that a man of education may not commit a crime.

About a hundred years ago an accomplished scholar was tried in England for the murder of a man, committed twelve years before he was indicted. It was Eugene Aram. It is idle to say that a scholar may not be led to commit crime.

So with Dr. Dodd, a respected clergyman of the Church of England, who was executed during the last part of the last century. So with Robinson, who murdered Suydam, in New Jersey; so with Coobidge. In the case of the prisoner at the bar, no reliance should be placed on character.

The Attorney General next examined the facts going to show that Dr. Webster was connected with the murder of Dr. Parkman, and the first point was the relations which subsisted between the parties, and here Mr. Clifford used the description furnished by the Counsel for the defence. He also reviewed the relations existing between the two men, as proved by different witnesses upon the stand. He spoke of the fact of the indebtedness of Dr. Webster to Dr. Parkman—of the efforts made by Dr. Parkman to secure his debt, and other particulars already given to the public. All the circumstances surrounding Dr. Webster show that he must have had a strong motive to get rid of his creditor in some way, and at any rate. The remains were found on his premises—the property of Dr. Parkman in his possession,—of the manner of obtaining which he gives a false account. And more than all this, Dr. Webster makes no explanation whatever of the circumstances.—There is another kind of evidence in mute nature which goes to convict Dr. Webster.

Mr. Clifford went over the history of the indebtedness of Dr. Webster to Dr. Parkman, the history of the mortgages, and urged that Dr. Parkman never intended to cancel the mortgage, as other parties held interests under it. Dr. Webster's statement was entirely false. If Dr. Webster paid Dr. Parkman, he would have taken the notes to Dr. Webster, and Dr. Parkman would have turned over the mortgages to other parties. After Dr. Webster had got the notes from Dr. Parkman, he was then to dispose of the remains—and fire most readily suggested itself.

Dr. Webster did not owe Dr. Parkman \$483 in November last. From the character of the memoranda found in Dr. Webster's pocket-book, the Attorney General argued that his statement as to his indebtedness to Dr. Parkman could not be correct. Mr. Clifford also commented upon the little memorandum found in the pocket book.—Upon this was written in pencil, \$483. This was done with a view to keep up a uniform story.

In the letter to his daughter he tells her not to open the little bundle, &c., and in this little bundle are found the two large notes, and the memorandum account of Mr. Cunningham.

The two notes are not crossed with a pen. An opportunity will be afforded the jury to make experiments, and see how the erasures were done.

At this point, 5 minutes past 2 P. M., the Court adjourned until 3 P. M.

AFTERNOON SITTING.

The Court came in at 3 o'clock, when the Attorney General resumed, and concluded his argument for the prosecution.

Mr. Clifford referred to the various statements which Prof. Webster had made to Mr. Blake, Mr. Littlefield, and others, all of which he pronounced false. He declared that he had never paid the money at all to Dr. Parkman.

He argued from the evidence of his bank account, from Mr. Pettee's account of the sale of tickets, and his own sources from which he says he obtained the money, that it is out of the question he could have paid the amount to Dr. Parkman. He has never attempted to show from what sources he obtained the money which he paid to Dr. Parkman. Not a particle of evidence has been produced to show where the money came from. The prisoner has had the whole treasury of the Commonwealth at his command wherewith to summon any number of witnesses to testify to the money—where he obtained it. He might have summoned every medical student to testify for him. The government had come to the unhappy conclusion that Prof. Webster had no money to pay to Dr. Parkman.

Mr. Pettee calls on Dr. Webster on that fatal Friday morning—conferation was held, and Dr. Webster tells Mr. Pettee that he would have no further trouble with Dr. Parkman, as he had settled with him. And this was said after he had called and made the appointment to meet Dr. Parkman at 11. Why not pay the money in the morning? There is no evidence that he obtained it in the interval between 9 A. M. and 1 P. M. If Dr. Webster did not pay the money to Dr. Parkman, and that he did not pay it, is clear, how came he by the notes found in his dwelling? On the margin of one of the notes is written \$483 was paid Nov. 22d, 1849. Was this an afterthought? How comes it that he requested his wife to keep the package just as she found it? How came the notes in his possession? It was asked again. On Friday evening, Dr. Webster did receive from Mr. Pettee a check for \$90. On the 24th, we find from his bank-book that he did deposit this sum in the Charles River Bank.

Towels were found with the remains, marked with Prof. Webster's name. Some of the towels were nearly new. Dr. Webster was not a man to throw new towels away. There was a knife in the tea chest. That knife was seen in Cambridge on the 17th. It must have been brought over afterwards. The tea chest was not covered up with minerals when seen at first, but it was afterwards covered, as was noticed. The knife was there, with no blood upon it. Is it natural that there should be? The sledge was gone. The sheath knife and the murderous instruments are all there—all connected with Prof. Webster, and no one else. Why was that tan there, in that suspicious manner? Why not let Mr. Sawin carry the tan into his laboratory? The bag of tan was taken into the laboratory by Prof. Webster. The boxes and grape-cuttings were left outside. A great part of the pitch-pine kindlings were gone. It was a slow operation to consume the clothes. And this accounts for the consumption of the kindlings. The report shows that there was among the remains in the furnace a shirt button.

Then there are the drops of blood on the clothes and slippers. Dr. Wyman's testimony has a peculiar significance on this point. The spots on the stairs are noticed by Littlefield; he tasted them—found them acid. Dr. Wyman noticed them. The spots were fresh—of nitrate of copper—a destroying agent of the traces of blood. Dr. Wyman tells us that water is good—quite as good as nitrate of copper; water was used there in great abundance all the week. How then are we to expect to find traces of blood under such circumstances? Blood does not necessarily flow externally from a stab. But in removing the body, or on the stairs are left traces of blood. The government did not make use of the overalls. The skeleton keys were filed. Is it supposed that a key fitting the door of the dissecting room and Dr. Webster's room was found attached to a bunch picked up in the street? We find grapples made of fishhooks, purchased on the preceding Tuesday. One grapple had been used—this is clear—it did not answer, and others were purchased. Around the thigh is found a piece of twine. But the ball of twine is found only in the private room of Prof. Webster, to which he alone has access.

Dr. Webster carried in his pocket the key of that privy in which the remains were found. Is it likely that so cumbersome a key would be carried by a gentleman of refinement like Prof. Webster, unless he had an object in so doing? Here are the remains found in a place to which the prisoner always had access—the key of which he kept continually in his pocket. It must be conceded that Dr. Webster murdered Dr. Parkman, and that his mutilated remains were found in the College. During the week Dr. Webster was locked up in his laboratory in an unusual manner. A large number of witnesses testify to this fact. The Cochituate water was running—no fires were wanting—and yet there were hot fires kept up, and in a place where none had been kept before. The testimony of Littlefield and Dr. Webster's daughters does not conflict. No trace of Dr. Webster exists from 1 o'clock on Saturday morning until Saturday afternoon at 1 o'clock. So it was as fair an argument that Dr. Webster came over that night, as that some one mysteriously entered the building. On Saturday morning he does not permit Littlefield to pass through the lower laboratory.

On Sunday he was at the College—an unusual occurrence. How does Dr. Webster know that the servant of Dr. Parkman would recognize him? Why does not Dr. Webster come to the city earlier than he did? He dined

at an early hour on Sunday, but he does not reach Dr. Parkman's house until 4 P. M. It was only a business interview that he held. Then on Monday he braced himself up to the interview with Samuel Parkman Blake. The defence complains that one party says Dr. Webster was too warm—another too cold, in his interviews. Then his statements to Thompson and Fuller, these are significant. No fires on Tuesday—could not the defence ask if a fire was unlighted to the subject of his lecture? Then the chemists upon the stand could have testified if this be true. There was a fire in the assay furnace on Tuesday—on Wednesday also, as Littlefield says. He did not get home until 11 A. M. on Wednesday. He is in on Tuesday afternoon, for no other purpose as it appears than to give Mr. Littlefield that turkey. On Thursday he was at home after 11 A. M. On Friday he orders a tin box of Mr. Waterman. Could it be possible that he was going to send plants in an air tight box to Fayal? Dr. Webster tells the story about the memeric woman, at this time. This is singular, to say the least. But he tells the same story to Littlefield and his wife. He buys the fish-hooks on that afternoon. He has an interview with Mrs. Betsey Bent Coleman on Friday—a singular interview. On some one night of that week he went out to Cambridge, in the late theatre omnibus. That he played whist or went to see his friends is all consistent with his subsequent conduct.

Mr. Clifford referred to the anonymous letters, and claimed that the evidence offered upon them was entitled—eminently entitled to the consideration of the jury. The "Civis" letter is evidently written by a man of intelligence—by a man who understood Latin. The East Cambridge letter is written upon fine note paper, and with some other instrument than a pen. A peculiar instrument is found in Dr. Webster's office, just fitted to make the erasures which are found upon the notes, and to write the letter in question.

The Attorney General then commented upon the interview which took place between Dr. Webster and Mr. Starkweather, the night of the arrest. The defence urges that no weight should be attached to the conversation—considering the terrible condition in which Prof. Webster was. But Prof. Webster had malvolence and intelligence enough then and there to accuse an innocent man of the murder. "Did they find the whole of the body?" asked Dr. Webster. How came this question? Then spoke out the guilty conscience of the man. Could that question have been asked by Prof. Webster if he had not had some knowledge of the condition of the body? The Attorney General also commented upon other portions of the conversation. He traced Prof. Webster to the jail, and alluded to his appearance, and argued from this and his conversation that he had the guilty knowledge.

Dr. Webster writes a letter to his daughter; but does this letter indicate a frame of mind that should have been expected in a man situated as Dr. Webster was? The defence has urged that if Dr. Webster did cause the death of Dr. Parkman, it was done under such circumstances as to reduce the homicide from murder to manslaughter. But it is of no matter of consequence whether the murder was premeditated one day or one moment, provided the death was caused by an instrument likely to cause death. The Attorney General invoked the instructions of the Court upon the question of what was a reasonable doubt. This officer alluded to the family of Dr. Webster in touching and affecting terms—also to the family of the late Dr. Parkman; he asked that no false sentiment of tenderness should influence the jurors in the rendering of their verdict. There could be no doubt that the sentiment which has so prevailed, had operated most dangerously to the interests of the community at large.

At one quarter to 5 P. M. the Attorney General concluded his argument, having occupied six hours and three quarters in its delivery. It was decidedly one of the ablest efforts that we ever listened to, and made a most impressive effect on all present. Mr. Clifford is a most beautiful speaker, having an easy action and highly cultivated powers of elocution.

When the Attorney General took his seat, His Honor Chief Justice Shaw, with a voice broken with emotion, remarked to the prisoner that it was his privilege to add anything which he might deem material to his defence, to that which had already been advanced by his Counsel in his behalf. He felt it, however, his duty to state to him that he might avail himself of this privilege or not, as he pleased. The prisoner then rose in his place in the dock, his whole frame trembling, but with a clear and distinct tone of voice addressed the Court and Jury substantially as follows:

May it please your honors, I am obliged indeed to you for an opportunity to make a statement. I will not enter into any explanation of the complicated network of circumstances which has been brought to bear against me. It would require many hours to do so minutely; but if time were granted me, I could without a doubt explain away nine-tenths of the circumstances which have been

so unfortunately distorted against me, and establish my innocence.

Acting on the advice of my counsel, I have heretofore sealed up my lips; but they have not seen fitting to bring forward the evidence that had been ready prepared for them by me. This very silence has been construed to my prejudice,—my calmness urged as an argument against me,—and these things compel me to speak. As to the letter written by me to my daughter, (it was not, I think, the first I had written two or three long ones before,) I can only say that, having seen in one of the daily papers which are allowed to come into the prison—in one of these prints, I saw, I saw a notice that I had bought a parcel of oxalic acid; it instantly occurred to my mind that the same parcel could be produced. Mrs. Webster wanted some citric acid for domestic purposes, and I had forgotten to bring it so often that she laughed at me because of my forgetfulness. I went into Thayer's, opposite the Severe House, that afternoon, and talked to a party for some time. I left with the bundle in my hand, and went home by the omnibus, when I gave it to my wife, saying, "here is your parcel." This was what I referred to in the letter to my daughter; the bundle mentioned was the bundle I have told you of, and no reference was made to the notes whatever.

I will just say one thing more, and that is regarding the search for the papers in my house. When the men came the first time, they say they did not find them. After they had gone, Mr. Charles Cunningham came and instituted search in the same trunk in which they were found, and they were discovered there by him. He laid them on the top of the trunk—immediately where they were found. These papers had been overlooked by the officers when examining my house, and were in no bundle.

In regard to Rev. Dr. Parkman, I think he did not do me justice. In my conversation with him he certainly spoke to me of his brother's aberration of mind.

[The prisoner accounted for the traces of nitrate of copper, by stating that at the lecture before his last he tried hard to show the nature of acids and their action on colors. He also accounted on the same ground for the fires in the furnace, and the little bits of copper.]

Many things might have been mentioned had I had any thought of their being required; but I had none. I depended on the truth alone to prove my innocence. I did not anticipate that any more than the truth would be brought against me.

I have put my trust in God alone. My counsel have told me to be calm, and that has been brought against me to prove my guilt, and my capability to commit crime.

Some years ago I was accustomed to allow my students free access to my laboratory; but so many accidents occurred in consequence, that I latterly gave up the practice altogether. Of late, also, I have been in the habit of preparing my own things for chemical use, and when engaged this way, would have the laboratory shut up. This is not at all an uncommon thing, as it has been said to be.

On Friday I was proved to have been at home all the afternoon, and was not out, consequently I could not have been at the College. And as to Sanderson, that is a mistake. He could not have seen me on the night when he says he did. On Friday when I left the College, I went to get the omnibus at Brattle street, and stepped into Brigham's and took a mutton-chop, and there I remained for a time, after which I went home.

On Wednesday, after leaving the College, I had occasion to make a small present to a young lady of my acquaintance, and went into a store and made a purchase of a book—Humboldt's late work—after which I went into Brigham's again and got a cup of tea, when I chanced to leave a note and get the parcel behind me. My counsel went there and got the book and the note; but, as it has been with me in various other respects, this has not been mentioned by them."

[Dr. Webster here sat down. He however, in an instant afterwards started up again, and resumed.]

"I have one word more simply to say. I have felt more distressed by the production of these anonymous letters than anything else—and I call my God to witness—and if it should be the last word I should speak—I never did write one of them! My counsel have had a letter sent to them, by some one, saying that the letter signed "Civis," was written by him. If he is here, (elevating his voice to a high pitch, and using an animated gesture) *I call on him, if he has a spark of humanity in him, to come forward and say he wrote that letter!*

I believe notices have been put in all the papers for him to come here. I have said briefly what I had to state."

The prisoner closed his remarks and took his seat, an almost deathless silence having pervaded the room during their delivery.

A recess of a few minutes was then granted to the Jury.

At 5 P. M., C. J. SHAW rose and delivered his Charge to the Jury, the members, as is usual upon such occasions, rising in their places. His Honor remarked that the Court was well aware of the responsibility which de-

veloped upon it, in the solemn and important duty which he was about to perform. Late as were the hour and day of the week, he felt that it was best for all concerned to present the case to the Jury, and to complete the cause. On this account he should be more brief in what he might have to say than he should otherwise have been.

The question was one mainly of fact, but the Court must lay down the principles upon which the Jury were to be guided in making up their verdict. He should confine himself to stating the rules of law, rather than go over the mass of testimony introduced.

He did not deem it essential to make any appeal to the jury to do their duty; he was fully satisfied that the solemn proceedings already gone over, had impressed them more forcibly than he could possibly do. They had been called to try one of the highest offences known to the laws. To another department had been entrusted the power of making the laws, and whatever were those laws—whatever were the punishments provided for an infringement of them, it was our only province to carry them into execution. We are not, said his Honor, to consider their character, and are not responsible for their operations. When any individual is charged with crime, we are to consider what the law is—the facts in the case—and apply them to the charge;—and hence arises a division of duties. The Court may lay down the rules—the jury are to take them and apply them to the facts in the case, and return a verdict in accordance with those facts.

With these few preliminary remarks, the Chief Justice passed to speak of the charge which had been brought against the prisoner at the bar; he was charged with the crime of murder; homicide embraces every mode by which life may be taken, and is of various degrees, according to the circumstances. To decide what is murder and what is manslaughter, we must resort to the common law, which our ancestors brought over with them from England, and which is no less the common law of this Commonwealth, than it is of England at the present day. And to these principles he should refer, making use of memoranda which he had used upon a former and similar occasion.

Murder is killing with malice aforethought, or killing with any wicked intent, as when one kills another for his money. Manslaughter is killing under sudden passion—in the heat of combat—or with sufficient provocation.—The difference between the two crimes consists in the malice, which may be express or implied—and implied malice is inferred when, the fact of killing being proved, there appears no justification for the offence.

To assail an individual with a deadly weapon, is sufficient to show malice aforethought. But no provocation by mere words, when a mortal blow is given, will reduce a homicide from murder to manslaughter—that is, a blow intended to be mortal. There must be a sufficient provocation; an assault—a technical term perfectly familiar to lawyers—and not a slight assault, must be proven to warrant the employment of a weapon, the use of which is calculated to cause death. If two persons come together, not intending to quarrel, and strife ensues, and one party is slain, then the crime is manslaughter, no matter who gives the mortal blow; but if the parties meet with an intention to quarrel, then the crime is murder. These, with other distinctions, were pointed out by the learned Judge, he at the same time remarking, that there was not much in the present case to require that they should be pointed out to the jury—not much evidence having been shown to the Court that the parties came together in the heat of blood, or that any marked provocations were given by the one or the other.

To warrant a conviction in the case under trial, two things must be proved—the death of one party—and that the death was inflicted by violence, and under such circumstances as to exclude altogether the idea of death by suicide, or by visitation of God, or by the hands of another than the accused. And in the present case the Jury must perceive from the measures which have been adopted by the officers of the law, that there was no distinction among persons—social position made no difference. The poor and the rich were alike in the eyes of the law—alike amenable to punishment for any violation of its ordinances. The object of an inquest is when a sudden death occurs, to ascertain the facts, and if these facts prove that a crime has been committed, to punish the offender, be he who he may.

In the case now under trial, a highly respected member of this community suddenly disappears, and evidence is introduced going to show that he is dead, and that he met his death by violence. Now arises the question who committed the deed of violence? And this question is to be determined by circumstantial evidence, for there is no witnesses of the act, no direct evidence in the case. If it were required to furnish direct evidence, most crimes would go unpunished. Can the deed be proved by circumstantial evidence? Yes, if the circumstances are sufficiently strong to warrant it. There is an absolute necessity for a resort to circumstantial evidence. Comparisons have been drawn between direct and circumstantial evidence, but with no great justice, as the two kinds are entirely different, each possessing its advantages and its disadvantages. In direct evidence there is this advantage that the man who saw an act testifies to it himself—

if he is to be believed the fact is established—but if he is not to be believed, then is this kind of testimony of much less value than circumstantial evidence. But through the means of circumstantial proof, a fact may be as satisfactorily settled as by the most positive proof. The great main fact is to be established by a series of other facts, from which the inference is to be drawn, but the facts must be fully proved, (partial proof will not answer,) and the inference clear and distinct. In all cases the inference should be natural, not artificial.

Other facts, perhaps not material to the issue, may be introduced, but these must not be inconsistent with the conclusion. For example, in the present case, suppose the identification of the teeth sufficient to warrant the main conclusion that the remains were identified. The facts of the height, size, shape, hair, &c., of the remains, may be introduced, and thought of a less conclusive nature, still they sustain the general theory. Some recent cases were cited by the Judge to illustrate the case in point. But a constant guard must be kept that no pretended circumstances are introduced. Conduct may be introduced, as it is always to be presumed that a particular act proceeds from a particular motive. A probable fact is proved in the absence of all contrary presumptions, and then if a party has had an opportunity to explain, and has not done so, the probability is strengthened.

There are certain rules which must be acted upon in judging of circumstantial evidence.

First—The facts upon which the conclusion depends must all be proved.

Secondly—It is absolutely essential that all the facts be consistent with each other. If an alibi was attempted, it must be clearly proved—and if so proved the main conclusion to be drawn falls to the ground.

Thirdly—The hypothesis set up must exclude every other hypothesis—that is, if the death is proved, the mode must exclude all idea of suicide, or death by any other cause than a violent one.

C. J. Shaw next referred to the nature of a reasonable doubt, which is an uncertainty as to what the fact really is—a reasonable uncertainty; an absolute certainty is not necessary, but a moral certainty is required.

He then proceeded to consider the evidence as it applied to the present case. There are four counts in the indictment, charging the commission of the homicide in four different modes. It is a rule of law that the charge be substantially and formally set forth; therefore it is necessary to set out several distinct forms of committing a homicide, as it may not be known in what manner the proof will sustain the charge. If any one mode is proved, it is sufficient to warrant a verdict of guilty. There may be new modes of inflicting death.

For instance, a sponge with chloroform upon it may be held to a man's mouth until he becomes insensible—and until death ensues. If the death be proved, it would be sufficient to sustain the indictment. The law is adapted to meet exigencies as they may arise. If the fact is proved that Dr. Parkman lost his life in the Medical College, the presumption is that some one of the modes enumerated was adopted, and this would be sufficient to warrant a verdict of guilty in the case. The Court was therefore of opinion that the fourth count of the indictment was a good count, and so ruled for the purposes of this trial.

What was necessary to be established? The death—a death by violence, and under such circumstances as to exclude accident or suicide—or in other words is the death of Dr. Parkman proved—were those his remains found in the Medical College—and were they found under such circumstances as to exclude all idea of death by accident or suicide? Dr. Parkman disappeared on Friday, November 23, in the forenoon, so far as any knowledge of his friends is concerned. He was seen to enter the Medical College on that day, and was never seen to come out again.

An alibi has been set up, and if proved beyond a reasonable doubt it is a good defence, because it is proved that Dr. Parkman was seen abroad after the time in which it is charged that he probably lost his life. But this evidence of an alibi must not be considered by itself, but must be weighed with the evidence introduced upon the other side. It must be borne in mind, also, that the witnesses were liable to mistake—and that Dr. Parkman must have been seen at the precise time and place.—Again, a long period of time has elapsed, and persons have been put upon their recollections. Would not then more than five persons have seen Dr. Parkman on Friday afternoon? Might not a hundred persons have seen him? This is negative testimony, but it tends to an affirmative result.

The jury must consider all these things—the dim light of the hour at which it is testified that Dr. Parkman was last seen—consider his rapid manner of walking. Again, if it is proved that he was murdered in the College, could he be seen abroad afterwards? To establish the alibi, the proof must be beyond reasonable doubt.

Cannot there be a mistake in the matter? And it is proper to weigh this testimony with that introduced by the government in relation to the death at the College.—If this is not proved by the government, then is the defendant entitled to an acquittal. The Jury must compare

the testimony as to the time of day at which Dr. Parkman was seen—and see whether the witnesses could not have been mistaken as to identity; they must also ask whether others would not have been likely to have seen him.

It is not material to prove the death at the College on Friday, but it is important, as the Government avers that Dr. Parkman went there on that day, and never came away. Was the defendant at the College on that day? He lectured there, and he admits that he was at the College; and some testimony has been introduced to show that he was at the College as late as 6 o'clock, P. M. If, then, there is no evidence of the appearance of Dr. Parkman after he entered the College, and those were his mutilated remains found beneath its walls, the conclusion is strong that he came to his death by violence.

And here arises the question, how came the body there? Some judges have decided that to prove death, the body must be found; but this is not true. The remains are near each other, or in one part of the building; and if they were there for concealment, the person who concealed one part, concealed the whole. The natural conclusion is, that they formed parts of the same body: and this is strengthened from the fact that no duplicates were found. Were they there for purposes of dissection?

Dr. Ainsworth says no—he keeps a record and accounts for all his subjects. Besides the vessels were not injected. The question arises, were those remains parts of Dr. G. O. Parkman's body? Suppose, for example, that the body itself does not suffice for identification. Then comes the teeth found in the furnace. If the Jury believe that Dr. Keep made the teeth, and cannot be mistaken in his recognition of his work, then this fact bears strongly upon the question of the identification of the remains.

Several respectable witnesses have testified that a dentist may recognize his work. One dentist has testified that under some circumstances it would be difficult to recognize work. If the Jury should conclude that the teeth did once belong to Dr. Parkman, and that the remains found were part of the same body, then was the body identified, for the identification of one part identifies the whole.

His Honor remarked that he should pass over all that was said of the testimony of Mr. Littlefield, and only ask the Jury to give such weight to it as it deserved. It should be remarked that Mr. Littlefield testifies that he alone had charge of the key of the dissecting vault, and that it was kept in a dark place. From Sunday to Wednesday a close watch was kept upon the College, and every part of it was looked into except this vault.

The Court did not think that the conduct of the prisoner during this time, and since his arrest, should have much weight with the Jury. His conduct and conversation cannot give much strength to the other facts.

If the government theory, that Dr. Webster enticed Dr. Parkman to the College never intending to pay him the amount due him, but only intended to get possession of his notes, and Dr. Parkman is killed there by Dr. Webster, is sustained by the evidence, then is the case one of express malice. But this requires proof beyond a reasonable doubt.

It is a pretty significant fact in this connection that the prisoner did not pay the \$30 received on Friday morning, to Dr. Parkman. This sum in a check on the Freeman's Bank, the same check that Mr. Pettet gave on Friday to him, was deposited in the Bank of Cambridge, on Saturday, the 24th. If Dr. Webster did intend to get the notes of Dr. Parkman, and did get them in consequence of his acts, it becomes a clear case of murder by express malice. If the fact were true that the money was not due on the larger note, it becomes a strong circumstance. The prisoner never mentioned but one note, and yet two are found.—These are evidences of concealment which go to show a consciousness of guilt.

The Judge also referred to some other points, but he said it did not appear to him necessary to go minutely into particulars. The point urged against the prisoner by the government, that he waived an examination at the Police Court, is not entitled to any weight. The jury must weigh the evidence touching the anonymous letters. If written by the defendant, they went to show a guilty conscience. In regard to the evidence of character, it might be said that this kind of evidence has but little authority when offences of a high nature are charged. It might apply to offences of a minor character.

His Honor in closing, commended the case to the Jury, admonishing them to give it their serious and solemn attention—to take time and deliberate, to endeavor to return a verdict which would satisfy their own good judgment, and their own consciences, and he was sure it would satisfy his.

The Chief Justice closed his charge at 8 P. M., having occupied three hours in its delivery. The papers were handed to the Jury, and they immediately retired to their room.

The Court was kept open, the Judges, however, retiring from the Bench. The prisoner also was taken out and provided with refreshments.

THE VERDICT.

About 10½ P. M., there was a stir in the Court room, and then a whisper, that the Jury had sent for the Judges, and every sound was hushed, and every countenance wore an anxious expression. At 12 minutes to 11, the prisoner was brought into the room in the custody of officer Jones, and placed in the dock. A deadly paleness overspread his face, and his manner was nervous and agitated. His eyes fell as soon as he entered the dock, and he wore no longer the calm and collected demeanor which had characterized him since the commencement of his trial.

At 7 minutes to 11 the Jury came in, followed immediately by the Court, the prosecuting officer and his associate, and the prisoner's counsel.

As soon as the Court had taken their seats, the Clerk rose and said—"Gentlemen of the Jury, have you agreed upon your Verdict?"

Foreman.—We have.

Clerk.—Who shall speak for you?

The Jury.—Our Foreman.

Clerk.—John W. Webster, rise and hold up your right hand. (Which the prisoner did, though with some difficulty.) Mr. Foreman, look upon the prisoner; prisoner, look upon the Foreman. What say you, Mr. Foreman, is John W. Webster, the prisoner, guilty or not guilty?

Foreman, (in a firm voice,) GUILTY.

And as the awful word, sealing the doom of the unhappy man at the bar broke upon the silence, every man held his breath, and instantly turned to the dock to gaze upon the prisoner. As soon as the word had passed from the lips of the Foreman of the Jury, the hand of the prisoner fell by his side as if paralyzed, his eyes closed, his head drooped, and he trembled in every limb. He at once dropped into his seat, and buried his face in his hands.

In a moment or two, his senior counsel, Judge MERRICK, passed to the dock, and addressed a few words to the prisoner, to which, so far as we could judge, he replied.—Judge Merrick was deeply affected, and so agitated that he could hardly stand. Several of the jury were affected to tears. Such another scene, be the prisoner who he may, be his guilt what it may, we sincerely pray never to witness again. To see one like Prof. Webster, whatever may be his guilt—and this point we do not question—so completely prostrated as he was on Saturday night, is a scene that has no charms for us.

But we would not in our sympathy for the murderer forget his victim. Soon the former must meet his doom, and the ends of justice be satisfied. We think it must have been apparent to all who have visited the court room, that Prof. Webster has entertained a strong hope of a disagreement of the Jury, perhaps a slight conviction that a verdict for manslaughter would be rendered, and it may be, the slightest hope of an acquittal; and from this circumstance the revulsion of feeling in his case must have been greater.

At 11 P. M. the Jury was dismissed, the prisoner ordered to be remanded, and the Court adjourned. The prisoner was taken from the room immediately, supported by two officers, placed in a carriage, which was driven rapidly to the Jail.

We cannot refrain from commending the admirable arrangements made for the trial, and of tendering our thanks to Sheriff Eveleth, and his officers, for all their kindness and attention paid to us. Of the Court, it does not become us to speak; but of the manner in which the trial was conducted, by both the prosecution and the defence, we can speak in terms of the highest praise. The most gentlemanly conduct marked every step of the proceedings of the counsel, and every facility was afforded by the one party, and every effort made by the other, to secure a fair and impartial trial for the defendant.

THE SENTENCE.

JOHN W. WEBSTER—In meeting you here for the last time, to pronounce that sentence which the law has affixed to the high and aggravated offence of which you stand convicted, it is impossible by language to give utterance to the deep consciousness of responsibility, to the keen sense of sadness and sympathy with which we approach this solemn duty; circumstances which all who hear me will duly appreciate, but which it may seem hardly fit to allude to in more detail, render the performance of this duty on the present occasion unspeakably painful. At all times, and under all circumstances, a feeling of indescribable solemnity attaches to the utterance of that stern voice of retributive justice which consigns a fellow being to an untimely and ignominious death. But when we consider all the circumstances of your past life, your various relations to society, the claims upon you by others, the hopes and expectations you have cherished, with your present condition, the ignominious death which awaits you, we are oppressed with grief and anguish, and nothing but a sense of imperative duty imposed on us by the law, whose officers and ministers we are, could sustain us in pronouncing such a judgment.

Against the crime of wilful murder, of which you stand convicted, a crime at which humanity shudders, a crime every where and under all forms of society, regarded with the deepest abhorrence, the law has pronounced its severest penalty, in these few and simple, but solemn words: Every person who shall commit the crime of murder, shall suffer the punishment of death for the same. The manifest object of this law is the protection and security of human life, the most important object of a just and paternal government.

It is made the duty of this Court to declare this penalty against any one who shall have been found guilty in due course of the administration of justice, of having violated this law. It is one of the most solemn acts of judicial power, which an earthly tribunal can be called upon to exercise. It is a high and exemplary manifestation of the sovereign authority of the law, as well in its sterner and inflexible severity, as in its protecting and paternal benignity. It punishes the guilty with severity, in order that the right to the enjoyment of life—the most precious of all rights—may be more effectually secured.

By the record before us, it appears that you have been indicted by the Grand Jury of this county for the crime of murder, alleging that on the 23d of November last, you made an assault upon the person of Dr. Geo. Parkman, and by acts of violence deprived him of life, with malice aforethought. This is alleged to have been done within the apartments of a public institution in this city, the Medical College, of which you was a Professor and Instructor, upon the person of a man of mature age, well known, and of extensive connections in this community, and a benefactor of that institution. The charge of an offence so aggravated, under such circumstances, in the midst of a peaceful community, created an instantaneous outbreak of surprise, alarm and terror, and was followed by an unusual and intense anxiety to learn by the results of a judicial proceeding whether this charge was true.

The day of trial came. A Court was organized to conduct it, a jury almost of your own choosing was selected, in a manner best calculated to secure intelligence and impartiality. Counsel were appointed to assist you in conducting your defence, who have done all that learning, eloquence and skill could accomplish, in presenting your defence in its best aspects; a very large number of witnesses were carefully examined, and, after a laborious trial of unprecedented length, conducted, as we hope, with patience and fidelity, that jury have pronounced you "Guilty."

To this verdict, upon a careful revision of the whole proceedings, I am constrained to say in behalf of the Court, that they can perceive no just or legal ground of exception.

"Guilty!" How much, under all these circumstances which cluster around the case and through our memories in the retrospect, does this single word impart. The wilful, violent and malicious destruction of a fellow man, in the hand of God and under the protection of the law, yes, of one in the midst of life, of bright hopes, warm affections, mutual attachments, strong, extensive and numerous, making life a blessing to himself and others.

We allude thus to the injury you have inflicted, not for the purpose of awakening one unnecessary pang in a heart already lacerated, but to remind you of the irreparable wrong done to the victim of your cruelty, in sheer justice to him, whose voice is now hushed in death, and whose wrongs can only be vindicated by the living action of the law.

If, therefore, you may at any moment think your case a hard one and your punishment too severe; if one repining thought arises in your mind, or one murmuring word seeks utterance from your lips, think, oh! think of him, instantly deprived of life by your guilty hand. Then, if not lost to all sense of retributive justice, if you have any compunctious visitings of conscience, you may be ready to exclaim in the bitter anguish of truth, "I have sinned against Heaven and my own soul, my punishment is just, God be merciful to me, a sinner!"

MONDAY, April 1st, 1850.

The Court came in this morning at 9 o'clock. The prisoner was brought in, when His Honor, Chief Justice SHAW, delivered as follows

God grant that your example may afford a solemn warning to all, especially to the young; may it impress deeply upon every mind the salutary lesson it is intended to teach, to guard against an indulgence of unhallowed and vindictive passion, to resist temptation to any and every selfish, sordid and wicked purpose, to listen to the warnings of conscience, and yield to the plain dictates of duty; and whilst they instinctively shrink with abhorrence from the first thought of assailing the life of another, may they learn to reverence the laws of God and society, designed to secure protection to their own.

We forbear, for obvious considerations, from adding such words of advice as may be sometimes thought appropriate, on occasions like this. It has commonly been our province, on occasions like the present, to address the illiterate, the degraded, the outcast, whose early life has been cast amongst the vicious, the neglected, the abandoned; who have been blessed with no means of moral and religious culture; who have never received the benefits of cultivated society, nor enjoyed the sweet and ennobling influences of home.

To such an one a word of advice upon an occasion so impressive, may be a word fitly spoken, and tend to good. But in a case like this, where the circumstances are all reversed, no word of ours could be more efficacious than the suggestion of your own better thoughts, to which we commend you.

But as we approach this last sad duty of pronouncing sentence, which is indeed the voice of the law, and not

our own, yet in giving it utterance, we cannot do it with feelings of indifference, as a formal and official act.

God forbid that we should be prevented from indulging and expressing these irrepressible feelings of interest, sympathy, and compassion, which arise spontaneously in our hearts; and we 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 the hour of your affliction, yet we devoutly commend you to the mercy of our Heavenly Father, with whom is abundance of mercy, and from whom we may all hope for pardon and peace.

And now, nothing remains, but the solemn duty of pronouncing the sentence, which the law affixes to the crime of murder, of which you stand convicted, which sentence is—

That you, JOHN W. WEBSTER, be removed from this place, and detained in close custody, in the prison of this County, and thence taken, at such time as the Executive Government of this Commonwealth, may by their warrant appoint, to the place of execution, AND THERE BE HUNG BY THE NECK UNTIL YOU ARE DEAD—

And may God, of his infinite goodness, have mercy on your soul!

Immediately after the delivery of the sentence the prisoner was delivered over to the charge of the Sheriff, and by him remanded to prison. The Court was then adjourned.

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WEDNESDAY, JULY 3, 1850.

NO. 158.

THE DAILY MAIL.

THE PARKMAN TRAGEDY.



CONFESSION OF

Prof. John W. Webster.

Proceedings before the Governor and Council.

STATEMENT OF REV. DR. GEORGE PUTNAM.

The Committee on Pardons, of the Governor and Council, met at the Council Chamber in the State House, on Tuesday forenoon, for the purpose of considering the case of Prof. John W. Webster, now lying in Boston jail under sentence of death for the murder of Dr. George Parkman, on the afternoon of Nov. 23, 1849.

A petition for remission of sentence, and full pardon on the ground of entire innocence, had been put into the hands of the Executive by Dr. Webster's friends—subsequently withdrawn by the advice of Rev. Mr. Putnam. This petition was drawn up, the most part of it by friends of the Professor's family, who until last week did not entertain the slightest doubt of the complete and perfect freedom from guilt of the father, husband, and friend. The statement which was made to them at that time in the most decisive manner, swept away from their trembling hopes, their last refuge. The communication thus made, was a severer trial, if possible, than any through which they have been called to pass in all this dreadful history, and made so deep an impression upon them, the revelator of the tragedy declares "it is the most distressed family in the world."

Dr. Putnam, of Roxbury, the chosen spiritual adviser and guide of the prisoner, was the only individual who appeared in behalf of Prof. Webster. Without any preliminary remarks he proceeded to read a new petition which was drawn up and signed by the prisoner, which is as follows:

PETITION OF DR. WEBSTER:

To his Excellency the Governor and to the Honorable Executive Council of the Commonwealth of Massachusetts:

John White Webster, a convict, under sentence of death in Boston jail, in behalf of himself and of his wife and his children, respectfully petitions, that the sentence awarded against him by the law may be commuted to such other less horrible and ignominious punishment as your honorable body may mercifully decree.

Your petitioner fully admits that he was tried before a fair and impartial tribunal, and that under the law as it exists, his jury, composed as it was of honorable and high-minded men, could have returned no verdict other than they did. But he respectfully reminds your honorable body, that the two great moral ingredients of the crime of murder, malice and premeditation, have never been found against him by a jury, but have been necessarily inferred by the arbitrary rules of the law, from certain general facts, which your petitioner will not deny, but the extenuating details of which, no man in your petitioner's situation, can ever possess legal evidence to prove. These details your petitioner has confided to the friend who presents his petition, with authority to state them to your honorable body, in the hope that you will find therein, reason to extend to your petitioner and his family, that mercy of which the law has made you the dispensers.

And your petitioner will ever pray.
J. W. WEBSTER.

Boston, June, 1850.

Dr. Putnam then proceeded with the following

PRELIMINARY REMARKS.

The grounds which I am authorized to take in aid of the petition of J. W. Webster, and which I take not as an advocate pledged to a side, but in good faith, as expressing my own personal belief, are as follows:

That the human remains found in the medical college in November last were those of the late George Parkman, and that he came to his death by the hands of Dr. Webster, in a moment of passion under great provocation; that there was no premeditation, no murderous intent; that there was a homicide, but not a murder,—or if it could be called a murder under the rigid interpretation of the rules of common law prevailing in this commonwealth—yet that it was not murder according to the moral judgments of our people or of mankind—not the crime to which the public sense of justice awards the punishment of death, or for which that punishment is inflicted under the usual and actual administration of the law in Massachusetts.

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

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 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 listened 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 availing 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 late 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 distress, and to help him in making peace with God and 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, nor 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 put to him a great number of questions, all of which he answered promptly, and with every appearance it seemed to me of 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 Executive. "If the whole truth had been considered every thing as stated upon that petition, the declarations it contained and the documents and affidavits 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 as a witness 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, wished to manifest his confidence in me, and at the same time was glad to have the opportunity of relieving his mind of his 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. W.'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 of 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.

Dr. Webster's Statement, as reported to the Committee of the Council, by G. 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 what I could do or what I had to say about the payment. I wished to gain, for those few

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 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 conditions for making 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. Bossck, 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 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 every thing. 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 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 any thing, 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 were.

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 officer 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 whitening 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 never had 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 the 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 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 adapted 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 into 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 per-

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 make 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 more 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 be full of students and others—and an hour when I was most likely to receive calls from others—for that was the 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 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 vaults 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 itself up with the idea of the other application, a doubt even now to which use they would have been applied. I had not used the hooks at the time of the discovery.

The tin put into the tea chest was taken from a barrel of it that had been in the laboratory for some time. The bag of tin 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. It being sent just at that time was accidental.

I was not aware that I had put the knife into the tea chest.

The stick found in the saucer of ink was for making coarse diagrams on cloth.

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 joiner. I know nothing about them, and should never be likely to notice them amongst the multitude of articles, large and small, 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 never had 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 strichnine 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 this letter, detained by the jailer, contained only a bottle of nitric 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 pencil 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 23d, 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. P. Whatever I did say of the kind was predicated on the hope I entertained that I should be able to pacify Dr. P. and make some arrangement with him, and was said in order to quiet Pettee, who was becoming restive under the solicitation of Dr. Parkman.

After Dr. Webster had stated most of the facts recorded above, on the 23d of May the question, with all the earnestness, solemnity, and authority of tone that he was master of, abruptly

Keep Posted in the Current News.

Persons leaving the city for a residence during the warm season, either at the watering places or elsewhere, can have the MAIL forwarded to them safely, in wrappers, at the same rate that it is furnished to them at their residences, by leaving their names at our counter.

THE MAIL ON THE FOURTH AND FIFTH.

In order to give all the attaches of the Mail Establishment an opportunity to join in the festivities of this glorious anniversary, we shall issue only the FIRST EDITION on the Fourth, and no First on the Fifth. The regular SECOND AND EVENING EDITIONS will be issued as usual on the Fifth—Friday. Agents will please govern themselves accordingly.

Webster's Confession.

We surrender a large space in this morning's Mail, to the extraordinary "Confession" put forth by Prof. John W. Webster, through his spiritual adviser, Rev. Dr. Putnam, of Roxbury. The details of the murder of Dr. Parkman, thus graphically stated, possess an all-absorbing and terrible interest; to which is added the calm reasoning, christian-like inferences, and really powerful arguments of one of our best and most eminent divines. The effect of these revelations upon the Executive Council will be anticipated with deep interest—by some with an intensity of feeling approaching agony. In the present stage of the case, we forbear comment.

BY TELEGRAPH FROM HALIFAX.

MORE FOREIGN NEWS BY THE EUROPA.

Interesting Political News from all parts of Europe.

HALIFAX, Monday Evening.

Owing to an interruption of telegraphic communication on the New Brunswick line, Monday night, our full despatches by the Europa, did not reach us until yesterday.

The news of the quick passage of the Atlantic gave great satisfaction to the friends of the Collins Line, at Liverpool. Some disappointment is expected at the comparative failure of the Viceroy, but this is more than compensated for by the fact so reported, that Government had determined to make some port on the Western coast of Ireland, the station for the delivery of the North American mails.

ENGLAND.

The conduct of the Government in reference to the controversy growing out of the Greek question appears to engross the attention of the English press and public, almost to the exclusion of every other subject.

The London Times is lending its vast influence in opposition to the Ministry, and closes a powerful article on Friday, with the prediction, "that whatever may be the ultimate effect of these events on the Government of this country, we hold it to be a moral impossibility for Lord Palmerston to restore the foreign relations of England to their natural peaceful and honorable condition; and as long as he holds the seals of that office, its most wholesome and important duties will remain in abeyance."

The Liverpool Journal says: On Tuesday night Lord John Russell dealt the heaviest blow to the peers which they have ever yet received, in his superb, open, and unambiguous contempt for them, and his haughty democratic denial that the votes of the Upper House can constitutionally have the slightest influence upon the executive government; and he did not notice them or to their resolution, had a distinct question not been put to him. He did not content that they might not amuse themselves in voting votes of censure, but they were votes in the abstract, and have nothing to do with the realities of the executive government. When he and his colleagues were censured by the Commons, then he would begin to think of resigning; but certainly not before. His allusions to Lord Palmerston were the allusions which Achilles might have made to Agamemnon—come and talk to us here on our own ground, and then hear what my noble friend will say to you.

This was a point which told immensely with the House, and perhaps Lord John, in his whole public life, never spoke in such a thorough English strain as when he declared that so long as he continued the Minister of England, he would not act as the Minister of Austria or Russia. (Immense cheering.) but would, with his usual ability, conduct the foreign policy of the country as the Minister of England. (Enthusiastic cheering.) Certainly the love of office for mere office sake, or the pride in the Palmerston policy must be strong when an aristocrat of the house of Bedford can thus practically repudiate the House of Lords, and with the gusto of a republican centre all constitutional control in the representatives of the Commons.

The few words of the Commons' Premier render the whole proceedings of the Lords on Monday ludicrous and contemptible. He dealt with them en masse as a mere debating club whose decisions are innocuous, and he dealt with Aberdeen and Stanley as mere tools of despotic intrigues, accusing them broadly of being enemies of England!

The Grecian squabble has assumed a new complication; further papers have appeared in the shape of letters from Mr. Wyse and Lord Northampton, which throw the charge of bad faith on Baron Gros, and of falsehood on General Labitte, and in consequence give the feelings of the French Government towards Lord Palmerston more angry than ever.

The General Post Office has issued an order that after the 23d June, the delivery of all post office letters on Sunday will cease. The measure meets with strong opposition.

FRANCE.

The proposition to impose a tax of four per cent on capital was rejected in the Assembly on Wednesday—380 to 264.

Paris advices of Thursday leave little doubt that the question of the President's salary will be satisfactorily adjusted by adoption of the following amendment to the bill proposed by the government, viz:—There is opened to the Minister of Finance on the estimates of 1850, a credit of 2,160,000 francs for extraordinary expense of President of the Republic.

The private fortune of Louis Philippe is said to be one hundred and sixty thousand pounds per annum, which he has divided by his will

Mr. C. Cunningham was perfectly acquainted with all the facts relating to it. The possession of this small note would not be a legal discharge for its amount unless it were cancelled in Dr. Parkman's handwriting, or unless there were an indorsement to the same amount on the larger note, for the smaller note was included in the larger one. It would not do for him to produce the large note with an endorsement on it, for there would be a felony on the face of it, in the marks of cancellation on a note but partly paid. And if he meant to have it supposed that the large note with an endorsement was gone with the missing man, why did he stop to erase the signature and otherwise cancel it, and put it carefully by with the small one, instead of putting it into the fire which was burning at his side? To keep it was merely to keep what would be evidence of his own two crimes, and no evidence that he had paid his debt. There was such bossness of calculation, and such a blundering in consequence of reasoning about the whole transaction, in reference to the notes, as to show that there was no calculation nor reasoning about it—no premeditated purpose. It looks as if he was taken by surprise, and was so embarrassed by the position in which he suddenly and unexpectedly found himself placed, that he could do nothing considerably or well.

Two questions arise with regard to Dr. Webster's statement. First, is it to be believed; second, if believed, should it lead to a mitigation of the sentence pronounced by the Court.

After all that, as passed, nothing can be claimed by Dr. Webster on the ground of his personal veracity. His mere word cannot now be taken for anything he may say in connexion with this case. And yet there are strong, and I think sufficient reasons for believing his statement to be true. I will indicate to the committee some of those which have weight in my own mind, with the hope that they may be able to find the same force in them.

I have already called the attention of the committee to the circumstances under which the statements were made by Prof. Webster; the sort of appeal to which they were a response—the relation in which he and myself stood to each other at the time; the relation in which he stood to the Executive—the first petition having gone in, and he placing his whole reliance on that and the documents with which he thought it could be fortified, and having had, as yet, no idea of obtaining or seeking a commutation of his sentence. I trust a full consideration will be given to these circumstances, as going to show that Dr. Webster did not make up his story with any view to the use that is now made of it.

His statement, though sudden and unexpectedly demanded and promptly given, so as to preclude the idea of a prepared story, contains no contradictions, is perfectly consistent with all the known facts of the case.

While the statement denies premeditation of the homicide, it explains satisfactorily those circumstances which were brought forward at the trial, as tending to show premeditation; such as the sending for the blood—the conversation about the gas of the dissecting vault.

Under this head, I ought to refer to Pettee's testimony. Pettee says that Webster told him he would have no more trouble with Dr. Parkman, for he had settled with him. Suppose that Pettee recollected the words rightly—which Dr. Webster thinks he does not—then the words were not literally true; but they were just near the truth if predicated on the expectation that he should make terms with Parkman, as if predicated on the expectation that he should silence his claim by murder. In either case, they were predicated on a contingency. And, as they fit one expectation just as well as the other, they produce nothing either way.

If we adopt Dr. Webster's declaration that the homicide was unpremeditated, some circumstances are accounted for, which, upon the opposite hypothesis, are very strange, if not absolutely inexplicable. The fact that he made the appointment with Dr. Parkman in so open a manner, in a building so much frequented, and at an hour so unfavorable to secrecy; the fact, also, that Dr. Webster made no show of his intention and ability to pay Dr. Parkman. A sagacious man would have dropped a hint about it incidentally to one or two persons, and a foolish one would have overdone it, and made a great parade of what he intended to do as to paying the money, which he meant to say afterwards he had paid, and to avoid paying which was the very object of the proposed murder. These facts seem to me, at least, as difficult to get over on the theory of premeditation, as the conversation about the dissecting vault and the blood on the opposite theory. They are more difficult.

The declaration of Dr. Webster that he did not invite Dr. Parkman to the College, is supported by the fact that he evidently made no preparation for disposing of the body. He is a chemist. He had an extensive laboratory, and a complete apparatus. He was giving experimental lectures at the time, and might, therefore, have collected any quantity of chemical substances without suspicion. He knew that there was a simple process by which the body might be entirely dissolved in a few hours.—There need not have been any trace of it left on Saturday morning. It is not credible that he should have been meditating the homicide from Tuesday to Friday, and yet make no such provision. No such provision was made. He had to dispose of the body in the most clumsy and dangerous way, and to leave much of it undisposed of. He appears to have been taken by surprise, unprepared.

The statement of Dr. Webster is corroborated by some well known qualities in the character of Dr. Parkman. There is no ground, and none wish to deny that he possessed the estimable traits which his friends claim for him. But it is notorious that he was a very exacting man with regard to his dues—that he could be very severe at times, as well as generous at other times—that the strict pecuniary punctuality which he practised himself was demanded by him of those to whom it was less convenient, or who were less scrupulous in principle about it—that he had a sort of mania for making his creditors do just right, and when he knew or believed them to be in any way false or dishonest, that he was extremely acrimonious and unsparring, and that he was master of a terrible vocabulary of invective. Pettee's testimony shows that he was just in the state of mind to pour out his sharpest and most exasperating words upon Webster whenever he should have an opportunity.

With regard to Dr. Webster, on the other hand, it appears from the testimony given at the trial by his neighbors and associates, that—though he is a mild, timid, and peaceable man,—yet that he is "irritable," "hasty," and sometimes "passionate." [See testimony of Bowen, Hedge, and others.] Parkman was the kind of man, so far as words could go, to provoke a blow, and Webster, though unlikely to commit a homicide, was of a temperament to do it by a sudden blow, in the quick heat of passion, incited by such provocation, if he should do it at all.

Dr. Webster's assertion that the homicide was unpremeditated is favored by the insufficiency of the alleged motive, namely, to get possession of the notes without paying them. It is not probable beforehand that a disreputable and unscrupulous murder would be committed for a sum of \$483, by a man who, though embarrassed at the time, enjoyed an annual income of over \$2000, besides an irregular but considerable income from chemical analyses, who moreover, had liberal and wealthy friends, who in the last emergency would not let him be ruined for such a sum, and whose property, which then stood pledged for about \$800, was worth many times that amount.

Dr. Webster's property, which in November last stood pledged to Dr. Parkman and others interested in the notes, for \$800, consisted of chemical apparatus and materials at the college, which had cost him \$4000; a scientific library of 1600 volumes; a musical library, believed by

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Upon either hypothesis, that of premeditation or sudden homicide, there is something inexplicable about these notes, and I really do not think it is in Dr. Webster's power to clear up the mystery fully, if he were ever so much inclined to do it.

Dr. Webster's account of the homicide should have the benefit of the previous moral improbability that accompanies the only rival theory, that of premeditation. It is highly improbable, it will be admitted, that a man of decent life, mild, amiable, and moving among all amenities and refined as citizens of a virtuous society, and of a family like that of Dr. Webster, sympathizing, to rather an unusual degree, in the tastes and recreations of a domestic circle exclusively feminine,—that such a man would deliberately plan the murder of another, and cherish and mature his design for several days.

It is not necessary to claim for him much moral principle, or elevation of mind, to enable us to say that it is extremely improbable beforehand. It is an improbability that must yield to positive evidence; but then it requires such evidence to overcome it. And then, further, supposing that he could and did premeditate such a plan, and intend to execute it, there is a still greater moral improbability, that when the moment arrived he should find himself able to execute it. A man may have no moral principle to prevent his conceiving a murderous intent—he may conceive it, and lay all his plans for achieving it, and yet I say, if he is unaccustomed to violence and blood, with no raffian habits or associations, if he be a mild, not to say a timid man, the chances are a hundred to one that when the time comes, he will shrink from the performance, that he will not have the courage and the nerve for it, that he will not be up to it, that he cannot do it. If he does not find himself morally above, there is the greatest probability that he will find himself below the point of courage and hardihood at which such a deed can be done. I suppose there are among mankind a hundred murderous premeditations, to one premeditated murder. So, then, there is an immense double moral improbability against the hypothesis that the killing of Dr. Parkman was first premeditated. That improbability would have to yield to strong evidence, but there must be such evidence, a great preponderance of it, conclusive testimony, or circumstances, that cannot be explained among other hypotheses—such evidence, in a word, as is not found in the history of this case.

If from all the facts and circumstances of the case, credit shall be given to the statements of Dr. Webster, and the committee shall conclude that it is most probable, or equally probable (for that would be enough) that the homicide was committed in the heat of blood, and was unpremeditated, ought the prayer of the petition to be granted, and the sentence commuted?

I am not competent to discuss the legal questions that might arise, about malice being implied by law, and about shifting the burden of proof from the Commonwealth to the prisoner, and I suppose the committee would not care to hear arguments on these questions from any person. The committee must be well aware that there are some differences of opinion on points of that nature, among gentlemen learned in the law, and even among the Justices of our Supreme Court. The Council will give such weight as they see fit to the fact, that some questions of principle that might affect the case of Dr. Webster, are regarded as open questions among lawyers here and elsewhere. It may be presumed, however, that the Executive Council would be unwilling to come into conflict of opinion with the Supreme Court, on a question of law, or do any act that would imply an impeachment of the decisions of that tribunal.

The people of Massachusetts have too much reverence for that pure and learned Bench, and too deep a sense of the importance of keeping distinct the powers and functions of the several branches of the government, to desire in any case such a conflict and impeachment. In the present case, the friends of Dr. Webster have no occasion or desire to ask it. It is enough that it is the right and the duty of the Council to receive and weigh testimony, which the Court, under its fixed and necessary rules, cannot receive, and to make some discrimination as to the character of crimes, and the punishments to be inflicted, which the Court cannot make.

I suppose no man will doubt, that if the Jury had before them the view presented here in Dr. Webster's statement, and it had been substantiated by evidence deemed admissible by the Court, and they had thereupon believed it more probable than the other theory, or, as probable, or nearly as probable, the verdict would not have been murder, nor the sentence death. Or, if the Court, constrained by the rules of the common law, had instructed the Jury that they must not admit that view, but must imply the malice which was not disproved, and if they believed it homicide must pronounce it murder, they would it not have been regarded on all hands as a proper case for Executive revision?

The Court, governed by the common law, must often call by the same name crimes of a very different moral die, and pronounce the same sentence upon criminals of very different grades of moral guilt. This is a necessary evil, arising from the impossibility of establishing any general principle, which shall be applied to all the particular cases to which they must be applied. It is for the Executive to interpose and correct, as far as practicable, the practical inequalities of punishment that must thus arise under the law. For this purpose, a wide discretionary power is lodged somewhere in every civilized government. And there is no more legitimate and appropriate exercise of that discretion, than to make the gradation of the punishment to crime more perfect than any general rules of law can make it, to make moral discriminations which the Judiciary cannot make, and so approximate the actual administration of the laws to the principles of absolute justice.

As soon as he had once begun to act upon the necessity of concealing the act and the body, all the shocking details that followed become necessary, indeed; necessary, that is, upon the plan which he thought himself driven to adopt. That he could devise such a plan of disposing of the body, and then go through with all the horrid and disgusting operations incident to it, has produced in all minds a bad impression of his character. He cannot complain that it should. Nothing can even remove that impression. There is but one word of abatement, and because there is no other, it ought to be remembered, this, namely, that to a man of a medical education, a lifeless human body has not the sacredness which it has to others; to him it is a mere object to be handled and cut with no more awe or sensibility than the butcher has in dealing with the meat of the shambles. So the habitus of a medical college. The process of dismemberment is associated with all the jokes and levities of student-life and conversation, and can never be to him at all the same thing that it would be to another person of no greater moral feeling or principle.

His taking possession of the notes with the signatures erased—notes belonging not to him but to the estates of the deceased—has a bad look, and gives a bad look to his whole case. It may have been done only for concealment and safety, as he says. For it appears from his own statement, confirmed by one important fact, (the depositing of Pettee's check) that he did not conclude upon his story of having paid money (till at least 24 hours later, and then further he treated the large note just as he did the small one, although he was never to pretend to have paid it, and could not so pretend. His recollections about the act of taking and cancelling the notes, given in his statement, appear dim and confused, very likely his thoughts about it at the time were so, they will not be clear. But I can not defend this act, and I should be very sorry to palliate it too much, no true and honest man could have done it. It would suffice to blast his character for probity, even if it were all that were known against him. It would be adjudged a felony in any court of law. There may have been a positive felonious intent accompanying it. It is one of the worst facts of the whole dreadful history. It aggravates the previous crime of what it was, an accompaniment or a consequence.

But all these bad facts about the disposal of the body and of the notes, even putting the worst interpretation upon them, do not separately or collectively constitute the crime of murder; nor prove that such a crime had been committed. They ought to be punished, or rather, since there has been no verdict rendered upon them, they will naturally and properly go to increase the punishment rightly due to the criminal act, which has been judicially proved against him, and which he himself confesses.

It may be justly said that Dr. Webster's intellectual and social advantages and attainments, increase his moral responsibility for his acts, and render it more fit that his punishment should be severe. But this idea should not be pushed too far. It must be remembered that the same punishment, of imprisonment for instance, involving infamy and privation, must be felt tenfold more keenly than it would be by a man of inferior culture and position. And this is difference enough against him, without inflicting upon him a sentence severer in terms, which the government have no legal or moral right to do. It is sometimes said, to that reply, that "Dr. Webster must be executed, according to his sentence, because it will not do to relax the vigor of the law in favor of one in his position. He must die, whoever else may be spared." This is a cruel sentiment and subversive of every principle of humanity and of right. The magistrate must recognize no castes, and must take care lest he become too conscious of them through his strenuous efforts to ignore them. Dr. Webster's case, like every other, must be determined upon its own merits and upon no other consideration whatever. Some of his friends have all along believed, that his case has been seriously prejudiced by his social position, and that the anxiety not to show him any undue favor on account of it, has unconsciously operated to deprive him of some portion of the favor which might be accorded to criminals of a different rank. God forbid that this should be so. I know it is not so with regard to the treatment he receives from the officers who have the custody of his person. Dr. Webster certainly ought to have his sentence mitigated because he is what is called, in our loose social distinctions, a gentleman, and as certainly his case ought not to be shut out from candid and merciful consideration, because he is that. It is neither more nor less necessary or right that he should be executed on that account. Considerations of caste, however they may effect a portion of the public unfavorably for him, most certainly will not affect the deliberations of the Council, either way—but he brushed aside as only fit to be entertained by narrow and timid minds of one social class, or position, or calling, or condition, or another.

Happily, the Executive is not reduced to the alternative of the execution of the sentence as it stands, or a full pardon. There is another mode of punishment, which, to a man of Dr. Webster's habits and associations, will operate with a severity sufficient, it may be believed, to satisfy even those who think that he is the greatest monster of ferocity on whom the law ever laid its hands.—Making a due discrimination among the various grades of guilt, imprisonment in the State Prison would seem to be the punishment most appropriate to the actual character of Dr. Webster's offence.—And I may be allowed to suggest that this is the punishment which, in this case, will best answer the public ends of justice. Punishment fails of its moral effect upon a community, and even produces a contrary effect from that intended, whenever it is felt to be disproportionately to the crime.

When Dr. Webster's statement shall have gone out to the public, if it shall be believed, as we may expect that it will be believed by multitudes, even by a great majority of the millions who have become interested in the case,—believed on account of its consistency, its inherent probability, and the circumstances favorable to truth under which it was first made; and if, then, the extreme sentence of the law should be executed upon him, he will certainly be thought to have been dealt with unmercifully, and to have expiated his deeds too severely. And then the public sympathies, by an unalterable law of the mind, must pass over from the side of law and justice to him, as a wronged man—wronged with that last wrong, which is immeasurable and irreparable. And if it should be felt that the innocent and disconsolate family of the convict—the most distressed family, I think, on earth,—had had their unequalled anguish increased one jot beyond the bounds of justice, and the requisitions of the social welfare, the public heart could hardly pardon that. Let the punishment be granted to the man it proved and believed, and if the exact line of right cannot be certainly found, let the penalty fall a little short of it rather than go a hair's breadth beyond it. If the imperfect scales of public justice cannot be exactly poised, let that in which the prisoner's interests are placed be clearly seen, to descend—though by the slightest possible degree of preponderance. Otherwise, the example is lost, and the public feeling and conscience come into a fearful antagonism against the administration of the law. Let compassion and charity follow the criminal in his punishment, however deserved; but take care to keep all rational sympathies fast bound on the side of law and justice.

The present question, interesting to multitudes, and unspeakably momentous to a few, is in the hands of a body, to whose wisdom, rectitude, and clemency, the public and the prisoner, look with equal confidence for a decision at once righteous, merciful; such a decision as shall bare him a debtor—though by ever so little, still a debtor—to the Commonwealth whose peace he has violated, and at the same time shall uphold the law in its majestic

Two other papers in connection with the confession and petition of Prof. Webster, were read to the Council by Dr. Putnam. They are alluded to in the "confession," and explained the purpose for which Prof. Webster was desirous of obtaining a quantity of blood; also giving the reasons which induced his conversation with Littlefield, in regard to the dissecting vault of the College. The papers go to acquit Prof. Webster of the construction which may have been put upon these facts, as exhibited in the



CONFESSION OF Prof. John W. Webster.

Proceedings before the Governor and Council.

STATEMENT OF REV. DR. GEORGE PUTNAM.

The Committee on Pardons, of the Governor and Council, met at the Council Chamber in the State House, on Tuesday forenoon, for the purpose of considering the case of Prof. John W. Webster, now lying in Boston jail under sentence of death for the murder of Dr. George Parkman, on the afternoon of Nov. 23, 1849.

A petition for remission of sentence, and full pardon on the ground of entire innocence, had been put into the hands of the Executive by Dr. Webster's friends—subsequently withdrawn by the advice of Rev. Mr. Putnam. This petition was drawn up, the most part of it by friends of the Professor's family, who until last week did not entertain the slightest doubt of the complete and perfect freedom from guilt of the father, husband, and friend. The statement which was made to them at that time in the most decisive manner, swept away from their trembling hopes, their last refuge. The communication thus made, was a severe trial, if possible, than any through which they have been called to pass in all this dreadful history, and made so deep an impression upon them, the revelator of the tragedy declares "it is the most distressed family in the world."

Dr. Putnam, of Roxbury, the chosen spiritual adviser and guide of the prisoner, was the only individual who appeared in behalf of Prof. Webster. Without any preliminary remarks he proceeded to read a new petition which was drawn up and signed by the prisoner, which is as follows:

PETITION OF DR. WEBSTER.

To his Excellency the Governor and to the Honorable Executive Council of the Commonwealth of Massachusetts:

John White Webster, a convict, under sentence of death, in Boston jail, in behalf of himself and of his wife and his children, respectfully petitions, that the sentence awarded against him by the law may be commuted to such other less horrible and ignominious punishment as your honorable body may mercifully decree.

Your petitioner fully admits that he was tried before a fair and impartial tribunal, and that under the law as it exists, his jury, composed as it was of honorable and high-minded men, could have returned no verdict other than they did.—But he respectfully reminds your honorable body, that the two great moral ingredients of the crime of murder, malice and premeditation, have never been found against him by a jury, but have been necessarily inferred by the arbitrary rules of the law, from certain general facts which your petitioner will not deny, but the extenuating details of which, no man in your petitioner's situation, can ever possess legal evidence to prove. These details your petitioner has confided to the friend who presents his petition, with authority to state them to your honorable body, in the hope that you will find therein, reason to extend to your petitioner and his family, that mercy of which the law has made you the dispensers.

And your petitioner will ever pray.

J. W. WEBSTER.

Boston, June, 1850.

Dr. Putnam then proceeded with the following

PRELIMINARY REMARKS.

The grounds which I am authorized to take in aid of the petition of J. W. Webster, and which I take not as an advocate pledged to a side, but in good faith, as expressing my own personal belief, are as follows:

That the human remains found in the medical college in November last were those of the late George Parkman, and that he came to his death by the hands of Dr. Webster, in a moment of passion under great provocation; that there was no premeditation, no murderous intent; that there was a homicide, but not a murder,—or if it could be called a murder under the rigid interpretation of the rules of common law prevailing in this commonwealth—yet that it was not murder according to the moral judgments of our people or of mankind—not the crime to which the public sense of justice awards the punishment of death, or for which that punishment is inflicted under the usual and actual administration of the law in Massachusetts.

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 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—used, I seemed to myself to have succeeded, almost beyond my hopes.

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 avowing 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 distress, and to help him in making peace with God and 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, nor 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 put to him a great number of questions, all of which he answered promptly, and with every appearance it seemed to me of 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 every thing as staked upon that petition, the declarations it contained and the depositions and affidavits 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 as a witness 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, wished to manifest his confidence in me, and at the same time 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. W.'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 of 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.

Dr. Webster's Statement, as reported to the Committee of the Council, by G. 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 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 solicitation, 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 fulfillment 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 apologise for those things in my conduct which had offended him, to throw myself upon his mercy, to beg for farther 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 8 and 9, 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 matter. Dr. Parkman agreed to call on me as I proposed. He came, accordingly, between half past one

heaping upon me the most bitter taunts and reproaches 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. Hoasek, 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 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 forget every thing. 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, I thrust the letter and his fist into my face, in my fury I seized whatever thing was bandiest. 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 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 any thing, 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, &c. whatever else they may have contained. I did not examine the pockets nor remove any thing, except the watch. I saw that, or the chair of it, hang 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 officer 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 whitening 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 never had 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 the 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 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 into 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 never saw the sledge hammer spoken of by Littlefield, and never knew of its existence—at least, I have no recollection of it.

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 character 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

have been 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 more 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 be full of students and others—and an hour when I was most likely to receive calls from others—for that was the 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 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 itself up with the idea of the other application; a doubt even now to which use they would have been applied. I had not used the hooks at the time of the discovery.

The tin put into the tea chest was taken from a barrel of it that had been in the laboratory for some time. The bag of tea 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.—It being sent just at that time was accidental. I was not aware that I had put the knife into the tea chest.

The stick found in the saucer of ink was for making coarse diagrams on cloth.

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, 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 never had 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 strichnine 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 this letter, detained by the jailer, contained only a bottle of nitric 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 pencil 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 23d, 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. P. Whatever I did say of the kind was predicated on the hope I entertained that I should be able to pacify Dr. P. and make some arrangement with him, and was said in order to quiet Pettee, who was becoming restive under the solicitation of Dr. Parkman.

After Dr. Webster had stated most of the facts recorded above, on the 23d of May the question, with all the earnestness, solemnity and authority of tone that he was master of, abruptly addressed him in substance thus—"Dr. Webster, in all probability, your days are numbered. You cannot, you dare not, speak 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 decease 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 injury to Dr. P., until the moment the blow was struck. Dr. P. 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. The consequence is—all this."

Dr. P. had made the appointment. I would take the

that and the documents with which he thought it could be fortified, and having had, as yet, no idea of obtaining or seeking a commutation of his sentence. I trust a full consideration will be given to these circumstances, as going to show that Dr Webster did not make up his story with any view to the use that is now made of it.

2. His statement, though sudden and unexpectedly demanded and promptly given, so as to preclude the idea of a prepared story, contains no contradictions, is perfectly consistent with all the known facts of the case.

3. While the statement denies premeditation of the homicide, it explains satisfactorily those circumstances which were brought forward at the trial, as tending to show premeditation, such as the sending for the blood—the conversation about the gas of the dissecting vault.

Under this head, I ought to refer to Pettee's testimony. Pettee says that Webster told him he would have no more trouble with Dr Parkman, for he had settled with him. Suppose that Pettee recollected the words rightly—which Dr Webster thinks he does not—then the words were not literally true; but they were just near the truth if predicated on the expectation that he should make terms with Parkman, as if predicated on the expectation that he should silence his claim by murder. In either case, they were predicated on a contingency. And, as they fit one expectation just as well as the other, they produce nothing either way.

If we adopt Dr Webster's declaration that the homicide was unpremeditated, some circumstances are accounted for, which, upon the opposite hypothesis, are very strange, if not absolutely inexplicable. The fact that he opened the appointment with Dr Parkman in so open a manner, in a building so much frequented, and at an hour so unfavorable to secrecy; the fact, also, that Dr Webster made no show of his intention and ability to pay Dr Parkman. A sagacious man would have dropped a hint about it incidentally to one or two persons, and a foolish one would have overdone it, and made a great parade of what he intended to do as to paying the money, which he meant to say afterwards he had paid, and to avoid paying which was the very object of the proposed murder.—These facts seem to me, at least, as difficult to get over on the theory of premeditation, as the conversation about the dissecting vault and the blood on the opposite theory. They are more difficult.

The declaration of Dr Webster that he did not invite Dr Parkman to the College, is supported by the fact that he evidently made no preparation for disposing of the body. He is a chemist. He had an extensive laboratory, and a complete apparatus. He was giving experimental lectures at the time, and might, therefore, have collected any quantity of chemical substances without suspicion. He knew that there was a simple process by which the body might be entirely dissolved in a few hours.—There need not have been any trace of it left on Saturday morning. It is not credible that he should have been meditating the homicide from Tuesday to Friday, and yet make no such provision first. No such provision was made. He had to dispose of the body in the most clumsy and dangerous way, and to leave much of it undisposed of. He appears to have been taken by surprise, unprepared.

The statement of Dr Webster is corroborated by some well known qualities in the character of Dr Parkman. There is no ground, and none wish to deny that he possessed the estimable traits which his friends claim for him. But it is notorious that he was a very exacting man with regard to his dues—that he could be very severe at times, as well as generous at other times—that the strict pecuniary punctuality which he practised himself was demanded by him of those to whom it was less convenient, or who were less scrupulous in principle about it—that he had a sort of mania for making his creditors do just right, and when he knew or believed them to be in any way false or dishonest, that he was extremely acrimonious and unsparring, and that he was master of a terrible vocabulary of invective. Pettee's testimony shows that he was just in the state of mind to pour out his sharpest and most exasperating words upon Webster whenever he should have an opportunity.

With regard to Dr Webster, on the other hand, it appears from the testimony given at the trial by his neighbors and associates, that, though he is a mild, timid, and peaceable man, yet that he is "irritable," "hasty," and sometimes "passionate." [See testimony of Bowen, Hedge, and others.] Parkman was the kind of man, so far as words could go, to provoke a blow, and Webster, though unlikely to commit a homicide, was of a temperament to do it by a sudden blow, in the quick heat of passion, incited by such provocation, if he should do it at all.

Dr Webster's assertion that the homicide was unpremeditated is favored by the insufficiency of the alleged motive, namely, to get possession of the notes without paying them. It is not probable that a man who, though embarrassed at the time, enjoyed an annual income of over \$2000, besides an irregular but considerable income from chemical analyses, who moreover, had liberal and wealthy friends, who in the last emergency would not let him be ruined for such a sum, and whose property, which then stood pledged for about \$800, was worth many times that amount.

Dr Webster's property, which in November last stood pledged to Dr Parkman and others interested in the notes, for \$800, consisted of chemical apparatus and materials at the college, which had cost him \$4000; a scientific library of 1500 volumes; a musical library, believed by him to be the most complete and costly in this country; and his plate and household furniture. Here is property to a large amount, many thousand dollars. He could have sold a part of it, though at a sacrifice, and so have paid all that was then due to Dr Parkman, or he might have obtained a second mortgage on security so ample, especially as the new loan would go to diminish the old one. Why, then, did he not do some such thing, rather than be so pursued by Dr Parkman? I cannot tell. Some men, we know, do long submit to pecuniary embarrassments and vexations, and seem not to know any help for it, when by a little energy and financial sagacity they might put an end to them. It is evident that Dr Webster managed his pecuniary affairs miserably, but it is evident also that he was in no such desperate straits as to make the sum of four or five hundred dollars a sufficient motive for the tremendous enterprise of murder.

And then, further, it is to be presumed that he had deliberately planned a hazardous murder for the sake of getting possession of the notes, and had several days to consider of it, as is supposed—it is to be presumed that he would have well considered the vital question, as to the effect of his having the notes with the marks of cancellation upon them on his liabilities. Observe now what would be the effect. It would do him no good to possess the large notes, unless he was not to pretend to have paid it, and it would do him no good to suppress it, because

Dr Webster's account of the homicide should have the benefit of the previous moral improbability that accompanies the only rival theory, that of premeditation. It is highly improbable, it will be admitted, that a man of decent life, mild, amiable, and moving among all amenities and refined associations of a virtuous society, and of a family like that of Dr Webster, sympathizing, to rather an unusual degree, in the tastes and recreations of a domestic circle exclusively feminine,—that such a man would deliberately plan the murder of another, and cherish and mature his design for several days.

It is not necessary to claim for him much moral principle, or elevation of mind, to enable us to say that it is extremely improbable before hand. It is an improbability that must yield to positive evidence; but then it requires such evidence to overcome it. And then, further, supposing that he could and did premeditate such a plan, and intend to execute it, there is a still greater moral improbability, that when the moment arrived he should find himself able to execute it. A man may have no moral principle to prevent his conceiving a murderous intent—but may conceive it, and lay all his plans for achieving it, and yet I say, if he is unaccustomed to violence and blood, with no ruffianly habits or associations, if he be a mild, not to say a timid man, the chances are a hundred to one that when the time comes, he will shrink from the performance, that he will not have the courage and the nerve for it, that he will not be up to it, that he cannot do it. If he does not find himself morally above, there is the greater probability that he will find himself below the point of courage and hardihood at which such a deed can be done. I suppose there are among mankind a hundred murderous premeditations, to one premeditated murder. So, then, there is an immense double moral improbability against the hypothesis that the killing of Dr Parkman was first premeditated. That improbability would have to yield to strong evidence, but there must be such evidence, a great preponderance of it, conclusive testimony, or circumstances, that cannot be explained among other hypotheses—such evidence, in a word, as is not found in the history of this case.

If from all the facts and circumstances of the case, credit shall be given to the statements of Dr Webster, and the committee shall conclude that it is most probable, or equally probable, (for that would be enough) that the homicide was committed in the heat of blood, and was unpremeditated, ought the prayer of the petition to be granted, and the sentence commuted?

I am not competent to discuss the legal questions that might arise, about malice being implied by law, and about shifting the burden of proof from the Commonwealth to the prisoner, and I suppose the committee would not care to hear arguments on these questions from any person. The committee must be well aware that there are some differences of opinion on points of that nature, among gentlemen learned to the law, and even among the Justices of our Supreme Court. The Council will give such weight as they see fit to the facts, and some questions of principle that might affect the case of Dr Webster, are regarded as open questions among lawyers here and elsewhere. It may be presumed, however, that the Executive Council would be unwilling to come into conflict of opinion with the Supreme Court, on a question of law, or do any act that would imply impeachment of the decisions of that tribunal.

The people of Massachusetts have too much reverence for that pure and learned Bench, and too deep a sense of the importance of keeping distinct the powers and functions of the several branches of the government, to desire in any case such a conflict and impeachment. In the present case, the friends of Dr Webster have no occasion or desire to ask it. It is enough that it is the right and the duty of the Council to receive and weigh testimony, which the Court, under its fixed and necessary rules, cannot receive, and to make some discrimination as to the character of crimes, and the punishments to be inflicted, which the Court cannot make.

I suppose no man will doubt, that if the Jury had had before them the view presented here in Dr Webster's statement, and it had been substantiated by evidence deemed admissible by the Court, and they had thereupon believed it more probable than the other theory, or as probable, or nearly as probable, the verdict would not have been murder, nor the sentence death. Or, if the Court, constrained by the rules of the common law, had instructed the Jury that they must not admit that view, but must imply the malice which was not disproved, and if they believed it homicide must pronounce it murder, then would it not have been regarded on all hands as a proper case for Executive revision?

The Court, governed by the common law, must often call by the same name crimes of a very different moral die, and pronounce the same sentence upon criminals of very different grades of moral guilt. This is a necessary evil, arising from the impossibility of establishing any general equal justice to all the particular cases to which they must be applied. It is for the Executive to interpose and correct, as far as practicable, the practical inequalities of punishment that must thus arise under the law. For this purpose, a wide discretionary power is lodged somewhere in every civilized government. And there is no more legitimate and appropriate exercise of that discretion, than to make the gradation of the punishment to crime more perfect than any general rules of law can make it, to make moral discriminations which the Judiciary cannot make, and so approximate the actual administration of the laws to the principles of absolute justice.

In regard to the punishment of criminal homicide, it seems to be a settled point in the minds of the people, and in the actual administration of the law, that the sentence of death, however often the Judiciary may be constrained to award it, shall be carried into execution only in cases in which it is proved and believed that the murder is deliberately intended, and that in all cases in which the deliberate intention is wanting, or not made out or necessarily inferred another punishment, less horrible, but still severe and sufficient, shall be substituted by the executive.

In this latter position, as I believe the case of Dr Webster stands, I believe that the prayer of the petition ought to be granted, and have presented in his statement, and in my own name reasons which I think should move the Governor and Council to grant it. I am here out of my usual and appropriate sphere, not to win a case, but to assist the committee in their search for the truth in the case. I have no interest in the matter distinct from that of the Commonwealth. My sympathies in the case are first for truth and justice, and second for Dr Webster.

Dr Webster does not pray for a full pardon from the Executive. His friends cannot claim it for him. He is a guilty man. The homicide he has committed is not justifiable. The provocation, though great, was only in words and menaces, and did not justify the blow. It was the result of passion which he admits he ought to have under control, and for the consequences of which he is justly held responsible.

More-over, his conduct immediately after the homicide aggravates the original offence. Any man of a right moral tone, with high sentiments and principles, would have rushed out, prompted within by right instinct or by quick reasoning, and declared what he had done. It is against him that he saw only the alternative which he did see and act upon.

time were so, as they well might be. But I can not defend this act, and I should be very sorry to palliate it too much, no true and honest man could have done it. It would suffice to blast his character for probity, even if it were all that were known against him. It would be adjudged a felony in any court of law. There may have been a positive felonious intent accompanying it, but it is one of the worst facts of the whole dreadful history. It aggravates the previous crime of which it was an accompaniment or a consequence.

But all these bad facts about the disposal of the body and of the notes, even putting the worst interpretation upon them, do not separately or collectively constitute the crime of murder; nor prove that such a crime had been committed. They ought to be punished, or rather, since there has been no verdict rendered upon them, they will naturally and properly go to increase the punishment rightly due to the criminal act, which has been judicially proved against him, and which he himself confesses.

It may be justly said that Dr Webster's intellectual and social advantages and attainments, increase his moral responsibility for his acts, and render it more fit that his punishment should be severe. But this idea should not be pushed too far. It must be remembered that the same punishment, of imprisonment for instance, involving infamy and privation, must be felt tenfold more acutely than it would be by a man of inferior culture and position. And this is difference enough against him, without inflicting upon him a sentence severer in terms, which the government has no legal or moral right to do. It is sometimes said, to that reply, that "Dr Webster must be executed, according to his sentence, because it will not do to relax the vigor of the law in favor of one in his position. He must die, whoever else may be spared." This is a cruel sentiment and subversive of every principle of humanity and of right. The magistrate must recognize no castes, and must take care lest he become too conscious of them through his strenuous efforts to ignore them. Dr Webster's case, like every other, must be determined upon its own merits, and upon no other consideration whatever.—Some of his friends have all along believed, that his cause has been seriously prejudiced by his social position—and that the anxiety not to show him any undue favor on account of it, has unconsciously operated to deprive him of some portion of the favor which might be accorded to criminals of a different rank. God forbid that this should be so. I know it is not so with regard to the treatment he receives from the officers who have the custody of his person. Dr Webster certainly ought to have his sentence mitigated because he is what is called, in our loose social distinctions, a gentleman, and as certainly his case ought not to be shut out from candid and merciful consideration, because he is that. It is neither more nor less necessary or right that he should be executed on that account. Considerations of caste, however they may effect a portion of the public unfavorably for him, most certainly will not affect the deliberations of the Council, either way—but be brushed aside as only fit to be entertained by narrow and timid minds of one social class, or jealous and malignant minds of another.

Happily, the Executive is not reduced to the alternative of the execution of the sentence as it stands, or a full pardon. There is another mode of punishment, which, to a man of Dr Webster's habits and associations, will operate with a severity sufficient, it may be believed, to satisfy even those who think that he is the greatest monster of desecration on whom the law ever laid its hand.—Making due discriminations among the various grades of guilt, imprisonment in the State Prison would seem to be the punishment most appropriate to the actual character of Dr Webster's offence.—And I may be allowed to suggest that this is the punishment which, in this case, will best answer the public ends of justice. Punishment fails of its moral effect upon a community, and even produces a contrary effect from that intended, whenever it is felt to be disproportionate to the crime.

When Dr Webster's statement shall have gone out to the public, if it shall be believed, as we may expect that it will be believed by multitudes, even by a great majority of the millions who have become interested in the case,—believed on account of its consistency, its inherent probability, and the circumstances favorable to truth under which it was first made; and if, then, the extreme sentence of the law should be executed upon him, he will certainly be thought to have been dealt with unnecessary rigor, and to have expiated his deeds too severely. And then the public sympathies, by an unalterable law of the mind, must pass over from the side of law and justice to him, as a wronged man—wronged with that last wrong, which is immeasurable and irreparable. And if it should be felt that the innocent and disconsolate family of the convict—the most distressed family, I think, on earth,—had had their unequalled anguish increased one jot beyond the bounds of justice, and the requisitions of the social welfare, the public heart could hardly pardon that. Let the punishment be graduated to the guilt it proved and believed, and if the exact line of right cannot be certainly found, let the penalty fall a little short of it rather than go a hair's breadth beyond it. If the imperfect scales of public justice cannot be exactly poised, let that in which the prisoner's interests are placed be clearly seen, to descend—though by the slightest possible degree, of preponderance. Otherwise, the example is just, as the public feeling and conscience come into a fearful antagonism against the administration of the law. Let compassion and charity follow the criminal in his punishment, however deserved; but take care to keep all rational sympathies fast bound on the side of law and justice.

The present question, interesting to multitudes, and unspeakably momentous to a few, is in the hands of a body, to whose wisdom, rectitude, and clemency, the public and the prisoner, look with equal confidence for a decision at once righteous, merciful; such a decision as shall bare him a debtor—though by ever so little, still a debtor—to the Commonwealth whose peace he has violated, and at the same time shall uphold the law in its majesty.

Two other papers in connection with the confession and petition of Prof Webster, were read to the Council by Dr Putnam. They are alluded to in the "confession," and explained the purpose for which Prof Webster was desirous of obtaining a quantity of blood; also giving the reasons which induced his conversation with Littlefield, in regard to the dissecting vault of the College. The papers go to acquit Prof Webster of the construction which may have been put upon these facts, as exhibited in the trial. Neither of the papers possess much interest, and we can find no room for them this morning.

We are desired to say that the statements in the Mail relative to the language used by the gentleman who was interested in the *emute* with Major Dunlap, at the Boston and Maine Railroad Depot, was materially incorrect. From the contradictory statements made about this matter—setting aside the wholesale and inexcusable abuse in the Olive Branch—we come to the conclusion that a very considerable amount of bad blood was exhibited on that occasion on both sides, and the less that is said about the matter, any farther, the better.

VISITORS AT THE STATE HOUSE. Everybody knows or ought to know that the most splendid panoramic view in thirty States, may be seen from the cupola of our State House. On a clear day the scenery from that point of observation is of the most varied and picturesque description. Every stranger should enjoy the noble prospect. It is an exhibition far more worthy their attention than many which they pay their money to see. While in the State House yesterday, we had the curiosity to examine the record book of visitors, and found that no less than nineteen thousand nine hundred and one visited the cupola during the month of June.

absorbing and terrible interest; so which is added the calm reasoning, christian-like inferences, and really powerful arguments of one of our best and most eminent divines. The effect of these revelations upon the Executive Council will be anticipated with deep interest by some with an intensity of feeling approaching agony. In the present stage of the case, we forbear comment.

BY TELEGRAPH FROM HALIFAX. MORE FOREIGN NEWS BY THE EUROPA.

Interesting Political News from all parts of Europe.

HALIFAX, Monday Evening.

Owing to an interruption of telegraphic communication on the New Brunswick line, Monday night, our full despatches by the Europa, did not reach us until yesterday.

The news of the quick passage of the Atlantic gave great satisfaction to the friends of the Collins Line, at Liverpool. Some disappointment is expected at the comparative failure of the Viceroy, but this is more than compensated for by the fact so reported, that Government had determined to make some port on the Western coast of Ireland, the station for the delivery of the North American mails.

ENGLAND.

The conduct of the Government in reference to the controversy growing out of the Greek question appears to engross the attention of the English press and public, almost to the exclusion of every other subject.

The London Times is lending its vast influence in opposition to the Ministry, and closes a powerful article on Friday, with the prediction, "that whatever may be the ultimate effect of these events on the Government of this country, we hold it to be a moral impossibility for Lord Palmerston to restore the foreign relations of England to their natural peaceful and honorable condition; and as long as he holds the seals of that office, its most wholesome and important duties will remain in abeyance."

The Liverpool Journal says: On Tuesday night Lord John Russell dealt the heaviest blow to the peers which they have ever yet received, in his superb, open, and unequivocal contempt for them, and his haughty democratic denial that the votes of the Upper House can constitutionally have the slightest influence upon the executive government; and he did not notice them willingly; he would never have alluded to them or to their resolution, had a distinct question not been put in him. He did not content that they might not amuse themselves in voting votes of censure, but they were votes in the abstract, and have nothing to do with the realities of the executive government. When he and his colleagues were censured by the Commons, then he would begin to think of resigning; but certainly not before. His allusions to Lord Palmerston were the allusions which Achilles might have made to Achilles—come and talk to us here on our own ground, and then hear what my noble friend will say to you.

This was a point which told immensely with the House, and perhaps Lord John, in his whole public life, never spoke in such a thorough English strain as when he declared that so long as he continued the Minister of England, he would not act as the Minister of Austria or Russia. (Immense cheering,) but would, with his usual ability, conduct the foreign policy of the country as the Minister of England. (Enthusiastic cheering.) Certainly the love of office for mere office sake, or the pride in the Palmerston policy must be strong when an aristocrat of the house of Bedford can thus practically repudiate the House of Lords, and with the gusto of a republican centre all constitutional control in the representatives of the Commons.

The few words of the Common's Premier render the whole proceedings of the Lords on Monday ludicrous and contemptible. He dealt with them en masse as a mere debating club, whose decisions are innocuous, and he dealt with Aberdeen and Stanley as mere tools of despotic intrigues, accusing them broadly of being enemies of England!

The Grecian squabble has assumed a new complication; further papers have appeared in the shape of letters from Mr Wyse and Lord Normanby, which throw the charge of bad faith on Baron Gros, and of falsehood on General Lahti, and in consequence the feelings of the French Government towards Lord Palmerston are more angry than ever.

The General Post Office has issued an order that after the 23d June, the delivery of all post office letters on Sunday will cease. The measure meets with strong opposition.

FRANCE.

The proposition to impose a tax of four per cent on capital was rejected in the Assembly on Wednesday—380 to 264.

Paris advices of Thursday leave little doubt that the question of the President's salary will be satisfactorily adjusted by adoption of the following amendment to the bill proposed by the government, viz:—There is opened to the Minister of Finance on the estimates of 1850, a credit of 2,160,000 francs for extraordinary expense of President of the Republic.

The private fortune of Louis Philippe is said to be one hundred and sixty thousand pounds per annum, which he has divided by his will equally between his children and grandchildren.

Lord Palmerston is said to have authorized Lord Normanby to inform the President of the Republic that he has suspended all hostile demonstrations against Naples and Italy.

PARIS, Thursday. The Bourse was exceedingly dull, and the price of Government stock was a shade lower than yesterday. The five per cents closed at 94 20.

ROME.

The unpopularity of the Pope appears to be on the increase. It is said that nearly all the Roman youth have either emigrated, been imprisoned, or under suspicion, are not allowed to go abroad after sunset. All the letters of the English Consul, except official ones, are intercepted and examined. The finances are in a melancholy state, their paper being at fourteen per cent discount.

The Jesuits have been re-established at Modina, and all their property has been restored.

The Ministry, it is said, assented to this amendment.

M. D'Girardin has announced that he has resigned the direction of La Presse, in consequence of his election as Representative for the Bas Rhine.

DENMARK.

The King, it is said, will abdicate. Prince Frederick will espouse the Duchess Helena, and by the influence of Russia will ascend the throne of Denmark. It is supposed that the complicated difficulties which surround the ques-