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The Parkman Murder.

TRIAL
OF
PROF. JOHN W. WEBSTER,



For the Murder of
DR. GEORGE PARKMAN,

November 23, 1849.

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

With Numerous Accurate Illustrations.

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TRIAL
OF
PROF. JOHN W. WEBSTER,
FOR THE MURDER OF
DR. GEORGE PARKMAN.

SUPREME JUDICIAL COURT OF MASSACHUSETTS.

Present Chief Justice SHAW, and Judges WILDE, DEWEY & METCALF.

TUESDAY, March 19, 1850.

Counsel for the Commonwealth, Hon. John H. Clifford, Attorney General, assisted by George Bemis, Esq.; for the prisoner, Hon. Pliny Merrick and E. D. Sohler, Esq.

The Court came in at precisely nine o'clock, and at once proceeded to the empanelling of a jury.

Three jurymen called were excused on account of sickness, certified and sworn to by their physicians. Numerous certificates were handed in to the court notwithstanding, urging excuses from serving on the trial, to which the parties were called on to certify by oath. Some half-dozen others obtained leave from serving on account of ill health, although the chief justice was quite close in his questioning. Three were excused on account of belonging to the volunteer militia. The number of jurymen remaining of the entire panel was forty-two, from which the jury was to be selected.

The chief justice then read from the jury law in explanation of the causes which may prevent a jurymen from serving, as bias or prejudice for or against the prisoner, having formed and expressed an opinion of guilt in the matter, opposition to capital punishment, &c.

Empanelling the Jury: Simeon P. Adams, challenged peremptorily.

Charles H. Appleton, formed and expressed an opinion. Set aside.

Thomas Barrett, accepted and sworn.

William H. Bailey—formed an opinion against the prisoner. Set aside.

George Bemis, had formed an opinion, but was not prejudiced against the prisoner. Was opposed to capital punishment. Set aside.

James Bliss, had formed and expressed an opinion. Set aside.

John Borrowscale, accepted, and sworn.

John Bowker, Jr., had formed and expressed an opinion. Set aside.

Hiram Baldwin—peremptory challenge.

Robert J. Byram, sworn and accepted.

Benj. Chandler, Jr.,—peremptory challenge.

George H. Chapman—had formed and expressed an opinion frequently. Set aside.

Nathaniel F. Child. Set aside on account of his views of capital punishment.

James Crosby, accepted and sworn.

John E. Davenport, accepted and sworn.

Albert Day, had formed a partial opinion, but thought he could try the cause impartially. Accepted and sworn.

William L. Eaton, peremptory challenge.

James L. Fowler, peremptory challenge.

George O. Frothingham, peremptory challenge.

Benjamin H. Greene, accepted and sworn.

Nathaniel Hall, peremptory challenge.

Harmon Hayward, accepted and sworn.

Frederick A. Henderson, accepted and sworn.

John B. Hughes, set aside on account of being opposed to capital punishment.

Alonzo Jones, Jr., had formed an opinion, set aside.

George W. Larned, peremptory challenge.

Walter C. Manning, " "

William C. Melvin, " "

Samuel P. Morse, " "

William W. Peircz, had expressed an opinion; set aside.

Moses Pike, peremptory challenge.

Greenleaf C. Sanborn, peremptory challenge.

Stephen A. Stackpole, accepted and sworn.

The Jury was constituted as follows:

Thomas Barrett, John Borrowscale, Robert J. Byram, James Crosby, John E. Davenport, Albert Day, Joseph Eastis, Daniel T. Fuller, Benjamin H. Greene, Arnold Hayward, Stephen A. Stackpole, Frederick A. Henderson. *Robert J. Byram* was appointed foreman.

The Jury was completed at half past ten o'clock.

The Clerk then proceeded to read the indictment found against the prisoner by the Grand Jury, the prisoner remaining standing with his right hand raised.

Mr Clifford opened the case for the Government at about 11 o'clock. He commenced by calling attention to the importance of the case, and the startling effect which it had had upon the whole community; the duties were painful, laborious—but nevertheless they were duties which they owed to the country. The Grand Jury had upon their oaths charged upon the prisoner the crime of murder, and the jury he was addressing had been selected to hear all the evidence in the case and then pronounce whether he was guilty or innocent. He was here to aid and assist them, disavowing and repudiating the common idea that a prosecuting officer was to act with a view for conviction whether guilty or innocent. All he desired was to get at the truth, with their assistance.

The indictment contained the general propositions—first, that Dr. George Parkman was murdered, and second that he was murdered by John W. Webster. As to the first proposition, Dr. Parkman was last seen alive about 15 min-

utes before 2 o'clock P. M., on the 23d day of November, entering the Medical College; he was not home to dinner; his daughter was sick in her chamber, and it will be shown that he had purchased a quantity of lettuce, a rare plant at that time, for her benefit.

He did not return that day. Those that knew him, and knew his habits, were informed of his absence. The next day, Saturday, the police were informed, and notices were published calling the attention of the public to his disappearance. Rumors of his having been seen were rife, but in every instance proved unfounded.

His friends were so much affected by these reports, that in their public notices they sanctioned one of them; but at length it was found that the parties were either mistaken in the time or the person.

The entire police of the city were brought into requisition, and large rewards were offered; but, when the rewards brought no tidings of his having wandered away, that hope vanished, and deepens into certainty that he was not in the land of the living.

On Sunday his family learned from Dr. Webster that he had been in his company between the hours of 1 and 2 o'clock, on the 25th of November. The search was continued through the week, Monday, Tuesday, and up to Friday. And although the friends of Dr. Parkman and the police did occasionally hear that he had been seen after the time he visited the Medical College, they followed up every one of these rumors, and they were ascertained to be false.

So far as had come to the knowledge of the government, no person had been found who would say that he had seen Dr. Parkman after the time that he entered the Medical College.

The river was dredged; the yards and the dwellings in the Western part of the city where Dr. Parkman owned property, were searched. On Monday and Tuesday there was a search at the rooms of the Medical College. That search was a formal one, no suspicion being yet in the minds of the police against the prisoner.

On the 30th of November, in the vault of a privy, connected with the chemical laboratory occupied by the prisoner, a portion of a human body was found, and with it certain towels, marked with the name of the prisoner. On that day, also, was found in the grate of the furnace, pressed into the cinders, certain bones, parts of mineral teeth, and pieces of gold. On Saturday there was found in a remote corner of that laboratory, in a place where it had been noticed before, but not examined, a tea-chest, in which was discovered, imbedded in tan, the thorax and chest of a human body, with a hunter's knife, and a piece of twine.

These remains were submitted to competent medical and scientific gentlemen, and found to correspond in every particular with the body of Dr. Geo. Parkman, so far as they were parts of a body. There were missing the head, arms, both feet, and the right leg from the knee to the ankle. The evidence would satisfy them that they belonged to a person of the age of Dr. Parkman, and that these peculiarities correspond with those of that gentleman.

The witnesses would explain how they came to the conclusion that the height was 5 feet 10 1-2 inches, and they should show that that was his height precisely.

But then, they should put in evidence in this case that, of the bones found in this furnace, not a fragment was found but duplicated that found in the vault and tea chest, showing that all constituted portions of one human body. There would also be some evidence that would indicate the probability that some of the bones found in the furnace were fractured before they were put into the furnace.

Then, they would have submitted to them some mineral teeth found so near the bottom of the furnace they took the cold air, which would be identified as the same that had been made for Dr. Parkman by a dentist in this city in 1846, and he would state the grounds on which he identified them.

It would be shown that Dr. Keep had in his possession a mould of the mouth of Dr. Parkman, which he had taken at the time of making those teeth, which would show the peculiar conformation of Dr. P.'s jaw. It would appear also that these mineral teeth must have been cast into the furnace in connection with the head. Beyond this, they would have exhibited to them the bones of the right lower jaw, in fragments; and when these were put together they would be found to correspond exactly with the mould.

This would be the character of the testimony that would be given to identify the body found in the Medical College.

The thorax found in the laboratory would be shown to have been perforated near the heart. It would also be shown that to these remains had been made a chemical application of strong alkalies. It would also be demonstrated that these were not the remains of any subject for dissection, first by the fact that there were no injections into the veins of any preservative substance, and in the second, that the janitor was required to account for all such bodies.

If Dr. George Parkman was murdered, then the question arose, who murdered him? In respect to this question, the government would offer testimony to show the relations between the prisoner and Dr. Parkman since 1842, when certain pecuniary transactions commenced between them. It would be observed that the prisoner was so much embarrassed that all his personal property was under mortgage to Dr. Parkman. Dr. P. was a man of large property, accustomed to make loans. He was liberal but exact. In 1842 he loaned the prisoner \$300, and took his note, which remained unpaid at maturity, when Dr. P. took a mortgage of all the prisoner's property, including a cabinet of minerals, to secure the note and further advances made.

It would appear that after this, the prisoner had made a proposal to Mr. R. G. Shaw, to advance him money on the cabinet of minerals, because he was in distress. Mr. S. did advance \$1200. Subsequently Dr. Parkman learned of the conveyance of this cabinet of minerals to his brother-in-law, and he was highly incensed, regarding it as a fraud, and that, from this time, he pursued the prisoner as a debtor in whom he had lost confidence.

It would appear also that the prisoner had obtained from the deceased delay, under the promise that he would pay him, when he had obtained pay for the sale of tickets to his chemical lectures. The Professors of the Medical College had made arrangements with a gentleman to aid as collector of their dues from the students. The lectures commenced on the seventh of Nov., and on the ninth, Dr. Parkman called on Dr. Webster, and insisted on the payment of his debt. Dr. Webster requested him to wait, as he had not received the money for his tickets. It would appear that Dr. Webster had received a considerable part of his pay.

On the 12th, Dr. Parkman called on the paying agent, to ascertain how matters stood. He called again on the 14th, and threatened a trustee process, and sent a message to Dr. Webster that he was a dishonest man or a dishonourable man. On the 19th

he called again on Dr. W., and declared with great decision that something must be done. The next day Dr. W. wrote him a note. On the day previous to the alleged murder, Dr. P. rode out to see Dr. W. at Cambridge.

On the 25th of Nov. Dr. W. called at the residence of Dr. Parkman, and made an appointment to meet Dr. P. at the Medical College, to come to his rooms at 1 o'clock, and to receive his pay. He returned about 9 o'clock to the Medical College, and had an interview with Mr. Pettey, who was anxious to get out of his hands any money that he had, and paid him about \$90. He then informed him of Dr. P.'s threatening, to which Dr. W. replied that he would have no further trouble with Dr. P., for he had settled with him.

From the beginning to the end it would appear that Dr. Webster had represented to Dr. Parkman and others his intention of applying the money received from sale of tickets to the payment of his debt; but they should be able to show that not one dollar of it went to Dr. Parkman. The \$90 was deposited in the Charles River Bank.

The lectures of Dr. Webster were Tuesday, Wednesday, and Friday; and therefore the longest leisure that he had was from Friday to Tuesday. It would be shown that he remained at his rooms on Friday till a late hour, and that he was there again on Saturday and Sunday, and that the doors that were usually left open, were fastened.

Dr. Parkman's friends were making an anxious search for him, on Saturday, and made publication in the evening papers. It would appear that Dr. W. held peculiar relations to the friends of Dr. P. Dr. Francis Parkman was his pastor; and the first disclosure that Dr. W. made to the friends of Dr. P. had been on Friday in his company, was in the afternoon of Saturday.

He left the family in suspense this time, although it would be shown that he had seen the notices on Saturday. This excited the surprise of Dr. Francis Parkman. On that day he made the statement to several others. The general statement was that Dr. P. came to the Medical College about half-past one, to receive his pay; that he did come in; and that he paid him the money; that he seized the money and started to go, without leaving any evidence of his having received it.

That he called his attention to the fact, and that Dr. P. turned back, and dashed his pen across the signature of the note, and said that he would attend to cancelling the mortgage. Dr. W.'s statements respecting this transaction had been very contradictory.

When called to hear the testimony, their attention would be called to papers found in his possession that would contradict this statement.

There they would have occasion to consider a variety of facts—that Thursday, the 29th, was Thanksgiving day—that after Tuesday there were no lectures; and yet Dr. Webster was present at the college; that he wanted no fires; and yet it would be shown that he had fires of more intense heat than he had ever required before.

It would be shown that he had purchased a number of large fish-hooks; and that there was found on his premises a grapple made of fish-hooks, fastened to a staff with twine, and that a piece of the same kind of twine was found around the tea-chest; that the rooms were searched on Monday and Tuesday; and his rooms were passed through by certain of the police on Monday; that on Tuesday, Mr. Kingsley went there with the police, with the intention of making a thorough search; that at that time the officers went through these rooms; the fact that officers suffered themselves to be led off from that privy, and that the janitor, in reply to a question said, in presence of Dr. W., that that was the private privy of Dr. Webster.

That a fire was in the furnace, and that the officers suffered themselves to be led off from that portion of the room. The tea chest was seen there by Mr. Kingsley.

It would appear also, that, on the 26th, the ex-

press man went to the place where the key was usually found, and it was not there. It would appear also, that Dr Webster was extremely anxious to make it appear that Dr. Parkman had been seen going over to Cambridge. The manner in which he did this was striking, so far that he urged a lady who thought she he seen Dr Parkman on Thursday, to convince her it was on Friday.

On the same day, he went to a very respectable mechanic to procure a strong tin box; and there he made strong declarations that Dr. Parkman had been seen going over to Cambridge, and also mentioned a mesmerist's story that Dr. P.'s body had been carried off in a cab, and the cab had been found saturated with blood. He was particularly anxious to have the box made strong, and made so that he could solder it up himself.

Then there was another branch of the case, to which the government would ask the most intelligent inquiry. There were facts also, to show that nature had spoken out, in the case of the prisoner; that exclamations had escaped his lips, when he intended to keep them shut.

On Thursday steps were taken to make an investigation of the privy vault. The officers went down into the basement, and found that there was no mode of access to it except through the privy, of which Dr. W. had the key. It would appear that as early as Sunday evening Mr Littlefield suspected that Dr. W. knew more about the matter than anybody else; and that, during the whole of the following week he acted in accordance with that suspicion; and they would recollect that he was dependent upon those professors, and therefore he would proceed with great caution.

On Thursday, he determined to make an entrance through the wall of the vault, going down into the basement. He found it much more difficult than he expected; and on Friday morning he communicated his purpose to Mrs. Jackson and Bigelow; and with their approbation, on Friday he went to work, and set his wife to watch for Dr. Webster, but with no desire to prevent the other professors entering; at one time, Mrs. L. thought she saw Prof. W., but it appeared that it was not him; and the appearances and emotions which he manifested when the horrible discovery was made, would show the honesty of his purpose. And it would be shown, that, after these facts had been communicated to the officers of government, Dr. W. was arrested.

On that night Dr W. made declarations inconsistent with each other; he charged Mr Littlefield with a conspiracy, and almost in the same breath averred that these were not Dr P.'s remains. His conduct up to the time of his appearance in the police court, would be laid before them. On Tuesday, at a time when that tea chest had the minerals, and doubtless the remains, and when there was a fire in the furnace, Dr W. asked Mr L. whether or not he was a freemason. Mr Littlefield replied, yes. Dr W. then asked him if he had got his Thanksgiving turkey.

He then gave him an order for a turkey, the first he had ever done, and at a time when, according to his subsequent declarations, he had looked upon him with suspicion. He was taken to the medical college, because he had a private apartment which had not been entered, and it was desired to give him an opportunity to explain any thing that should appear. His appearance on that night would be an important item of testimony. There were found a pair of pantaloons, on which were found spots of blood; also a pair of slippers, on which was blood; and towels marked with the letter "W." were found in the privy. While they were, at the college that night, the privy was about to be opened. Dr W. was asked where the key was, and he pointed to a place in the room; but it was not found there, but in the prisoner's pocket.

There was also found a large number of skeleton keys that had been filed down and made to fit the doors of the laboratory. He was asked about the keys, and he said he found them in the street, and picked them up, thinking they might be of some use.

Then there had been found upon him a paper, which appeared to have been written upon two parts of the same half sheet of paper, representing conversations he had respecting Dr. Parkman's disappearance. And when brought before the police, he waived the examination, feeling that there was ground for his commitment.

Then, after his commitment, he wrote a note, which, upon examination, was addressed to a member of his own family, to keep certain things, and not open them. That parcel was called for, and turned out to be two notes that Dr. W. had given to Dr. P., and a paper stating the amount of indebtedness to Dr. P. in 1849, in Dr. W.'s hand writing. What explanation might be made of it, he did not know; but it was a paper.

And then the government would show the efforts that had been made to draw off attention from the examination of the Medical College.

Of these things no explanations had been given that were at all satisfactory.

The prisoner had permitted the matter to pass, without so much as asking the government for the grounds of accusation against him till presented in Court.

He sincerely hoped the prisoner would be able to produce such explanation as would satisfy every one of his innocence; but he thought they would require something more than for him to say that the testimony on this point or that was not to be relied upon.

The grand jury had charged him with the murder, on four counts; and it might not be amiss for him to call their attention to a point of law. If left to his own unbiassed judgment, the remarks that had been made in the public papers would have been spared, for he should have put the case upon the last count; but if in the minds of the jury, there was any evidence that the murder was produced in the methods charged, he should have been unjustifiable in leaving them out of the judgment.

There was some evidence to show that there was a wound near the breast. And there was evidence that a sledge hammer was found in Dr. W.'s back room, by the janitor, and carried into the laboratory; and that since then it had never been found. The last count charged that in some manner Dr. W. deprived Dr. P. of life. And if it were proved that the remains found in Dr. W.'s room were those of Dr. Parkman, and it were also proved that they could not be found there except by Dr. Webster's agency; then the law fixed the act upon him.

And a voluntary killing was held to be murder, unless there was evidence that there was such provocation as would reduce it to manslaughter; and it was for the defence to show this.

In other words, he understood it to be the law of this Commonwealth, that, if a voluntary killing be proved, it was held to be murder, unless circumstances could be made to appear that would show the absence of malice. If they were satisfied beyond a reasonable doubt that Dr. Parkman came to his death by the hand of Dr. Webster, unless he could show to the contrary, they must bring him in guilty of murder.

EVIDENCE FOR THE GOVERNMENT.

After a recess of ten minutes, the jury came in and the examination of witnesses for the prosecution was commenced—previous to which, however, Mr Clifford made a motion for the jury to visit the Medical College. The Court decided that the visit be made to-morrow morning.

At the suggestion of Mr Sohler, all the witnesses in the case, except the medical gentlemen, were excluded from the Court room until called to the stand.

Charles M. Kingsley, first witness called and sworn. Have acted as the agent for Dr. Parkman since about May or June, 1836; I had the care of

collecting his rents, &c. Saw him every day, and often three or four times a day; Dr. Parkman owned real estate around the Medical College; I live in Blossom street; my intercourse with the Doctor was upon business, and I would often call at his house.

On the afternoon of the 23d, I wished to see him, and called at his house about 3 o'clock in the afternoon; the day previous I met him in Court street, but had no conversation with him. When I called Friday, was informed he had not been to dinner; did not find him at home; he dined at 2 1-2 o'clock, and was very punctual in his habits. Think he nearly always dined at home. Not finding him, left word where I could be found by him that afternoon. Called very early next morning, not having heard from him; he had not then returned. Had conversation with Mrs. Parkman about making search; propositions were made to institute a search. Called at his house at 1-4 before 8 in the morning, Saturday. Heard that he had an engagement th day previous, and I proposed to trace that engagement out.

I commenced to trace him from his house, and finally heard of his being in Bromfield street at 1-2 past 12 Friday; next traced him into Washington street, then up Williams' court to Court square, and from thence out through Cornhill square, by Joy's Buildings, and then to Washington, Water and Devonshire streets to State street and the Post Office. Thence into State and Court streets, into Green street, then to Vine street. Corner Vine and Blossom street found where he had left a bag containing lettuce; the boy in the store said it was left the day before (Friday) by Dr Parkman. I then heard of him in Fruit street, leading from Blossom to Grove. Traced him to the Medical College.

Mr Trenholm, and some people in the neighborhood, assisted me in the search. The search was continued Saturday until about twelve o'clock at night. The police aided on Saturday, and continued to make the search. Think there were 12 or 15 persons, exclusive of the police, engaged in the search. Five or six houses were searched on Saturday evening. Advertisements were published in papers on Saturday afternoon. On Sunday forenoon we searched through the city; in the afternoon a report that he was seen in East Cambridge called several officers in that direction. A great many houses were searched on Sunday. I went to East Cambridge on Monday forenoon; returned, and went to the Medical College. Mr Starkweather, police officer, was with me. We went all over the building, dissecting rooms, attic, &c.; looked into the large vault where they throw the remains of dissected bodies.

Went into Dr. Webster's apartments; it was about 10 o'clock Monday forenoon; knocked at Webster's door; it was locked; some time elapsed before we entered; Littlefield said the Professor was in there.

Two o'clock having arrived the Court adjourned till half-past 3

AFTERNOON SESSION.

The prisoner came in at a quarter past 3 o'clock, attended by an officer. After being seated, he entered into conversation with his senior counsel, Judge Merrick. His appearance was perfectly self-possessed, quiet and dignified.

The court came in at half past three o'clock.

Charles M. Kingsley, resumed. After he had knocked once, Mr. Littlefield said the Professor was in there, and he thought he could make him hear; he then shook the door violently. After some minutes Prof. Webster unlocked the door; Mr. Littlefield said we came to look round, to see if we could learn any thing of Dr. Parkman. It was the door leading to the lecture room. We proceeded through the lecture room, and down into the laboratory. The professor came down after us; he did not speak to either myself or Starkweather. He spoke to Littlefield.

After leaving the College I went to East Cambridge. Next day (Tuesday) officers Clapp, Rice and Fuller, accompanied me to the College. We knocked at the lecture room door as before, and the Professor opened it. We went into Littlefield's apartments and searched every room; Littlefield was out and in during the time; we made a thorough search; we thought we might find papers or something. Leaving Littlefield's apartments, we went through a trap door, beneath the College; Messrs. Fuller and Rice went down into the under apartment, and were absent about fifteen minutes. We were not kept waiting so long at the Professor's apartments, as the day previous; he came and unlocked the door; Mr. Clapp had some conversation with him; Mr. Clapp told him we came to search all parts of the college, and should search the houses in the neighborhood.

Mr. Clapp spoke very politely to Webster, and said they did not suspect any one about the college, but were obliged to go where they were sent. Mr. Webster said we could look. We walked through the next room, and then Mr. Clapp made a motion to enter the back private room, adjoining the laboratory; the principal laboratory is one story below; when Mr. Clapp started towards the private room, Prof. Webster said there were valuable and dangerous articles there. Mr. Clapp put his head in and then returned; we then went into the lower laboratory; in the upper laboratory I stood near the furnace; my attention was directed to examine the furnace by a Mr. Fuller, who lived in the neighborhood; he told me to examine the ashes; in the lower laboratory there was no fire, and the ashes appeared to have been just swept up.

During this time, the Prof. was talking to Mr. Clapp; I went to the south west corner of the room, where there was considerable rubbish, a barrel or two, &c; saw a tea chest with tan in it, also a lot of minerals. A question was asked about the key of the privy; Dr. Webster's private privy, it was called. He, or some one else said the key was hanging at the other end of the room. On going down stairs observed water on the steps; saw it the first day I went in, and this time it did not appear to have dried up at all; when we left, Mr. Webster remained inside, shut the door after us. The search was kept up till Friday. The officers had no suspicions of any one in the college, and said they came in to look round in order to say that they had searched the college. I gave no orders, but only accompanied the officers; my suspicions might have been discredited by them.

Wednesday and Thursday the search was not so active as it had been. Thursday was Thanksgiving day. I believe 1600 dollars reward was offered on Monday, and 3000 dollars on Wednesday; handbills were generally posted in the city and towns.

On Friday night I went to the Medical College in company with several others; previous, about four o'clock, I went with officer Starkweather, and called at Littlefield's apartments; had heard that Littlefield had borrowed tools to break through the walls.-- Soon after we called Littlefield came out from his apartments. There were marks of mortar on his overalls; I ascertained what Littlefield was about; before ringing the door bell I put my ear to the wall, and heard some one at work on the brick walls. I was not at the jail office when Prof. Webster was arrested.

About 10 o'clock that (Friday) night, I went to the jail and saw Prof. Webster after his arrest. Mr Parker, the County Attorney, Dr. Gay, officer Starkweather, and others were present. On entering the cell, under the jail office, Prof. Webster laid upon a bench with his face downwards. He said he was not able to get up; Dr. Gay talked with him, and tried to soothe and comfort him; he seemed under great excitement, so much so that I thought he would not live; on carrying him up stairs into the jail office, he called for water, but could not drink it; I held the tumbler to his lips; he apparently had no control of his arms and hands, and gnashed his teeth at the tumbler, spilling the water over him.

He was supported in a chair; he appeared in convulsions; never saw any one so before; never saw a person in delirium tremens. Prof. Webster wanted to send word to his family, and to Mr Dexter; mentioned his family several times; appeared in deep distress. Mr Parker said we were going to the Medical College, to see if he could not explain about something found there. He said he had nothing to explain; he persisted very much; Mr Parker remarked that it was very cold in the cell; Webster said his extremities were freezing; it might have been Dr. Gay who made the remark to Webster about the cold.

Went to the College after them; they had reached the small laboratory up stairs; two officers were holding and supporting Prof. Webster; they asked him for the key to the private room; he said Mr Clapp had taken the keys from him when he was arrested. Then asked him for the key of the privy; he replied that it hung on a nail at the end of the shelf. I could not find it; Mr Starkweather found a key hanging near, which they tried, and found it would not fit. Mr Webster said some one must have taken the key away; the privy door was then burst open. We then descended to the lower laboratory, where something was said about bones being found in the furnace. We remained about 15 minutes, and then went to the trap-door that connects with the basement; parts of a human body, including the pelvis, right thigh and left leg were lying there upon a board; Dr. Webster saw them; he made no remark; he stood supported by two officers; he was very much excited, but not more so apparently than he had been; he was 8 or 9 feet from the body. After looking at the body ten or fifteen minutes, during which very little if anything was said, the party left.

Saturday afternoon (next day) officer Fuller found the thorax and thigh of the body in a tea chest; the thigh was crowded into the trunk, the intestines having been removed. It was the left thigh. The tea chest was rolled from a corner of the laboratory, and emptied in the middle of the floor; a large jack-knife, I should call it, fell from the tea chest.--Saw a string tied around one of the limbs; the remains were washed, and left in charge of officers. On Sunday afternoon, while I was at the College, a pair of pantaloons and a pair of slippers were found; Dr. C. T. Jackson and some officers were there, Heath and Butnan; believe Mr Butnan found the pantaloons; there were spots resembling blood upon them; don't know as Dr. Wyman was there; an officer took charge of the pantaloons. Saw a dirk knife there on Sunday, and a small saw, seemed to have blood on the handle. Some one inquired for a pen, and Littlefield, went up stairs to get one; I followed; saw him pick up two pens, and he remarked that one of them he thought would not write. It appeared to be a reed pen. Saw no towels found. Was present Monday morning, when Dr. Lewis put the limbs together; the body was proportioned like Dr. Parkman; he was quite tall and slim; suppose he was 5 ft. 10 1-2 inches--heard him say so; was very small across the hips, and of light, perhaps sandy complexion; his under jaw was prominent. Should not like to say that I recognized the body. Saw some bones taken from the furnace in the lower laboratory. I have never heard Dr. Parkman use profane language, but have heard him when excited use severe language.

I assisted on one occasion in searching Dr. Webster's house; found nothing. On the Tuesday when we called to search the college, Dr. Webster said it was lecture time, and asked Littlefield to ring the bell. Littlefield replied that it was not time.

Cross examined by Soldier--The day following Webster's arrest, I went with three officers to search his house. We had a search warrant. I accompanied Starkweather a second time to search his house, without a search warrant. By using severe language, I mean that if a man attempt to cheat Dr Parkman, he would call him dishonest, a knave, &c.; never heard him use a profane word. Mr Clapp and other officers took the minerals in their

hands while in the laboratory, and examined them. It was about the time we were leaving when Prof. Webster said it was lecture time. I never have measured the furnace; Professor Webster opened the door when we went there on Tuesday; Littlefield knocked twice pretty hard. I called the first time with Starkweather. Dr Webster was dressed in his working dress, with an apron and cap on; he was dressed the same next time. We saw Doctor Ainsworth in the college but he left when we went to Dr Webster's apartments. I think it was eleven o'clock when we called on Monday; on Tuesday, it was nearly twelve o'clock when we went away.

The professor directed my attention to a shelf where he said the key of the small private room was hanging, but I could find none; he then said some one had taken the key away. This was after he had said Mr Clapp had taken away his keys; the saw I spoke of was such as butchers use in sawing meat, and carpenters use them for fine work. A few questions more were asked the witness in relation to the knife, &c., when he was allowed to sit down.

Patrick McGowan. Lived in Dr Parkman's family. Remember the day Dr Parkman disappeared; some one called at the house in the morning between 8 and 9 o'clock and inquired for the doctor; saw the gentleman, but can't say it was the prisoner; the doctor was in, and went to the door; I heard him say in reply to what the gentleman said --"Yes, I will be there at half-past 11 o'clock." The last time I saw the doctor was about 11 o'clock that forenoon, and have not seen him since.

Cross examined. I was the only man servant the doctor had in his family; have been there since the 6th September; I tend the door generally, and several people called for the doctor that day; never knew him to be late at his dinner but once.

Robert G. Shaw, called and sworn. Was a brother-in-law of Dr George Parkman; he was about 67; do not know how long he had known Prof. Webster; saw the doctor about 9 o'clock on the morning of the 23d, and walked down from my house to State street with him; he was in good health and spirits; on Saturday morning Mrs Parkman sent for me, she appeared in great distress; I then went to Rev Dr Parkman's house, and consulted with him; we were afraid he had been murdered and robbed; we called upon Mr. John C. Park, and then went to the Marshal's office; advertisements were published that day, and a reward of \$2000 was offered by me, and subsequently an additional reward of \$1000; I was consulted on all occasions, and gave directions for a general search; I first knew of the discovery of the remains on Friday evening; I saw the remains.

A question by Mr Bemis, as to whether the witness was of opinion that the remains were those of Dr Parkman, was objected to by Mr Sohler.

The Court ruled that the question could be put, but in another form.

Mr Clifford, argued that it was legal to ask the impression of witness as to the remains, and then the reasons upon which such impression was predicated.

Mr Clifford. Did you see any appearances which led you to believe they were Dr Parkman's remains?

Witness. I thought they were Dr Parkman's remains by the hair on his breast, and by the peculiar appearance of one of his legs. He called at my house one cold morning, and I spoke to him about going so thinly clad, without an overcoat; he sat down, and pulling up his pantaloons, he wore no drawers, shew me his leg, and by my recollection of it in form and appearance I judged it and the limb I saw at the College to be identical; I also saw the set of teeth found in the grate; but I am more certain of the identification of the body from the hair upon his breast; I clapped and received the remains as those of my brother-in-law George Parkman.

About the 18th of April last, I received a note from Prof. Webster,--requesting a private inter-

WEDNESDAY, March 20.

SECOND DAY.

The visit of the jury to the Medical College this morning was continued beyond the hour to which the Court adjourned, and it was a quarter to 10 o'clock when the Court came in.

The prisoner, who was conducted to his seat at about 8 o'clock, conversed occasionally with such of his friends as came along, and otherwise appeared to take his troubles with much philosophy. The Court room was very much crowded.

The first proceeding was to exhibit to the Court a plan of the premises at the College, where the murder of Dr. Parkman is alleged to have been committed. The drawing was shown by Mr Bemis for the prosecution.

City Marshal FRANCIS TUKEY called and sworn. I have partial direction of the police department. We commenced the search for Doctor Parkman on Saturday, 24th Nov. in the forenoon; Mr Blake called on me, and I went to his office; met Mr Robert G. Shaw and others there. I notified the officers employed at the west part of the city to commence a search in the houses belonging to Dr. P.'s estate. At 2 o'clock that afternoon, I was requested by Mr Shaw to inform the whole police force that the Dr. was missing.

Advertisements were put in the papers on Saturday afternoon; I think it impossible to have made a greater or more thorough search than was made for Dr. P. during that day and the following week; 23,000 handbills were issued, and men were despatched in every direction for fifty miles around the city; I drew up the handbills, and submitted them to Messrs Shaw, Francis Parkman and Blake. The first handbill offered a reward of \$1000; the second \$2000, and subsequently a reward of \$100 was offered for Dr. P.'s watch. I think the remains were discovered in one week from the day he was missing. In consequence of information, I went to Mr. Shaw's house in Summer street, (the younger Mr. Shaw,) and from thence to the College. Dr. Bigelow (the younger) went with me; I went into Mr. Littlefield's apartments and found officers Trenholm and Clapp; Littlefield, Trenholm, Dr. Bigelow, Clapp and myself entered beneath the College, into the cellar through a trap door.

We passed through an open space I should think of 60 or 70 feet to the far corner, where we saw a hole about 18 inches square broken through the brick wall; the hole had the appearance of being recently made, brick and mortar laying along side of it.

[A very perfect model of the Medical College building was here exhibited to the Court and Jury. The model was so constructed as to be taken in pieces, thus showing the internal arrangement of the various rooms, the laboratory, vault, &c., to the best advantage.]

Witness continued. We entered the trap door on the south side of the building; on reaching the hole I took a lamp and looked in; saw what I took to be pieces of flesh; the water was coming through the outside wall. Mr Trenholm went in and passed out the pieces to Mr Clapp; there were three pieces, a thigh, part of the body, and leg; Dr Bigelow said that was no place for dissected subjects. I asked Littlefield if there was any way to get into the vault except the communication from Dr Webster's privy; he said there was not. We heard some over head which we thought was Dr Webster; we ascended to the laboratory by the door, and I passed in, while the officers looked for the person we heard walking about in the lecture room; they did not find

view, and by appointment he called at my residence. He stated that he was hard pressed for money, and expected the Sheriff would be in his house if he did not raise a certain sum of money immediately; he then proposed to sell me a cabinet of minerals. I replied that I did not want them. He pressed me very hard; spoke of his family, and his position in college as dependent on obtaining the money, and offered to dispose of the minerals for \$1200, stating that they had cost him much more. He finally worked on my feelings and I consented to the purchase. He wanted \$600 for immediate relief; said I had not got the money, but if he could get my note on three months discounted, would give it to him. Next day he called, and I gave him the note, which I think he got discounted at the Charles River Bank.

[The note was dated 20th of April, 1849, and was for \$600, running three months. It was read and put into the case by Mr. Clifford.]

Witness. Soon afterwards Prof. W. brought me a bill of sale of the minerals with a catalogue embracing 5000 specimens. On the 6th June he called on me, and I paid him \$200 more on account; on the -- of August he called again, and I paid him the balance of \$100. Sometime afterwards when I was walking with Dr. Parkman, we met Prof. Webster in the street, and bowed to him. I asked Dr. P. what salary Prof. Webster got at the College. He said \$1200 a year. I replied that it seemed rather small, and that he seemed hard pressed for money, remarking that he had applied to me, and I had purchased his cabinet of minerals. He said: "They were not his to sell!" and told me that he had a mortgage upon them. I was very much surprised, and went home with Dr. Parkman, who showed me his mortgage. He said: "It is a downright piece of dishonesty on the part of Dr. Webster, and he ought to be punished!"

[The mortgage held by Dr Parkman was here read to the court by Mr Bemis. It was dated 22d Jan. 1847, and for the consideration of \$2400 made over to Dr Parkman all the personal property of Webster including his minerals, etc., made payable in four years from date. It was recorded at the Probate office in Cambridge in Feb. 1847.]

Witness continued--At a subsequent period, a subscription was brought to me to raise money to redeem the minerals, it being stated that in the event of their redemption, Prof. Webster would give them to the college. I consented to subscribe \$500 on paper, to be deducted from the amount I had advanced to Prof. Webster, to go for his relief. Some time afterwards I was paid the balance of \$700.

Dr Parkman's claim was not paid from the money raised for Prof. Webster; he said so to me; I have no other knowledge; Dr Parkman had a wife and two children, son and daughter; the daughter was in ill health about the time he was missing, and he did not expect she would recover; he was always seeking for delicacies for those of his friends in ill health; the doctor was more than punctual in business matters, and seldom left home but for short periods.

Cross examined by Sohler. He was a remarkably punctual man in all matters; when he left home he always stated at what hour he might be expected to return; if I had not known that Dr Parkman was missing, I should not have supposed the body at the College to be his; the teeth, the general outline of the limbs, and the hair on the breast, are the marks by which I identified it.

By Mr Bemis. The mortgage for \$2400 was in possession of the Coroner's jury and was given up to me by permission of Mrs Parkman. [The mortgage it will be remembered was found among Prof. Webster's papers, after his arrest.]

The hour of 7 having arrived, the Court adjourned till 9 o'clock to-morrow morning.

him. The officers accompanied me into the laboratory; it was the lower one; I saw pieces of cinders with bones mixed with it; Mr Clapp took a piece in his hand. I directed the officers to leave everything as they were, and left.

I next sent officers to Cambridge for Dr Webster, and called upon Mr Parker, the county attorney.

[A box containing the fragments of bones, tee h, &c., taken from the grate, was here opened by Mr Tukey, and he testified to its having been in his possession since the coroner's inquest; the knife found in the tea chest was also shown. These things will be put into the case hereafter.]

Witness continued. I did not go into the college again that night; was on the outside of the building during the evening.

Cross examined. The first handbill was written by me, I think Saturday night, but was not printed till Sunday. On entering the aperture made through the brick wall, we were about one foot from a line with the hole of the privy over head. The remains were lying a little to one side from a direct line with the hole of the privy; can't tell the precise distance. Can't say which particular piece of the remains was most directly in a line with the hole. They lay a little toward the north wall. I think the tide must ebb and flow through the outer wall of the building. The water might flow through the crevices of the wall, but no solid substances. I only looked through the hole.

CALVIN MOORE called and sworn. I reside at corner of Vine and Bridge streets; I knew Dr. Parkman; saw him last on the 23d of Nov; he was at the corner of Vine and Blossom, in Mr. Holland's store. I went into the store to purchase something; it was between one and two o'clock, and while I was there, Dr. Parkman came in from the direction of Vine street; think it was from 10 to 20 minutes of 2 o'clock. I fix the time by officers calling upon me next day to ask if I had seen him; this called my attention to the matter. The Dr. bowed to me, and spoke to Mr. Holland about purchasing some sugar; wanted to know if Holland had anything to put it in; he pointed to a bucket, and the Doctor told him to put it up. While it was weighing, the Dr. inquired about some butter; ordered some butter, which weighed 6 pounds. The Dr. came round and spoke to me about the weather. He was in there perhaps five or ten minutes. He left, going out of the Blossom street door, and hesitated, and I thought stooped over the counter and spoke to Mr. Holland as he was going. Did not notice the direction he went.

Cross examined by Mr Sohier. My house is near Mr Holland's store. I never saw the doctor slow; he appeared as he always did, quick and prompt; it did not strike me that he appeared in a hurry. I fixed the time as near as I can; I was examined before the Coroner's inquest; I fixed the time at 20 to 10 minutes before 2 as the hour I saw him in the store, when Mr Kingsley and the officers called on me the next day. It was Saturday afternoon, about 4 or 5 o'clock. I told Kingsley I saw the doctor. I fixed the time after Kingsley left me.

MRS MOORE called and sworn. (Wife of the previous witness.) Reside at the corner of Vine and Bridge streets; knew Dr. Parkman by sight. Did not see him on Friday, 23d Nov. I remember sending my son George to school; it was ten minutes before 2 o'clock. He was on the side-walk; told George I was afraid he would be late at school. I just looked at the clock, and the time is fixed in my mind. My attention was called to the time about a week afterwards.

Cross examined by Sohier. I fix the time at Friday the 23d of November, because my attention was called to it afterwards. George called my attention to it in speaking of Dr. Parkman. It was in a simple conversation with George in my chamber. I know it was Friday; I know it was the 23d day of November, and know it wanted 10 minutes to 2 o'clock. [The cross-examination was rather vexatious to the witness.]

GEO. F. MOORE, called and sworn, (son of the

previous witnesses.) Am 12 years old; live at the corner of Vine and Bridge streets; I know Dr Parkman; I saw him on the Friday, 23d Nov.; I heard Saturday he was missing and by this I fixed the time; I saw him in Fruit street at 10 minutes before 2 o'clock; I was looking at a truck which was stuck in the mud; Dr Parkman was passing down Fruit street towards Grove street.

A map of the streets in proximity to the College, was here shown witness who pointed out the locality of the Iron Foundry.

It was 10 minutes before 2 o'clock, as my mother called me, saying it was ten minutes to 2 o'clock, and I must go to school. I said to a boy named Dwight Prouty, Jr., a school-mate: "There goes Dr Parkman." We then went to school, in Finckney street. Got there just before the time. School begins at 2 o'clock.

Cross examined by Sohier. Don't recollect when I saw Dr Parkman before; saw him frequently; he passed close by me. Next day in the afternoon I told my mother I saw him.

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GEORGE PROUTY, Jr., sworn. I am thirteen years old; go to school with George Moore. I saw Dr. Parkman on Friday, 23d of November, at 10 minutes before 2 o'clock. I left my home at 44 Bridge street, at fifteen minutes before 2; I frequently have seen Dr. Parkman; he passed by us. George's mother told him it was time to go to school; we were looking at a truck. The Doctor went down Fruit street towards Grove. George's mother spoke to him just as the doctor passed. The trucks was stuck in Fruit street, the horses heading towards the iron foundry.

Cross examination not material.

ELIAS FULLER, called and sworn. I carry on the iron foundry known as "Fuller's Foundry." It is situated on North Grove street, on the west side; I knew Dr. Parkman, and saw him frequently; he had a claim on the land on which my foundry was built. I saw him on the 23d of November, between half past one and 2 o'clock. I stood in front of my counting-room in North Grove street, waiting to see a man who had made an appointment to meet me at 2 o'clock. The man's name is Joseph Annis saw the doctor a few minutes before 2 o'clock, as near as I can recollect; I looked at a watch, or requested my brother to do so, while waiting to see Mr Annis; at one time when he looked it wanted 20 minutes of 2. After Dr Parkman passed he looked at his watch again; I waited a very few minutes after the doctor passed and then went off with Mr Annis; the doctor went towards the Medical College; a truck with a load of pig iron for us, was stuck in the mud in Fruit street about the time. The doctor bowed when he passed me. He crossed the street to the sidewalk where I stood, and went in the direction of the college. Did not look after him.

Cross examined by Sohier. He was walking very fast; wore a dark frock and dark pantaloons.

ALBERT FULLER, called and sworn. I am engaged in carrying on the iron foundry; have known Dr Parkman some two years; on the 23d Nov. I saw him cross the street in front of our building, and go towards the Medical College; he came within about 12 feet of me; saw him bow to my brother. I stepped out to see if he was going into our counting room. He did not enter the counting-room, but passed on toward the college; I saw him when he was about forty or fifty feet from the college. It was between half-past 1 and 2, and near 2 o'clock. I remained there all the afternoon weighing iron. I have never seen the doctor since. My place is in front of Fruit street, and I think no one could leave the college without passing in sight of where I was at work. There are two ways by which you can leave the college, both in sight of my place. My brother Elias inquired the time of day of me. I heard next day the doctor was missing.

I knew Dr. Webster by sight; he called at my counting room on Tuesday to sign a check for Charles W. Cummings. It was the Tuesday after Dr. Parkman was missing. Mr Littlefield called on me to borrow some tools; He borrowed an iron bar, and a chisel. It was in the afternoon. I let him have a chisel, and think my brother let him have a bar. Can't fix the day, but think it was Thursday or Friday. Mr Kingsley called on me once or twice.

Dr. Parkman was very punctual in his business with us. When Dr. Webster called to sign the check, he made a remark, that it was remarkable that nothing had been heard of Dr. Parkman.

Cross examined by Sohler. We were weighing on the afternoon of Friday, several men were employed. I was in sight of both sidewalks in Grove street; I have fixed the time I saw Dr. Parkman as near as I can.

LEONARD FULLER called and sworn. I am associated with my brother in the Iron Foundry. Mr Littlefield came to me and wanted to borrow a bar; I think it was on the day the remains were found; I got him a churn-drill, about 4 feet long, and gave it to him. In about an hour afterward he came back for a hammer and chisel. He had off his coat and vest, and was sweating; his clothes were dirty, but don't recollect seeing any appearance of mortar. My brother let him have a chisel and hammer; he took them and went to the College; did not see him again that night.

I knew Dr. Parkman, and saw him on Friday, 23d; don't recollect the hour; I have known Dr P. for the last ten years; he was very prompt in business matters; I noticed nothing unusual in the Doctor's appearance that day.

Cross examined by Sohler. I saw Dr. Parkman that day in Court street; I think I did not notice his dress; I was in a chaise.

PAUL HOLLAND, called and sworn. On the 23d Nov. last, I kept a grocery at the corner of Vine and Blossom streets. That day Dr. Parkman came into my store between 1 and 2 o'clock; I think about half past one; he stopped about fifteen minutes, and made a small purchase, which I agreed to send home; his purchase was 32 lbs. crushed sugar, and 6 lbs. butter; he had a paper bag with him, which he asked permission to leave with me for a few minutes; he passed out into Blossom street, and spoke to me about leaving the paper bag just as he was going; the bag contained lettuce; the next afternoon I heard he was missing; Mr Kingsley and others told me; Calvin Moore came into my store while Dr. Parkman was there; the bag of lettuce remained at the store; I sent the articles purchased by the doctor to his house; my clerk was at dinner when he called; he dines at 1 o'clock; I dine about 2, after the clerk returns.

Cross examined, by Sohler. I lived in Spring street, and my clerk in May street; Dr. Parkman did not seem in a hurry; he wore a dark frock coat, his pants were black, and I think he had on a black satin vest; he wore a black hat.

JABEZ PRATT, Coroner, called and sworn. I was called upon on the evening of Friday, the 30th Nov., between 9 and 10 o'clock, by officer Spurr, and went with him in a carriage to the house of S. D. Parker, Esq., in Mount Vernon street. We went from thence to the jail. Dr. Martin Gay was one of the party. I knew Prof. Webster, and saw him that night in a cell in the jail. Previous to going to the jail a warrant had been put into my hands for the arrest of Prof. Webster. We entered the lock-up under the jail office, Dr. Martin Gay, Mr Parker, and others being of the company. Prof. Webster was lying on his face on the bunk, apparently in great distress; Dr. Gay endeavored to soothe his feelings, and requested him to get up; Prof. W. said he was unable to. He was violently agitated and trembled in every part of his frame, and exclaimed: "What will become of my poor family!" He was assisted from the bunk, and carried up stairs; two officers carried him up, he was nearly helpless, or appeared to be.

In the jail office, he was seated in a chair; think

he called for water; some person got him some; he was so agitated he could not drink; did not take the tumbler in his hand. Mr Parker requested before going to jail, that no conversation should be held with Prof. Webster relative to his arrest. Mr Parker did not go down to the cell, but remained in the jail office. He stated to Prof. Webster that some discoveries had been made in his premises at the Medical College, and said we called to see if he would go down and make such explanations as he felt disposed. He consented to go, and we went. Mr Leighton, turn-key of the jail, accompanied us. He had to be lifted into the carriage. Heard Prof. Webster say his extremities were very cold. On reaching the College, we all went up the front steps; he was taken from the carriage and led up the steps. There was some conversation in the carriage, but I have no distinct recollection of what was said; he complained of being taken from his family at night. Dr. W. entered the front door of the College, thence through the lecture room; Webster was supported by Messrs Cummings and Leighton.

Next we went into the small laboratory at the foot of the lecture room, which door I believe was locked on the inside. I believe the door was broken open with an axe. Dr. Webster said that was his private room where he made his chemical preparations, and it was dangerous; he said Mr. Clapp had taken his keys, we all went into the room; Dr. Webster pointed to a coat, and remarked that he wore it while lecturing; also that we must be careful and not break the bottles. On the opposite side from the door, in the small room, was some drawers and a closet; some of the drawers were broken open. Dr. Webster objected to the locking, and said we would find nothing there but demijohns and bottles. A hatchet was found in the room done up in a paper; do not know who found it; we discovered nothing else in the room that I noticed.

We then descended the stairs to the laboratory. I recollect no particular conversation between the parties here. Inquiry was made for the key of the privy. The Prof. said it was hanging on a nail.

I did not take so much notice of the rooms as some others, supposing I was called there on official business; while we were in the laboratory a key was tried on the lock of the privy, which did not fit. The door was broken open by my direction, and the seats of the privy taken up. Some person inquired, where is the chimney? It was pointed out, and another observed, there is a furnace. Some person went to the furnace, took off the cover, and I believe took out some of the cinders. A piece of bone was found; crucibles, &c. were about the furnace, some on top of it. During this time some one had Dr. Webster by the arm. He called for water, and attempted to drink, but was so agitated that he could not. He appeared different from any man I ever saw before. On the water coming near his mouth he would snap at it, as though it was offensive and threw him into spasms. He appeared more calm up stairs than in the laboratory.

Mr Andrews, the jailor, came in while we were in the laboratory; we went from thence to the cellar, where a trap door was open. Mr Clapp, Mr Littlefield and myself, went through the trap door, and got upon our hands and knees, and they passed out some parts of a human body; they went farther in than I did. Prof. Webster continued to exhibit great agitation. The party then left for the jail, and the remains were conveyed into the laboratory. I left the college building in care of several officers, the remains having been placed in a box. I made no search that night.

Next morning I summoned a jury of inquest to assemble at 4 o'clock in the afternoon at the college. On going there, found additional parts of a human body had been discovered. Several police officers were there, and may have assisted me in examining the furnace. We found pieces of bone, particles of something resembling gold, lead, &c. On the top of the furnace there was a considerable quantity of ashes.

After taking out about half the contents of the furnace, I found some charred substances sticking to the jam back of the furnace, which I broke off.

At quarter past 2 the Court adjourned till half past 3.

AFTERNOON SESSION.

The Court came in at half-past 3 o'clock.

JABEZ PRATT, Coroner, resumed. In addition to the part I discovered sticking to the jam inside the grate, there was a piece of artificial jaw, and one or two manufactured and filled teeth; found the jaw and teeth near the bottom of the grate; the jaw was in one piece. The block of teeth was half way from the top of the ashes to the bottom of the grate; several teeth were found distinct from the jaw. I gave directions for the contents of the furnace to be given to the medical men and chemists. I sent for Dr. Jefferson Wyman of Cambridge, on Sunday, at the request of one of the medical gentlemen present with the jury. The remains of the body were put into the privy on Friday night for safe keeping. I took the bones from the grate on Saturday. The medical gentleman were there on Saturday afternoon. I have in my custody a tin box, said to have been made by Mr Waterman for Prof. Webster. I had a note from S. D. Parker, Esq., stating that a box ordered by the Professor was at Waterman's shop. I went and got it in company with Mr Parker. [The tin box was here shown. It has been at various times fully described in the history of this business.]

Cross-examined by SOHIER. I do not pretend to judge of the contents of the furnace, but am sure there were some bones. The portion which was attached to the back of the grate I examined before I knocked it off. There appeared to be some single mineral teeth in the furnace.

Dr. WINSLOW LEWIS, Jr. called and sworn. I was one of the physicians called to the Medical College; was called on Saturday; Dr. Martin Gay and Dr. C. T. Jackson met with me; Coroner Pratt requested my presence; I went about 3 o'clock.— Dr. George H. Gay, Dr. Stone and Dr. Wyman were also present. Drs. Martin Gay and C. T. Jackson took charge of the bones and teeth. Doctors Gay, Stone, and myself prepared a report of what we had particularly inspected. We rendered that report to the Coroner's Jury. The report was reduced to writing.

[This report, drawn up and signed by Drs. Winslow Lewis, Jr., J. W. Stone, and George H. Gay, was here read to the Court and Jury by Mr Bemis. It was very minute in detail, and comprehensive of medical and anatomical phrases, which were explained to the comprehension of the jury by Dr. Lewis, who in this way followed the reading of the report with a running commentary. It is doubtless a very able report, as it is very lengthy. It proved that the remains found in different parts of Professor Webster's premises constituted an individual body, muscular and devoid of fat, advanced in life. The left thigh had a string tied around it, just above the knee joint. The measurement of the limbs was made with great precision, making, with the comparative length of the missing parts (the head and feet) the total length of the subject 5 feet 10 1-2 inches. This was the height of Dr. Parkman.]

Dr. Lewis was then examined at considerable length by Messrs. Clifford and Bemis. I knew Dr. Parkman, and saw nothing in the appearance of the limbs and body submitted for examination dissimilar from what I should expect to find in the body of Dr. P. It bore no indication of being a subject for dissection. The remains were doubtless one and

the same body. A block of mineral teeth about 2 inches long was handed to me, which I subsequently gave to Dr. Keep, a dentist. He afterwards returned them to me, and I placed them in care of the Coroner.

Cross-examined by Sohier. I have been acquainted with Dr. Parkman about 20 years. If I had not been told Dr. Parkman was missing, should not have thought it was his body. There were no peculiar marks about the body. We can get very near the height of a body by comparison, as in this instance; I should think within half an inch.

The opening in the chest I think was a stab. It had been affected by some chemical agency. The aperture was on the left side. The flesh was very soft from the action of this chemical agency. Cannot tell whether the aperture or wound was made before or after death. We discovered no marks upon the ribs; might say a person of similar frame would contain 2 gallons of blood; very little blood is found in subjects for dissection; I saw the furnace; cannot tell with any accuracy how long it would take to consume by the action of fire the parts of the body missing. I think the remains were those of a man about 56 years old; it might vary ten years. The lower limbs showed great muscular development. Dr Keep examined the teeth, returned them to me, and I gave them in care of the Coroner.

By Mr CLIFFORD. From the wound in the side he would have bled internally, into the cavity of the chest.

DR. J. W. STONE, called and sworn. Signed the report with Drs. Lewis and Gay. The remains exhibited an unusual quantity of hair on the back; the lower limbs exhibited great muscular development; on one side of the trunk, the hair had apparently been burned; we say in the report that he was between 50 and 60 years of age. I knew Dr. Parkman; have known him five or six years. Saw nothing in the remains by which I would suppose it might not have been Dr. Parkman. The natural conclusion was, that the person who cut up the body knew something of anatomical science; the breast bone was removed, and the joints separated, as a surgeon would do it. The body had no appearance of having been prepared for dissection.

Cross examined by Sohier. There was no appearance of a stab when we examined the body the first day. The next day I heard there was such an appearance, but I did not see it. There were marks of fire upon some parts of the body.

By Mr Clifford. The membrane was perforated in some places between the ribs; there was no mark of a knife on the ribs.

DR. GEORGE H. GAY, called and sworn. I am one of the physicians who signed the report. I agree now with its statements; the manner in which the body was separated exhibited some anatomical knowledge; the separation of the head from the trunk was done by sawing; it is difficult to separate the thigh from the hip; in this instance, no proficient anatomical knowledge was displayed, but a certain degree. I saw the aperture in the side while an officer was moving the body; had not noticed it before; I examined it, and thought it was made by a stick in the hands of the officer.

Cross examined by Sohier. I had the impression that the opening was made by a stick with which the police officer was moving the trunk; I merely looked into the opening; saw no indications that a knife had been used.

DR. WOODBRIDGE STRONG, called and examined. This witness was called as an anatomist and examined in relation to the action of fire upon human flesh. A pirate who had been hanged was given me to dissect, by the United States Marshal; he was a large man, with a good deal of fat; I kindled a large fire, and laid the flesh and muscles upon it; I set up all night, kept up a roaring fire, but did not succeed in getting rid of the flesh; a large portion was left in the morning. It is a very difficult matter to burn flesh. Pitch pine is perhaps the best kind

of fuel. I knew Dr Parkman for some years. I saw him on the day on which he disappeared. It was about half past 12 o'clock, in Beacon street; he turned down in the direction of the common; I was at the Medical College on Tuesday following the finding of the remains; it was about the middle of the day. The medical gentlemen had nearly finished their examination. I saw parts of a body lying on a table. Witness after giving his opinions upon the manner in which the parts were separated, continued; I saw the aperture and the lower part of the 6th rib in a direct line with it, saw distinctly a mark made by a knife; the flesh at the opening had the appearance of having been cut when alive, as the skin was drawn back, and its appearance was entirely different from what it would be if made after death. I then thought the stab might have destroyed life. The interior parts of the trunk were unusually bloody; the blood from such a wound would pass internally. I observed the hair on the breast and other parts of the body; the skin had such an appearance as age brings upon us; I think the person must have been between 50 and 60; slight ossification was also apparent, which is seldom seen under fifty; the body in its narrow formation across the chest and the hips, was peculiar; the trunk was unusual for length and these, together with the color of the hair, made me think it was Dr. Parkman's body. There was nothing dissimilar to my ideas of Dr. Parkman's bodily formation.

Cross-examined by Merrick. I live at No. 5 Cambridge street; was on terms of friendly intercourse with Dr. Parkman. I have always taken a strong interest in the study of anatomy, and observe closely people whom I meet. I pay great attention to observing peculiarities of the human form, in the street, and elsewhere. It was Monday when I first called at the Medical College. [Witness mentioned the names of some gentlemen he met there.] I think the stove in the laboratory would have been much better to burn a human body than the furnace. I have burned human flesh in a common stove; by putting in too much flesh at a time, it will put the fire out. From the stab between the 6th and 7th ribs, the blood would nearly all flow internally; death would issue very soon. Cannot exactly tell the quantity of blood in a man of Dr. Parkman's age and figure.

[Dr. strong was on the stand for about one hour. He was very rambling and digressive in his evidence, but evidently understood the subject of anatomy, which he says has been the study of his life.]

Dr F. S. AINSWORTH, called and sworn. I am demonstrator of Anatomy at the Medical College. Every subject brought to the College, must pass through my hands before being given to the students. I keep a record of all subjects brought to the College, and those disposed of. On learning the fact that parts of a human body had been found, I referred to my record and found no additional entry had been made. I examined the remains found in the vault of the privy, and was satisfied that it had never been brought to me, or to the College for dissection. Subjects are always prepared for dissection by injecting into the arteries prepared fluid. I examined the body found, with reference to ascertaining if it had been so prepared, and found it not to be the case. Prof. Webster has no necessary or official intercourse with the Anatomical Society. My impression was that the person who cut up these remains had no knowledge of the science of Anatomy. He may have seen a body cut up, but I do not think he could ever have taken the knife in his own hand.

The breast bone was cut out in the only way in which it could have been done with a knife. There is a joint connecting the collar bone with the breast bone.

At this time, 7 o'clock, the Court adjourned until morrow morning.

THURSDAY, March 21.

THIRD DAY.

The Court came in at 9 o'clock.

Dr. CHARLES T. JACKSON called and sworn. I am a chemist by profession. I was called to the Medical College on Saturday afternoon, Dec. 1st, 1849, and met Dr. Martin Gay and Dr. Lewis. To Dr. Gay and myself were assigned the remains for chemical examination; the contents of a small assay furnace were also submitted to us for examination. I did examine the remains found, but did not think they had been used for anatomical purposes. There was something about them, particularly the manner of opening the body, that showed some knowledge of anatomy. In the separation of the thigh from the hip, there was no hacking, but the operation appeared to be neatly done. I heard the testimony of Drs. Stone and Gay in relation to their examination of the remains and agree with them in their conclusions as to the age and person of the remains. I was acquainted with the late Dr. Parkman; discovered nothing in these remains dissimilar to what his remains should have been.

[The report of Dr. Jackson was now submitted to him, and certified to be his. Mr Bemis now read this report. The report states in detail the results of the examination, found stains apparently of blood on chips, sundry bones mentioned, blocks of teeth, a shirt button, masses of metal and lead, supposed to be from a tea chest. In the metal thirty grains of gold were found.]

Examination resumed. Since my interview with Dr. Gay, at that time, I have been instructed by the police to take possession of the articles left with Dr. Gay. Took the blood vessels which I gave to Dr. Gay, and delivered them to Mr Crosby, a chemist, for examination. Found that potash had been applied to the remains; its effect is to soften, to dissolve. If desirous of decomposing a body, I should dissolve the potash, and boil the body in it, precisely as I should make soap. If the body was cut up in small pieces and dissolved in potash, it might be dissolved in a few hours. I should think it would require one half of the weight of the body in potash to dissolve the body.

I went over Dr Webster's laboratory. The largest vessel I saw there, not at that time, however, was a tin boiler, such as is used in washing clothes, from a foot to fifteen inches square. The vessel was not large enough to put in the body without cutting it up. The next best article for dissolving the body, is nitric acid. To dissolve the body, bones and all, it would require of this acid about the weight of the body. The dissolution would take place more rapidly at a boiling heat than at any other heat. This operation would require a vessel of porcelain or glass. There was no vessel of this kind in the laboratory large enough to dissolve any considerable quantity of matter by this method.

In my examination I found several bottles containing five or six pounds each of this acid; in these bottles were nitric acid and also muriatic acid. There were not over ten pounds of nitric acid. On the side wall of the staircase leading from the lecture room to the laboratory, there were drops of a green liquid, and dark stains on the stair case. I sent to my laboratory and got some filtering paper to absorb this fluid. Dr Gay took the paper, absorbed the fluid upon it, and carried it away. Since then I have examined that paper; I find that fluid in nitrate of copper. These spots were very abundant along the side wall down the stair case. At that time these spots were fluids; they have since dried up. These spots on the wall appeared to coincide with the dark stains on the staircase. They were more abundant towards the bottom of the stairs. It had the appearance of having been spilt on each stair, successively, and not to have run down the stairs.

The nitrate of copper will remain a fluid for a long time, from its attraction of moisture. The taste of this article is very stringent, of a coppery character. I was requested by the government to examine the effect of nitrate of copper upon the human blood. I referred the matter to Dr. Wyman, for microscopic examination. I was present on Sunday when the pantaloons were found which had the appearance of blood upon them; from these and from a pair of slippers pieces were cut off by Dr. Wyman for microscopic examination. The microscope is the best test of human blood. Sundry pieces of copper were found in the ash-pit which had nitrate of copper upon them. These pieces which Dr. Jackson had in his possession were now exhibited to the Jury. In handing them round, he said the nitrate of copper was still adhering to them.—The pearl shirt button found in the furnace was given to Dr. Gay, but had not been examined by me since. The quantity of gold found in the furnace weighed in all 173 grains, sixty-five hundredths. On being shown several teeth, believes the gold in them is like the gold in the furnace. The value of the gold found was six dollars ninety-four cents. Saw some of the gold taken from the furnace; appearances indicated heat of a high temperature. Have known the defendant for some time, and been associated with him in chemical experiments. Have seen a knife now exhibited before; think I have seen it in the laboratory of Dr. Webster at the old Medical College in Mason street. The College was removed in 1846. The knife was shown me at the Medical College in Grove street; found on it a little oil and whitening, apparently put on for cleaning it. It was scraped off and I carried it home, but did not prove to be of any consequence. The whitening was not then dry, was about as soft as putty. I did not take much notice of the handle of the knife.

I have noticed the height of Dr. Parkman; it was about that of my own, which is some 5 feet 11 inches. On the supposition that flesh had been consumed in the furnace mentioned, the draught, which was strong, would have been sufficient to carry off the order. I did not extract from the cinders all of the gold which was contained in them—only the coarse portions. There was about a half a peck of ashes, and two quarts of cinders and coal.

Cross examined by Mr. Sohler. I ascertained myself that the fluid on the wall was the nitrate of copper. Should not have supposed the remains found, from the appearance alone, to be those of Dr. Parkman. The hair found on the remains was singed, having the peculiar appearance of the acting of potash. On the left side of the thorax, back, and the two ends was found potash. Should think cut up in small pieces, in a suitable vessel, nitric acid would dissolve a body, bones and all, in half a day. The boiler I saw, had nothing in it. The green fluid found on the wall might have been there two weeks. The white substance found on the knife, I supposed was whitening used for cleaning the same. The coal used in the furnace was anthracite. I saw part of the gold taken from the ashes. The parts of the thorax examined, did not appear to have been long subjected to the potash. A few minutes, by the action of the potash and fire, would have produced the appearance exhibited. The time could not be ascertained, exactly. The green spots were taken from the sides of the stairs.

By the Government. Trying the experiment of nitrate of copper upon a piece of the pine, shows the same brown stain found on the stairs. This piece of pine was exhibited in Court. Pieces of charcoal were found in the ashes of the furnace.

RICHARD CROSSLY called and sworn. I am a practical chemist, an assistant in the Laboratory of Dr. Chas. T. Jackson; have made that a business for several years. Have made some experiments upon the blood vessels which were in the possession of Dr. Gay. The usual injections in such vessels in subjects for dissection are arsenic acid and chloride of zinc. On examination of these blood vessels did not detect either of these solutions.

Dr. NATHAN C. KEEP called and sworn. I am a surgeon dentist; have been in practice as such near thirty years. I am a neighbor of Dr. Lewis. Have had occasion to pay attention to both natural and artificial teeth. Knew Dr. Geo. Parkman, first when a student with Dr. Randall. As early as in 1825, was employed as a family dentist by him, and have continued to act in that capacity. I have been shown a block of mineral teeth. Recognized the teeth shown me, as some made by me for Dr. Parkman in 1846. The teeth now shown to me are the same; am able to recognize them from the peculiarity of Dr. Parkman's mouth, in the relation of the upper and lower jaw. The impression left upon my mind on first examining it is very distinct; I remember the peculiarities with great exactness. He first asked me how long it would take to make these teeth. On letting him know how long, I asked him why he wished to know. He said the Medical College was to be opened in a few days from the time, when he expected to be called upon to speak. He did not wish to order them unless he could have them at the time. He wished them to be made with as much skill as could be used. I began upon them immediately. Gave much time to the subject. Saw him frequently while it was in progress, and from these circumstances am enabled to remember the matter more distinctly than otherwise. The first step in the business was to take a fac simile of each jaw. This was done by the use of wax.—[The plaster cast of the lower jaw of Dr. Parkman was here exhibited by Dr. Keep.]

There were at the time four natural teeth, and three roots or stumps of teeth. [Dr. Keep here stated with great minuteness the method of taking the cast, of making the block of teeth, and exhibited the metallic plate, or die, which was put into the mouth of Dr. Parkman to ascertain whether it was exact or not before making the teeth. The pattern plate of the upper jaw was also exhibited.] The two casts now before me, show both the two jaws separately, and the jaws in their relative position. The great irregularity of the lower jaw required a peculiar arrangement to make the teeth fit with exactness. In this case of Dr. Parkman, the upper teeth were in three blocks. The lower teeth were also in three blocks, but not made whole in consequence of the natural teeth which remained. The largest block was on the back of the left side of the jaw, the next largest was on the opposite side. An injury to one of the teeth required me to labor most of the time on the night before the Medical College was opened. The teeth were finally finished 30 minutes before the time for the opening of the College.

[At five minutes before 12 o'clock, it being announced that a fire was discovered which endangered the room of the Attorney General, at the Tremont Temple, to enable that gentleman to look after his papers and baggage, an intermission took place for some twenty-five minutes.]

When I next saw the Doctor, he said he had not room for his tongue. To obviate that difficulty, I ground the side of the lower jaw next the tongue, to give more room. The grinding at the time was not accomplished with much ease. This grinding removed the pink color of the plate, a portion of the enamel, and injured the beauty of the teeth. Being ground on a very small wheel, the shape was peculiar. I saw Dr. Parkman occasionally after that, in relation to his teeth. About two weeks before his disappearance he called on me, having broken a spring to his teeth. This was about 10 o'clock at night. I had retired early, from being unwell. To attend to him, I arose and examined his teeth thoroughly, and mended the spring. This was my last professional intercourse with him. The day before his disappearance he called on me between 1 and 2 o'clock, to make inquiries concerning a servant who had lived with me. I went to Longmeadow to pass Thanksgiving, and returned on the Monday follow-

ing. Was told that Dr. Lewis wished to see me. At that time Dr. Lewis presented to me the portions of mineral teeth now in my hands, saying he was requested to bring them to me for examination. On looking at them, I recognized them as portions of the same teeth I made for Dr. Parkman. The most perfect portion remaining was the block belonging to the left side of the lower jaw. The shape and outlines of them were recognized as the same which I remembered as laboring on so long. Several of the other portions were very much injured by exposure to fire. I looked for the model from which those teeth were made. On comparing the left lower block with the model, the resemblance was very striking. [The witness appeared much affected at this point of the testimony. He then went on to point out the positions of the several teeth in his hands, to the different blocks, and described some of the injuries to them.]

Among the remains were found five portions of blocks, the places of which were identified by me, and one piece, which was not identified. [The moulds and teeth were now exhibited to the jury and the court, and the points of resemblance with the places where the teeth belonged were pointed out.] Among the portion of the mineral teeth, are found some minute portions of gold. The gold found is what is called cancelled. The last time the doctor called upon me, I saw his teeth as he conversed. The presumption is, from the appearance of the teeth, that when burnt, they were in the head, or muffled. If thrown into the fire without being muffled, they would have been exploded into a multitude of pieces, especially after the teeth had been warm. With these teeth were found portions of the jaw. My assistant in making these teeth was Mr Noble, now attending his studies in the Baltimore college.

Cross examined by Mr Sohier. The particular circumstances of making these teeth have seldom been out of my mind; whenever I saw Dr Parkman I thought of them. I do not think I have taken any pains to recollect the matter. The first thing I thought of when seeing the teeth brought to me by Dr Lewis, was that they were those I made for Dr Parkman. The name of Dr P. on the mould was put on at the time of making them. The mould was preserved in case of necessity for future use. Dr P. had previously had a smaller block of teeth. This was just previous to his going to Europe. I heard of the disappearance of Dr Parkman either on Friday or Saturday night, when it was advertised in the papers. This was before I went into the country. Dr Parkman had no separate or single teeth to wear after the block made for him.

In answer to a question by the Government, the witness pointed out where the natural teeth remaining in the jaws were situated. One of the roots of the natural teeth adhering to the block of mineral teeth, was broken off while before the Grand Jury. When handed to me by Dr Lewis, there were three blocks together—two lower back blocks and one upper; one of them has since been separated from the others.

Dr LESTER NOBLE called and sworn. I was formerly an assistant of Dr Keep; was with him from the 11th or 12th Sept. 1846, to the middle of July, last year; am now in the Baltimore College. I recollect working upon teeth for Dr Parkman in the autumn of 1846. The writing of the name of Dr Parkman on the mould spoken of, is in my hand, dated Oct. 1846. The teeth were first exhibited to me in their present condition in the presence of the Attorney General and the City Marshal. I remember the teeth from their general shape and configuration. They struck me at first sight as being those made for Dr Parkman. In looking at them carefully saw several peculiarities in making and putting them together, particularly their appearance of having been ground. I saw Dr Keep grind the teeth of Dr Parkman. They were ground after they had been used. I see as good reason to believe these are the teeth made for Dr Parkman, as I have of any fact. I have not the slightest doubt they are the

same teeth. The promptness required of us in making the teeth, which was characteristic of Dr Parkman, fixes the fact of making them, in my mind. The occasion was that of the opening of the Medical College. Delay was occasioned by the spoiling of one of the blocks, which required me to work nearly all night. They were done just in time for the Doctor to use them at the College. I went to the College and sat where I could see how the teeth operated while the Doctor was speaking.

It being 2 o'clock, the Court now adjourned to half past 3.

AFTERNOON SESSION.

The Court came in at twenty minutes to four o'clock.

Dr NOBLE upon the stand. I have an impression the opening of the Medical College was in the early part of November, 1846. The time required for the work of making the teeth, was a number of days. I have put blocks of teeth in the fire to try them, and have never found any but what were cracked by the operation. The teeth may gradually be heated and cooled without injury. I coincide with Dr Keep in what he says in relation to the action of water and fire upon them. At some period subsequent to the finishing of the teeth, Dr Parkman came to the office with two of his teeth bent together, by some means. They were repaired by me.

Dr JEFFRIES WYMAN, called and sworn. I am Professor of Anatomy in Harvard College; have been a teacher of Anatomy for the last eight years. I first went to the Medical College in relation to the subject of remains found, on Saturday, Dec. 2. My attention was called particularly to the portions of bones found in the furnace. I made the first catalogue of the bones, which is contained in the report made before the Coroner's Inquest. The box now before me, contains the bones there found. On entering the room I saw the remains in the possession of Drs Lewis and Gay. The diagram before me, exhibits the bones. [This diagram was exhibited to the jury.] The portions of remains did not appear to have been those of a subject for dissection. The appearance of them indicated a knowledge of anatomy by the person who dissected the remains; this was shown in several particulars. My attention was not attracted to the manner of separating the head from the trunk. I coincide with the other medical gentlemen in relation to the parts found. I should judge the person to whom they belonged, must have been some one past the middle period of life. On turning the trunk over, my attention was arrested by the quantity of hair on the back—more than I had ever observed on any body before. This hair was about the middle of the back, on each side of the spine.

On the supposition that a blow had been inflicted between the sixth and seventh ribs, the flow of blood outwardly would have depended on the depth of the stab. In case of the effusion of the blood outwardly there would have been no difficulty in removing the blood. Post mortem examinations may be made on beds without the effusion of any blood upon the bed. Certain spots on the stairway near the bottom were called to my attention, which proved to be tobacco spittle. [The places of these spots were pointed out on the model.] The spots higher up on the stairs, I did not ascertain with any certainty. These were said to be nitrate of copper. I did make an experiment on human blood with nitrate of copper, at the suggestion of Dr. Jackson. The action of it was not immediate, but in the course of a few hours the character of the blood was destroyed, so far as it could be seen by the microscope. Besides this method of destroying blood, there is a chemical means. There was no object on the building on which blood could be recognized. There was brought to me a pair of slippers and a pair of pantaloons on

which there was supposed to be blood. [These slippers were exhibited to the Jury.] I satisfied myself that the spots on them were blood. [The pantaloons found on the premises were also exhibited to the Jury. These pantaloons are marked with the name of Dr. Webster. From microscopic examination I was satisfied the spots on them were caused by blood. The blood did not appear to have dropped from any great height, not so much as 3 feet. The spots are on the left leg, inside, near the bottom. The slippers are spotted on the right side. My reason for believing the blood did not fall far is that it did not trickle down.]

[At the request of the government, Dr. Wyman exhibited several bones found in the furnace, with their relative positions illustrated by the diagram. There were some of the bones to which no position could be assigned with certainty, in consequence of their minuteness.]

From the appearance of the portions of one of the jaws, I made a diagram showing the absence of some of the teeth. This was before I saw the model of Dr. Keep. The diagram made corresponds generally with that model. The three grinder teeth on the right side in the jaw exhibited, had been gone so long that the parts which supported them had disappeared also. The bones indicated the throwing forward of the chin. The remaining fragments of bones, aside from the head, were two pieces of the vertebrae of the neck, some of the arms and hands, and portions of the right leg below the knee, the instep and the toe; have no doubt of the identity of those belonging to the right leg. This portion of the right leg was the portion which was missing from the other portions of the remains found elsewhere. In all the fragments there were no duplicates. These bones all belong to missing portions of the body. I examined the bones of the teeth with reference to the effect of heat upon them. The difference of fracture in such cases as reference to circumstances. If while in the fire, the animal matter adhered to them, the fracture would be more in the nature of splintering than crumbling.

Cross examined. From the experiment I made, I should consider nitrate of copper effectual in removing stains of blood. Water would answer as well except where the blood is gripped into the wood. I should suppose muriatic acid a better method. It is usually estimated by physiologists, that the quantity of blood in a human body is about one-fifth of the whole weight of the body. Generally there are about twenty-five pounds, which is about the same number of pints. The only spots of blood found, were those I have mentioned on the pantaloons and slippers. The floor of the laboratory was taken up to see if any blood could be found, but without success. The floor was of brick. I examined the thorax: saw a hole between the sixth and seventh ribs: my own impression is that it was not made by a knife. The cutting up of the body indicated knowledge sufficient to show where to separate the different parts. If blood had fallen from a height of three feet, vertically, it would trickle down, giving the mark that of an oblong figure. After twenty-four hours, blood usually assumes a darker tint, after which it does not change. I could not tell how long the spots might have been on the pantaloons.

[A recess of a few minutes here took place.]

In answer to Mr Sohler, Dr Wyman said that with the microscope he could not distinguish the blood of a human body from that of an ox.

Dr OLIVER W. HOLMES. I am a Professor in the Medical College. I remember seeing Dr Parkman on the occasion of the opening of the Medical College. I remember his teeth at the time. They were very long and white. Dr Webster lectures four times a week in the college, on the subject of Chemistry. His room and laboratory form a portion distinct from all the rest of the establishment. I have never known Dr Webster to have subjects for dissection. Prof. Webster's lectures are from 12 to 1: my own from 1 to 2. I saw portions of the remains found at the college, at the time they were found; I examined them, not as an expert. They exhibited marks of a knowledge of anatomy in the person who cut them up. I can confirm the general statement which has been made, that there was no botching of the business.

I took notice of discolorations on the remains, which I at first might have supposed to be from heat, but which I was told was from the action of caustics; noticed the hair on the portions of the body. Knew Dr Parkman well; did not see anything in these remains which would lead one to believe there were not those of Dr Parkman. In the case of stabs, the outward effusion of blood would depend on circumstances. In a stab between the sixth and seventh ribs, there would not necessarily be much outward effusion of blood. My lecture commenced on the day on which Dr Parkman disappeared. My room is directly over that of Dr Webster. I never was disturbed in my room by noise from Dr Webster's. The rooms are high; they have been occupied three years, in all which time, there have been regular chemical courses.

Cross examined. In the case supposed, of stabbing, if the knife went up it would strike into the heart; if down, death would not probably be instantaneous. If the knife went up, there would probably be bleeding internally much, and externally some; more outwardly in this case, than if the knife went in any other direction. When I have been in the Demonstrator's room on the same floor with that of Dr Webster's room, I have heard applause in the room of the latter. In the case of the hair, already mentioned, I cannot say that it was singed; I was ready to believe the appearance of it might have been caused by potash; I smelt no odor from the remains.

By the Government. A mortal blow on the head might be given without any effusion of blood.

WM. D. EATON called and sworn. I am a Police officer, and had something to do with finding of the remains. I was present when the thorax was taken from the tea chest. I had been searching the building with Mr Fuller. After the body was turned over, and taken out of the chest, I discovered a small hole in the side, which I immediately spoke about. The hole appeared as though it might have been made by the knife found, and I made a remark to that effect to Mr Fuller. I put my finger on the wound; believe it was on the left side. I saw the wound as soon as I brushed the tan off. I did not put my finger in the wound, as Mr Fuller said it had better not be touched until the Doctor saw it. There were some half dozen persons present at the time--Fuller, Heath, Butman, Spurr and Rice. I did not know there was any thing particular in the box until it was turned over. I took out some of the minerals and supposed it was full of them. I turned away, leaving Mr Fuller to take out the rest, when it was turned over, and the discovery was made. I saw some one turn over the body before I took hold of it.

At twenty minutes before 7 o'clock, the Court adjourned.

FOURTH DAY.

FRIDAY, March 22.

EPHRAIM LITTLEFIELD called and sworn. My connection with the Medical College is superintendent of the building--have the general charge of it; have been there seven years last October. Was three winters at the old College. I have known Dr Webster ever since I went to the College; that was my first acquaintance with him, on going there. I knew the late Dr Parkman, twenty years ago. On Monday evening, Nov. 19th, knew of an interview between Dr Parkman and Dr Webster. I was in Dr Webster's private room helping him; Dr Webster had three candles burning, although it was not quite dark; he had a chemical book in his hand; I was standing by the stove, stirring some water. Without hearing any footsteps, I saw Dr Parkman coming into the room, by the door leading from the lecture room. Dr Webster, on seeing him, appeared to be surprised. Dr Parkman immediately said, Dr Webster are you ready for me, to-night. The reply was, No, I am not ready for you to-night, Doctor. Dr Parkman then said something else, which I did not understand; but he either accused Dr W. of selling him something he had sold some one else, or of doing him injustice about some papers. Dr Webster then said, I will see you to-morrow, Doctor. Dr Parkman stood near the door, and as he moved toward it, he said, Dr Webster, something must be done to-morrow. This was the last I saw of Dr Parkman. About half past 1 o'clock the next day, Dr Webster called to me in front of the building, and asked me if I was busy; he wished me to carry a note to Dr Parkman; he desired me to carry it myself, if I could not get some one upon whom I could depend. I got a boy by the name of John Maxwell to carry it. I gave it to him and he came back in ten minutes, having gone to the house.

I had also an interview with Dr. W. about noon on Monday, preceding the evening before referred to. At the time he asked me if the vault had ever been fixed, where we put the remains of the subjects for dissection. This was the vault in the entry. He asked what the matter was with it, and said something had been talked about it by the faculty. He asked me where the vault was built. I told him it was built under his coal pen. The coal pen between the laboratory and the dissecting room. The pen is large enough to hold two tons. I told him the weight of his coal sprung the wall of the vault, and caused it to scent the building. He asked if it was fixed, and I told him it was; he asked how. I told him the vault had been covered up with dirt; two men had been engaged for that purpose two days. He asked how they got down to fill it up.-- I told him the brick wall was taken up in the dissecting room entry, and then a hole was cut through the floor. He asked if that was the only way of getting down under the building. I told him it was, under his apartment; also told him how the walls run. He asked if a light could be got into the vault. I told him, no. He asked if I was sure of it; I replied I was, for I had tried it a few days before.-- He said he wished to get some gas out of the vault. I had tried it at the request of Dr. Ainsworth, to find something he had lost in there. I think it was an African's skull he put there to emacerate. I looked and found the rope attached to the skull had rotted off. Dr. Webster told me he was going to get some gas out of the vault to try an experiment with. I told him I thought he might get the gas then, as the tide was high and pressed the gas up.-- I asked how he could get gas out of the vault into any vessel which would hold it.

He said he had apparatus he could do it with. He told me when he wanted to get the gas he would let me know. This was the last I heard of the matter. I do not recollect of any other interview about that time. I recollect an errand to the Hospital on Thursday, the day before Dr Parkman was missing.

He said to me he wished to get some blood for his next day's lecture. I took a glass jar from his shelf,

which held near a quart, and asked him if that would do to get it in. He said yes--get it full, if you can, at the Hospital. Before 2 o'clock, I carried the jar into the entry and put it on the case, where I put notices--this was a little before Dr. Holmes' lectures were out. When the lecture was out, I spoke to a young man who attends the apothecary shop at the Hospital; I know not his name; I believe it is Hamlin. I told him there was a jar in the entry, in which Dr. Webster wished some blood. He said he thought it likely some person would be bled before to-morrow morning, and he would save the blood. On Friday morning I went to the Hospital for the blood; saw the student in question, who said he could not get any, for no one had been bled. I went to Dr. Webster's room at half past 11 o'clock that day and told him I could not get the blood. He said he was very sorry, as he wanted to use it at his lecture.

I have no recollection of speaking to Dr. Webster after that, that morning. In the morning, when I made Dr. Webster's fire in his back room, I took the brush broom and swept the room, and threw the dirt into the fire. I then went to the lecture room, and went to place the broom behind the door, when I saw the sledge, where I had never seen it before. This sledge was one that the masons had left in the building, and it had generally been in the lower laboratory.

This sledge had a handle two feet long, and it weighed some six or seven pounds. The face of the sledge was rounded. I never saw the sledge anywhere other than in the laboratory. I carried it down stairs into the laboratory, and set it up against a box wheel which makes gases.

[The jury were here shown by the model where the sledge was found, and where it was carried.]

I have not seen anything of this sledge since, although I have hunted the building all over. At a quarter before 2 o'clock I was standing in the front entry; I have before stated before the Coroner's inquest that it was 1 1-2 o'clock, but since believe it was later. I saw Dr. Parkman coming towards the College. He was then in North Grove street, abreast of Fruit street. I then went to Dr. Ware's lecture room, and waited for Dr. Holmes to get through his lecture, that I might fasten his door. I laid down on a settee. During that time I did not hear any one go in or out of Dr. Webster's lecture room. I staid there until a few minutes before 2, when I went up stairs. In fifteen minutes Dr. Holmes got through and went out. I went down stairs, shut the front door, and locked it. In the afternoon I went and prepared the furnaces for the fires in the morning. I then went up to Dr. Ware's private room and prepared his stove for fire. There are three lecture rooms--two on the first story, and one above. Dr. Ware's room corresponds with Dr. Webster's on the other side.

[The witness here pointed out the location to the Jury.]

I went down to Dr. Webster's laboratory to do up his work. I went to the door at the foot of the stairs, tried that, and found it bolted on the inside. I then went to another door and tried that, and found it fast. I thought I heard Dr Webster in his room, and heard the Cochituate water running. I next went up stairs, and tried the door leading to the lecture room from the front entry. I put the key into the door to unlock it and found it locked, but bolted on the inside. I went down stairs into the kitchen and laid down. About 4 o'clock, a young lady at my house on a visit came in and called me, saying a gentleman was at the door wishing to see me. I went out to see him, and found it was Mr Pettee, a Collector of the College, and Messenger of the New England Bank. A student by the name of Ridgway was going out of town in the morning, and he wished tickets for the courses of lectures. He filled them all out except to Prof. Webster's lectures, and I had some for him. He gave me the tickets to give to Mr

Ridgeway. After Mr Pettee went away I tried Dr Webster's door as before--the laboratory stairs door leading from my cellar. I found the doors still all fast as when first tried. I do not recollect that I tried the doors again that afternoon. My object was to fix the fires in the laboratory; and wash the glasses left me for that purpose.

About half past 5 o'clock, I was coming out of my kitchen, when I heard some one coming down the back stairs leading from the front entry. [These stairs were pointed out.] It was Dr. Webster. He had a candle and candle stick in his hand--he always used candles. He put the candle stick down and went out the east passage way, my door. After that I went to a party, and returned home about 10 o'clock. I went to a Mr Grant's. When I got home I went to my kitchen, took off my outside coat, and with a lamp, went to fasten up the building. The first door I went to was the laboratory stairs door to Dr. Webster's room. I found that fast. I then started for the dissecting room, on the same floor, to fasten that up. I lifted the latch, and found it fastened. I unlocked the door, and went in; saw no one, and heard no one. I shut the door and bolted the front west door; then went back to my kitchen, and soon went to bed. Never before had I gone to Dr. Webster's doors at night and found them fastened. On the next morning, Saturday, I made a fire in the furnace which warmed Dr. Ware's room, and then went the dissecting room to make a fire there. Then I went to unbolt the front door; I found it unfastened and ajar. This was about 7 o'clock; not far from that time. No one had had access to the door, and I thought perhaps I had fastened in some of the students, who took that means to go out. I never knew that any one besides myself and Mr Leigh, the librarian, had keys to the front door. I knew of no one but Mr Leigh who had the means of getting into the building, after it was locked for the night. I was able to get into Dr. Webster's lecture room in the morning, which was unlocked. I went to the door of the back private room which I found fastened, and then returned to my room. Soon after I entered the room, Dr Webster came in through the east door, and through my entry. I think he had a small bundle under his arm; he went up stairs the same way he came down the night before.

I followed him up; he took his keys from his pocket and unlocked the door leading from the front entry. After going in he took his keys and unlocked the door to the back room, when he asked me to make him a fire in the stove in the back room, rear of the lecture room. To my question whether he wanted any thing else done, he said he did not. I attempted to go down stairs to the laboratory when he told me to go the other way. I did as he desired.

I subsequently met Dr Webster in the lower entry about 11 o'clock. He was coming into the college with a bundle under his arm, done up in a newspaper. I gave him \$15 in half eagles for the tickets for Mr Ridgeway. I used to sweep Dr Webster's room about twice a month. I tried Dr W.'s doors several times that day; I heard him or some one in the laboratory, the lower room. I heard walking and some one moving, and water running all the time. The water had not been accustomed to be running there.

I did not see Dr Webster in the College all day on Sunday, but his doors were fastened all day. In the evening, while standing in front of Mr Fuller's iron works talking with Mr Calhoun--we were talking of the disappearance of Dr Parkman, which I first heard on Saturday afternoon, from Mr Kingsley--while talking, I looked up Fruit street and saw Dr Webster coming. I said to Mr Calhoun, here comes one of the Professors now. Dr Webster came right up me, where I stood. The first words he said to me were, Did not you see Dr Parkman the latter part of last week. I told him I had. He asked me what time I saw him. I said last Friday, about half past 4. Said he, Where did you see him? I replied, about this spot. He asked me which way he was going. I replied he was coming to-

wards the College. Says he, Where was you when you saw him. I said, in the front entry, looking out of the front door. Dr Webster had his cane in his hand, and replied, striking it to the ground, that is the very time I paid him \$483 and 60 odd cents--the number of cents I do not know. I told Dr W. I did not see Dr P. go into the College, for at that time I went to the lecture room and laid upon the settee. Dr Webster said he counted the money for Dr Parkman, on the lecture room table. Dr Parkman wrapped the money up without counting it, and ran from the room up the steps two at a time. [These steps are the steps in the lecture room.] Dr Parkman told him he would go immediately to Cambridge and discharge the mortgage. Dr W. continued, I suppose he did, but I have not been over to the office of the Register of Deeds, to see.

The first he knew Dr P. was missing, he read in the Transcript. He said he came over to see about it; I can't say whether he said it was because he, Dr P., was to meet an unknown gentleman, or did meet him, as referred to in the papers. Dr W. said he was the person. During this conversation Dr W. appeared to be much confused, and held his head down; appeared to be much agitated, such as I had not seen in his appearance before. His face looked pale.

Dr. Webster then left me and went away. I think he went up North Grove street towards Cambridge street.

On Monday I could not get into Dr. Webster's rooms to make up a fire. I went into my kitchen in the morning when my wife said, Dr. Samuel Parkman had come in, and gone up to see Dr. Webster. I asked her how he got in, for the doors were locked. She said she went to the door of the laboratory through our door. Do not know whether she found it opened or not. I turned round and went up stairs; found Dr. Webster and Dr. Samuel Parkman in conversation. Dr. W. stood near his table in the lecture room, and Dr. P. stood near the door. They were talking about Dr. George Parkman.

I then went down stairs. While there, heard something said about money. In a short time after going down, I heard the front door bell ring; I went to the front door and saw a gentleman with specs on. I have since learned it was Mr Parkman Blake. He asked if Dr Webster was in. I told him he was. He said he wanted to see him. I asked him his name that I might carry it to Dr W. I took my key of the lecture room and unlocked it but found it bolted on the inside. I told the gentleman I would go with him to another door, when I went to the laboratory stairs and went up; told Dr Webster Mr Blake wished to see him. He hesitated and finally said let him in. I went up and unbolted the front door of the lecture room and let Mr Blake in. This was about 10 1-2 o'clock.

About half past 11, I went to the laboratory door, next my cellar, and found it fastened. It was near 12 o'clock when I saw Mr Kingsly and Mr Starkweather, a police officer, come to the College. They became me to come down stairs. Mr Kingsly said--"Littlefield, we want to examine the College; we can't find Dr Parkman, and can trace him no where else."

While talking I said I would show all the rooms to which I could get access. Dr. Holmes came up and said, we do not want you to pull out our subjects; but said we might examine. Mr Kingsley said perhaps we might find Dr. Parkman in the attic. The first place we proposed to examine was the lecture room of Webster from the front entry. I rapped three times loudly, when Dr. W. came to the door and put his head out. I told him the object of the visit, but don't recollect that he made any answer at all. We passed into his room, down through into the rear of his lecture room, then into the lower laboratory. Mr Kingsley and Mr Starkweather looked awhile, and then I unbolted the door to my cellar, and we passed out. I cannot say that he said anything all this while or that he followed us down stairs. I showed these men all

over the building, even to the attic. When they went off I do not recollect that they examined my apartments. Dr Webster, I think, was in his room subsequently that day. I do not know what time the doctor went out of town.

On Tuesday morning I tried all of Dr Webster's doors, but could get access to no other door than his lecture room. I unlocked the door at 9 1-2 or 10 o'clock, and then found Dr Webster with a smoking cap on his head, and having on a pair of overalls. He appeared to be preparing for his lecture, I passed round his table, and saw that he had a fire in his back room. I asked if he wished a fire in his furnace, and he replied that he did not; the things he was to lecture on would not stand much heat. As I went towards the back room he followed me.

Dr Webster said he did not want a fire in his furnace. I then left the room the way I went in, from the front entry. Shortly after I was standing in the shed, when I saw Mr Clapp, Mr Fuller, Mr Kingsley and others. Mr Clapp said he was going to search every spot of land in the neighborhood for Dr Park man, and if they commenced first in the College the people would make no objections to have their houses searched.

I told him I would show him every place in the College to which I could get access. Going to the shed door, I met with Dr Bigelow, the old gentleman, to whom I told the mission of Mr Clapp. We went into my parlor and talked of the matter when Dr Bigelow told me to show them over the building. One of the officers proposed to go to Dr Webster's apartments. I led them to the laboratory door from my cellar. Found that fast, and then went to Dr Webster's lecture room and found it unlocked, but bolted on the inside. I rapped several times; heard no reply at first; after further rapping he came to the door, when I told him what the officers were there for. We all passed in down through to his back room. I think Mr Clapp went to the door of the place where the doctor kept his chemicals—a place I seldom had access to. Dr W said to Mr C. there is where I keep my valuable and dangerous articles. Mr Clapp only looked in. We all went down the laboratory stairs followed by Dr Webster. Mr Clapp went to the privy door, which has a large square of glass over the top—the glass is either painted or white washed.

Looking near the glass Mr Clapp said, what place is this? I replied, that is Mr W's private privy—no one has access to it but himself. Dr W. drew attention from that place by going and opening a door—saying here is another room. We all passed into the room. Some one said they wanted to search the vault. I told them it would be of no use, as no one had access to it but myself. This vault was where the remains of subjects were thrown. The opening is about two feet square; the vault itself is about ten feet square. I told them it was always locked and I kept the key to the place. They wished to look in, when I unlocked it, and lowered down a glass lantern. They appeared to be satisfied with the examination of it. They searched through the building—went into the cellar, when some one asked if there was any way of looking under the building. They had a lantern, and I got another light. Mr Clapp, Mr Fuller, Mr Rice and myself went down. We were obliged to crawl on our hands and knees. Mr Fuller and myself crawled to the back side of the building. There was nothing seen or found there but dirt. I pointed Mr Fuller to the wall under Dr Webster's laboratory, and told him there was no way of getting to it but by taking up the floor, or by digging through the wall. We then came out and up, when my rooms were searched. They went all over the building and then went away.

About 4 o'clock on the afternoon of that day, I was in the front cellar, when Dr Webster came to the College. I heard him open his lecture room door and go in. I came out in the entry between the front and back cellar, and heard him come down and unbolt the laboratory door next to my cellar. As soon as he unbolted the door, I went into my kitchen,

when I heard Dr W's bell ring. I said to my wife, I guess as Dr W. has now unbolted his door, I can get into his laboratory.

I went up to his back room, when I saw him with a newspaper in his hand. He asked if I knew where Mr Foster kept, near the Howard Athenaeum. To my question if it was the provision dealer, he said it was. I replied, I know him. He asked me if I had bought my Thanksgiving turkey. I told him I had thought of going out to spend Thanksgiving, and was of the opinion I should.

He then handed me an order, and wished me take it to Mr Foster, for a turkey. He said he made a practice of giving away some turkeys, and perhaps he should want me to do some odd jobs for him. I thanked him for the turkey, and told him if at any time I could do any thing for him I should be glad to do it. He also gave me an order on Mr Foster for sweet potatoes, to be sent to his house. I carried the orders to Mr Foster, got the turkey and came home. I staid round until 6 1-2 o'clock. This was the first time the doctor ever made me a present. On coming out of my kitchen in the evening, to attend an Odd Fellows' meeting, I heard some one coming down the back stairs before spoken of, on the Friday evening. It was Dr W. He blew out the candle and went out with me.

I asked him if he should want fires in his rooms, when he said he should not want any that week. In going towards Cambridge street, he asked if I was going down town; I replied, yes sir, I am going down to the lodge. Says he, you are a Freemason, aint you? I told him yes, as my father was. We then parted, and he went towards the bridge. On returning home from Mr Foster's, I found the door to Dr Webster's room bolted.

On Wednesday morning, Dr Webster came to the College early; he went up the back stairs into the front entry. I heard him moving things in his laboratory, and went to the door to ascertain what he was doing there. I tried to look into the key hole. While listening I saw my wife looking at me, when I went into my kitchen. I was about to out a hole in the partition when I saw my wife. I thought Dr Webster heard me in cutting off a small piece of wood. I went into the store room, adjoining Dr Webster's room, and laid down with my face to the door. I heard the coal hod move on the bricks in the direction of his privy. I could see him as far up as his knees; he had a coal hod in his hand, going towards his furnace—the furnace where the bones were found. Near the place where he first heard him Dr W. had 15 or 20 baskets of charcoal recently put in with a quantity also of Sidney coal. When he got to his furnace, I could not see him; he continued to move things, but I could not tell what he was doing. After laying down there about five minutes I got up.

On the same day, about 3 o'clock, I was passing through the entry, when I felt heat on the wall connecting with Dr Webster's laboratory. [This place was pointed out to the jury on the model.] I could hardly bear my hand on it. I knew it must proceed from a furnace where I never made a fire, and never knew a fire. I went back to the front store room, unlocked the front door and went in; went to Dr Webster's door, found it unlocked, but bolted on the inside. Found also the door fastened which led from my cellar to the laboratory. I then went to the front door, unlocked the lecture room door of Dr Webster and went in; then went to the private room door, which I found locked. I then went back and down stairs, and looked into the windows to see if I could perceive fires. I climbed up the wall to the window of the laboratory, found it open and got in. There was a fire in the furnace where the bones were found, but not much. The furnace was covered over with iron pots and minerals. The entire range was covered; a large cylinder was on the range. I went to a door where is the gas meter and also two hogsheds which had a great quantity of water in them, and found most of the water had been drawn off.

The hogsheds were full of water on the preced

ing Friday. I found also, that of a large quantity of pitch pine kindlings, two barrels on Friday, most of them were gone. On going up stairs, saw spots I never saw before. These spots did not look like water. I tasted it, which resembled acid. When I got into the doctor's back private room, I found larger spots of the same kind. I then returned to the stairs, and got out of the window. The reason why I noticed particularly the running of the water was, that on several occasions when I had set it running, Dr. Webster stopped it, saying that it splattered his floors, and made too much noise. I do not recollect anything more on that day, Wednesday.

On Thursday (Thanksgiving) I saw nothing of Dr Webster. For several days a bunch of grape vines, and a box and bag of tan for Dr Webster, were lying in my cellar, near the door. The box was a foot and a half square, apparently empty. The articles remained there from Monday to Friday. I attempted several times to put them in the doctor's room. On Thanksgiving day, I went to Mr Hoppins' wharf to get a piece of lime for Dr Webster. He asked me on Tuesday to get it; it was nothing unusual for him to have lime for his use. He wished a lump as big as my head.

[At this point of the examination, it being 2 o'clock, the Court adjourned.]

AFTERNOON SESSION.

EPHRAIM LITTLEFIELD on the stand. I was speaking about being in the cellar on Thanksgiving day. I was there in the forenoon. My wife spoke of removing the grape vines, which the children were scattering over the house. I did attempt on that day to get into Dr Webster's rooms. In the afternoon about 3 o'clock I commenced digging a hole through the wall under Dr Webster's privy. I wished to get under the building to see if there was anything there. I wished to satisfy the public; whenever I went out I was told that if Dr Parkman was ever found, he would be found under or in that building. He would be found there, if anywhere. I went down the front scuttle, through to the place where Mr Fuller and myself were on the previous Tuesday. The tools I used were a hatchet and a mortising chisel. I worked an hour, but did not make much progress. I got out two courses of brick, when I left the work for the night. There was nothing else done that day. I was out that night until late at a ball. I got home about 4 o'clock. I got up a little before 9 o'clock on Friday morning. My wife called me to finish the work I had commenced. I was at breakfast when Dr Webster came into the kitchen. He took up a paper and asked if there was any more news about Dr Parkman. I told him I had not heard any more news about him. He then said he had just come out of Dr Henchman's apothecary shop. Dr H. said a woman had seen a large bundle put into a cab, and she had taken the number of that cab. They went and found the cab, which was covered with blood on the inside. I told him there was so many flying reports about Dr Parkman I did not know what to believe. He then went off up stairs. During the forenoon some men were employed in bringing some busts for Dr. Warren's museum.

This was well towards noon. Dr Henry J. Bigelow was present, when they were brought in. They were placed in a room under the lecture room. I received directions from Dr Jackson about breaking through the wall. I asked Dr Bigelow at the time if he had any suspicions in relation to Dr Webster. [Answer objected to.] I told him I had commenced digging through the wall. He told me to go ahead with it. I told Dr Bigelow about Dr Webster's keeping his doors shut. [Conversation objected to and passed over.] In a few minutes I went into another room and saw Dr J.B.S. Jackson. I told him what I was doing. He said, Mr Littlefield, do you go through that wall before you sleep to night. Nothing was said to me about preserving secrecy. In case I got through the wall and found anything, he asked me what I should do. I told him I should go to Dr Holmes. He said, don't

do so, but go to Dr Jacob Bigelow in Summer street and then come and tell me. He then continued, if I am not at home, write your name on my slate and I shall understand it. I asked Mr Fuller--Leonard I believe--to lend me a crowbar; he got me a crowbar, and asked me what I should do with it. I told him I wanted to dig a hole in a wall for a lead pipe for the Cochituate water to pass. He said, I guess you do. I went to the house, and locked every door to the building, so that Dr Webster or no one else could get in. I told my wife to watch the doors and let no one in unless she knew who it was. I told her if Dr Webster came not let him in until she went to the kitchen and gave four raps on the floor. I went down under the building to work; probably worked half an hour; I blistered my hands with the crowbar, when I went and got a pair of thick gloves and returned. I worked a spell longer and found I didn't make much progress. I then went again to Mr Fuller--both of them were present--and got a hammer and cold chisel. I went down again and progressed rapidly. I got out three courses and a half when I heard a running, followed by the four raps on the floor. I left the work and went up into the building. I met my wife, who said, I have made a fool of you this time. She said two gentlemen came along, one of whom she supposed to be Dr Webster. They proved to be Mr Kingsley and Mr Starkweather, who called for me. I then ran out and met them. Mr Kingsley asked me what private place there was in the College which had not been searched. I told him where the place was, when he said let us go into it--let us go into Dr Webster's rooms. I told him Dr W.'s rooms were all locked. They went away. I saw Mr Trenholm, a Police officer, before I went in, and being well acquainted with him, told him what I was doing, and that I could get through in twenty minutes or half an hour. If he would come back in that time, I would let him know. In going to my shed, I met my wife, who said I had just saved my bacon, for Dr Webster had just come in. I did not see him go in. I stood talking with Mr Trenholm, when Dr Webster came out about a quarter to 4. He came out and spoke to us both at the shed. He said an Irishman had offered a twenty dollar bill at the toll house on the Cambridge side of the bridge, to pay his toll of one cent. Thinking it extraordinary, they kept the bill.

The marshal had been to him about the bill, asking him if he had paid that bill to any body. He told him he had not. Dr W. then left us. I went into the building and resumed my work. I then took the crowbar, and in five minutes knocked a hole through. Previously, I had no hole, except the bigness of the bar. I had trouble in getting a light through, and liked to have lost it several times. I took the light and my head through at the same time. After I got through, the draught did not disturb me. The first thing I saw was the pelvis of a man. I saw two parts of a leg. The water was running down from a sink. I went up and told my wife I had a job for Dr Bigelow, and told her what I had discovered, locked the cellar door which led to the trap door, put the key in my pocket, and told her to let no one in there till I came back. My wife spoke to me first, on going up.

[Objections were raised here by the defence, in relation to his appearance which led his wife to inquire what was the matter.]

I went to Dr Bigelow's, the old gentleman, as soon as I could go. A little girl came to the door; I asked her to find out where he had gone; Mrs Bigelow came to the door and asked me what was the matter. I went right down to Dr H. J. Bigelow's, in Chauncy place. He was at home. I told him what I had discovered. He told me to come with him to R. G. Shaw, Jr.'s, in Summer st. We went to Mr Shaw's and found him in his study. The marshal came in while I was there; Mr Shaw went for him; he told me to go back to the college, and he would soon be there. I went to Dr Jackson's

and wrote my name on his slate, and then went to the college. I found Mr Trenholm there; he told me he had been down. The marshal came in ten or fifteen minutes with Dr Bigelow. Mr Clapp came before them. I did not hear Mr Clapp's testimony. This hole was against the north wall; the height of the hole was about three feet below the plastering, and about as much above the ground. It was about eighteen inches by twelve. On the other side of the wall the ground was a foot lower. From the privy floor to the earth it was about eight or nine feet. These remains were found a little one side from the privy hole, as though they had been thrown out.

[The shelving position was here shown to the jury by a diagram.]

The tide flows in through cracked stones thrown about the walls on the outside. Since the straining of the walls of the vault by Dr Webster's coal, the water has flowed in for two years past.

The Marshal, Mr Trenholm and myself went into the laboratory, and I think they discovered bones in the furnace. The Marshal went away, leaving Mr Trenholm to stay there until he returned. At about 11 o'clock, when Dr Webster came there, I heard the bell ring. I saw the officers and others at the door. Mr Spurr said they had Dr Webster there, who was very faint. I opened the door, saw Dr Webster with one man each side of him. They all came in. Dr Webster said to me, they had taken him from his family without allowing him to bid them good night. They wished to go into the lecture room; I unlocked the door. He appeared much agitated, sweat bad, had not the use of his legs; I thought he was supported by the officers altogether. They all passed into the room, to the back private room, the door of which was locked. I told them it was locked, they must ask Dr Webster about it; I never had the key of it. Dr Webster said they took him away in such a hurry he had not a chance to take his keys. Some one proposed to force the door. Mr Starkweather or Mr Trenholm helped me to break the door open. Mr Tukey and myself had previously gone into the laboratory by the door near the steps, which had been left open by Dr Webster when he put his things in. I did not know it was open until my wife told me. This was the first time it had been left open for some days by Dr Webster. After I opened the door before spoken of, I was asked about going into his small private room, and when similar replies by myself and Dr Webster had been made as before, that also was broken open. They then asked about getting into the privy. Dr Webster said the key was hanging upon the nail. Mr Starkweather handed down a key, which however did not fit. I told Dr Webster that was not the key. After looking at it he said, that is the key of my wardrobe; but the key is up there somewhere. I hunted round, but could not find the key. Dr Webster said he did not know where it was. The door of the privy was then broken open. On breaking open the small private room inquiries were made about a hatchet. I asked the Dr where the hatchet was. He said, in the sink in the laboratory. I went down and found it. This hatchet was a shingle hatchet, and usually hung up by a ring. There was another hatchet found in the drawer of the small private room, wrapped up. When the officers were undoing it Dr Webster said that was a new hatchet never used. We passed down stairs from this and broke open the privy. When we got into the laboratory Dr Webster asked for water. I went up and got a tumbler, procured some water and handed it to him.

He got the water up in his hand and made motions to drink like snapping at it, like a mad person; he did not drink it. An officer held it for him, and when he put the water in his mouth, he appeared as though he would choke. Some one asked where the furnace was, where the bones were found. They asked this question of me, I uncovered it; took the minerals all off; put my hand in and took out a piece of bone of some length.

Mr Pratt was there, and another person took out several bones. Then some one said, don't disturb them, I saw the District Attorney, Mr. Parker, and Gustavus Andrews present. Mr. Pratt, Mr. Trenholm and myself went down and took the remains found, which were laid on a board, and they were then passed up. They were placed in the front cellar where the trap door was. The party all came in, Dr. Webster among them. I stood within five or six feet of him. I heard Mr. Parker ask Dr. Gay if they were the remains of a human body. He said they were. Dr. Webster appeared much agitated, and sweat very bad, and I saw tears ran down his cheeks. The party then went off. Mr. Adams, Mr. Fuller, Mr. Rice and Trenholm were left in charge of the building, I believe. I think there were four.

During that season I had received six tickets from Dr. Webster to sell for his lectures, and sold three. [Mr. Bemis for the government now submitted the slippers in Court to the witness.] These slippers belong to Dr. Webster; he had a pair just like them. I saw them when they were found. The saw in Court, I never saw until the Saturday after the arrest, on searching Dr. Webster's room.

[The saw was submitted to the Jury for inspection, there being upon it some spots resembling blood.]

The knife shown to me I have seen before. Dr Webster showed it to me himself on the Monday before the disappearance of Dr Parkiman. He said, see what a fine knife, I have. I noticed the deer on it. He said he got it to cut corks with, when I replied I should think it was just what you want. He said it was. This knife was found in the tea chest with the thoxax. The doctor's usual working dress, about his dirty work, was a pair of cotton overalls and an old coat. Since the arrest I have seen those overalls. I saw him have them on the Monday or Tuesday, when the officers visited the College. I cannot say how old they were. I always saw him have a pair on.

I don't know that the doctor had any keys to the building except to the dissecting room and the keys of his own apartments. A bunch of skeleton keys was found in the private room of Dr Webster on Saturday after his arrest. I know that a diaper roller and two crash towels were found in the privy vault of Dr Webster. On the towels were the mark "W."—the roller I recognized as the only one of the kind we had in the College. I recollect wiping my hands on that towel on the Friday when I went for the blood at the Hospital. I washed some glasses and wiped my hands on it; it was then in the doctor's room. I do not know that the roller was marked; I had this roller washed for him several times—it was the only one in the building, which leads me to remember it.

[Some objections were here made to offering the skeleton keys which were found in Dr Webster's apartment. The government proposed to show that some of them fitted the locks of other apartments in the building besides those of Dr Webster's. These keys also, it was said, were tied with a piece of the same twine which was found tied to the remains in the tea chest.]

I was present when the towels were found; do not know whether it was on Saturday or Sunday. I have never known any parts of human subjects of any consequence to be used in Dr Webster's apartments. The most I have known him to use, was a piece of muese; have got such pieces myself for him. I have heard in Prof. Webster's apartments the noise of exploding pistols by the galvanic battery; also the explosion of bladders. The roller exhibited to me had no holes in it when I used to see it; I think it is the same found in the vault. The other towels I have also seen.

FIFTH DAY.

SATURDAY, March 23.

EPHRAIM LITTLEFIELD cross examined.—It was on Monday evening, not quite dark, when Dr. Parkman came into Dr. Webster's room, as related; it was in the back room; he went out the way he came in; I saw him before he spoke; the words he used were "Dr. Webster, are you ready for me to-night," or to that effect; he either accused Dr. W. of selling him something he had sold before, or of mortgaging something he had mortgaged before; in raising his hand before going out, he said, "Dr. W. something must be done to-morrow." I remained in the laboratory half an hour. On Friday morning when I took the broom to sweep, I cannot tell where I took it from; I did not take it from the place where I put it. The sledge I saw first after some workmen had been there; suppose they left it. I do not know that the sledge was sent in from Cambridge; I never used the sledge; I have since searched for it all over the building; the faces of that were rounded; so also was that of a smaller one in the building.

I generally dine at 1 o'clock, always before Dr Holmes's lectures are through; that day (Friday) when Dr P. appeared, I was detained by the examination of the tickets of the students at the door. I should think it took fifteen minutes for them all to go in. I did not go to sleep while I lay in Dr Ware's room. I heard the sounds of what I supposed steps in Dr Webster's room that afternoon; I heard the water running and the sound of footsteps; I did not listen, only as I tried the door to get into the room. When Dr Webster came down that evening he came close to me; I think it was about 6 o'clock; it might have been a little later. I tried his doors before I went away, to get in to do his work. The work requires from half to a whole hour, cleaning glasses. On returning from the party I fastened the door of the dissecting room. I tried the doors of Dr Webster's rooms before going to the dissecting room.

On Thursday night, preceding the disappearance of Dr Parkman, I was at a ball; came home about 1 o'clock; did up the work of Dr Webster before I went away. I never have occasion to go into the room of Dr Webster in the night, when I can get in to do the work in the day time. I have not been in to put cards in his room this winter.

On Friday, 30th, and all the week the water was running; it did not run before the disappearance of Dr Parkman. To prevent the pipes from freezing, I used to draw off the water at night. The glass pipe under the sink, I put there since the arrest of Dr Webster; an earthen one was put there before his arrest.

I have changed my testimony from former occasions in respect to the turkey, which I said was on Wednesday. Before the coroner's jury I said he gave the order for the turkey about 4 o'clock; the examination of the Doctor's room must have been after the order was given me.

By the COURT. The order was given on Tuesday; the examination was on Wednesday. The mistake was in saying before the Coroner's Jury that the order was given on Wednesday.

By MR SOHIER. I also made a mistake in the day in which I said Prof. W. came in after I examined his rooms. I began to collect together this evidence during the following week after the arrest of Dr Webster. I began this collecting of evidence on Sunday night; I told my wife I was going to watch every step he took. This was immediately after my interview with Dr Webster on Sunday. I did not then know a reward had been offered. On Sunday I searched about the buildings in that neighborhood with others. I did not tell any one that I meant to get the reward offered; did not tell Dr Webster so. After I began to watch I could not help noticing the fact of Dr Webster's keeping his doors shut; I did not write down anything before I went before the Coroner's Jury. At the interview of Dr W. on Sunday, I was standing on the left side

of Grove street, and he was coming along Fruit st. He came directly up to me. This was about sundown. I noticed that he looked pale, different from what I had ever seen him before; he did not look at me. I not then suspect him of having something to do with the missing of Dr Parkman. I did not know until then that Dr Parkman was last seen to go into the College. The words he used, in striking his cane down, were, "That is the very time I aid him \$463," &c.

[This language was stated precisely as given at a direct examination.]

On Monday when my wife told me Dr Samuel Parkman had gone into Dr Webster's rooms, I went right up. I did not particularly have in my mind then the interview between Dr Webster and myself on the preceding Saturday; I was in the room but a half a minute; on Monday morning I did have suspicions of Dr Webster; I went back through the laboratory, because in going the other way I should have been obliged to crowd both Dr P. and Dr W. from where they stood. When I let in Parkman Blake, I opened the door. Mr Kingsley came about 12 o'clock; I then went in the lecture room door. Mr Starkweather was with him; I cannot say whether the doctor went down before or behind the others; I watched Dr Webster some. I believe I went in to the back laboratory first; nothing was turned over in the search, and they went away. I cannot say whether I saw Dr Webster again that day.

On the Monday night I went to a Dancing Academy. I tried Dr Webster's doors all the afternoon to get in to do up his work. That was my only object.

Tuesday morning I unlocked Dr Webster's lecture room door, and saw Dr W. at work. I passed down to the other room where I saw the fire. The officers subsequently were let into the laboratory by Dr W. himself. I went down with them. His first words I heard when Mr Clapp went to the private room door. I thought Dr Webster wished to get Mr Clapp away from his privy door. What led me to believe so was his starting away so quick, and his throwing open the other door. I thought it was suspicious at the time. The key of the dissecting vault at this time was in a corner near by out of sight.

After the officers went away I went back to see if Dr Webster went down into his laboratory. On the ringing of the bell I went up to his room. I should think it was 4 o'clock. I went then up to Mr Foster's. There is a window between my cellar and the doctor's coal hold.

I did perhaps say before the Coroner that I did not see the doctor from the time of the search until 6 o'clock, because of the mistake of the day in which I got the turkey, as already stated. When I came back with my turkey, it was some little time before I saw Dr Webster—which was when he came down stairs, and we went out together.

I did not try his rooms before I went to the Lodge, and after my return, quite late, I am not sure that I tried the doors. He had told me that he should want no fires during the week. I had not washed any glasses for some days. I did not say before the inquest that I heard some one in the doctor's room on Wednesday at 10 o'clock; I did not return home until after one. I do not recollect that I said so; neither do I recollect that I heard any one in the room at the time. I had been out with my wife. I laid down before the door before I went out. I watched his motions because he said he wanted no fires; I knew that he generally wished good fires in his rooms, and I thought it strange he should come so early in the morning and be in his room without a fire. I thought he heard me when I was using my knife, because he stopped at the time. I judged of the direction in which the coal hold was moving from the sound. The heat in the wall was very strange, and increased my suspicions towards Dr. Webster. I went into the rooms particularly at the

time, because I feared the building was on fire. There had been no fires in the large furnace since the day of the disappearance of Dr. Parkman.

I did not uncover the furnace, because Dr. Webster had always told me not to meddle with anything when I washed the glasses. There were minerals and crucibles on the cover.

I cannot say there was fire, but I know there was considerable heat, and that the walls were hot. I put the broom into the hoghead because I thought it possible the remains of Dr. Parkman might be there. I think I have sixteen keys to various parts of the building. I had none to the privy alluded to. I have seen the lock since, and do not think it a common one. I made no attempt at the time to unlock it, because I had no key to it. I generally had no chance to get to this privy. I thought the spots on the floor were suspicious. I thought the spots were blood, and that something had been put on to remove them. I saw spots in the back private room. I could not get into the small private room. On one side leading to it from the lecture room it was fastened in one way, and it was fastened the other way in connection with the private room—a button on one side and hasp on the other. On Thanksgiving day I tried the doors of Dr. Webster's rooms. I did not try the window on Thursday. Before this time I had communicated my suspicions to Dr. Hanaford, which was on Tuesday night; but to no one else except my wife. I next communicated my suspicions to Mr. George Thompson on Wednesday night. In the course of Thursday I communicated my suspicions to Mrs. Harlow. On Friday I spoke also to Drs. Bigelow and Jackson, and afterwards to Mr. Trenholm.

I first mentioned to Mr. Fuller the fact that I could not get under Dr. Webster's apartments without knocking through the wall. The reason I could not get down in the way the men got down to fix the vault, was, that it would require the bricks to be taken up, with some trouble while persons were liable to be passing in and out. The bricks were laid in mortar, and a hole was required to be cut through the floor underneath.

By the Foreman of the Jury. The mortar was laid on the floor and the bricks were placed on that. Sand was then sprinkled over the bricks.

By Mr. Sohier. On breaking through the hole in the wall, I saw the remains about two or three feet out of a direct line from the privy hole. I only got my head through at the time before I went to Dr. Bigelow's. I saw the knife in Court, first in the doctor's back private room. The time I saw it was on the Monday previous to the disappearance of Dr. Parkman. He did not speak of using it for trimming grape vines. I do not recollect of ever being called upon before by Dr. Webster to get blood for him.

I did not have any particular knock or signal by which to get into Dr. Webster's room, when he was there. When he had his doors locked, and did not wish me to come in, I never attempted to force my way in; on trying the door I went away; I sometimes knocked when others wished to be admitted.

I did endeavor to be correct in my testimony before the Coroner. I wrote down the heads of my evidence afterwards, and went down to have a correction made in relation to the date of getting the turkey. That was the only correction I had made. I have looked at the heads of the evidence several times since. I kept it in a drawer. I never had a copy of my testimony which was given before the Coroner, and have never read that testimony.

[Mr. Sohier here read some of Mr. Littlefield's testimony before the Coroner, in relation to going out on Wednesday morning at 9 o'clock with his wife, and at 4 o'clock in the afternoon putting his hand on the wall and finding it hot. He was interrupted by the Chief Justice as being irregular in its course.]

The advertisement offering a reward for Dr. Parkman was first seen by me on Monday. I saw another afterwards, and subsequently both of them stuck up all about the College and the neighborhood.

[About 12 o'clock a recess took place for a few minutes.]

By MR. MERRICK. I was at the toll house on Cragie's bridge on Sunday, with Mr. Todd, and inquired about Dr. Parkman's having been seen passing over the bridge. I did not tell any one that I saw Dr. Parkman go away from the College on Friday; I did not tell any one I saw Dr. Webster pay Dr. Parkman any money, neither did I say I knew he paid such money. I did not see a person by the name of Greene at the time I was at the toll house.

By the GOVERNMENT. I did not see the special notice issued on Sunday in relation to Dr. Parkman, now shown to me. I have never made any claim for the reward offered, and I disavow making any claims hereafter. The mistake in relation to the turkey was first brought to my mind by my wife telling me I had made a mistake, and I went to Mr. Foster and ascertained by his books that it was a mistake; then I went to Mr. Merrill to have the testimony before the inquest corrected.

[The defence here objected to the witness relating the conversation with his wife when he communicated his suspicions to her relative to Dr. Webster.]

I was nearly two days in giving my testimony before the Coroner's Jury, and signed it in two portions. The cuts in the sink on the bottom of the laboratory floor, where the water was running and where the hatchet was found, were first seen by me on the Saturday after Dr. Webster was arrested.—I did not know that Dr. Webster had any keys to the building except what I have heretofore stated, and was surprised when an officer found a key to the front door in one of Dr. Webster's rooms. I did not suppose any one had such a key except as I have before stated; keys of the upper front door and also of the lower front door, were found in Dr. Webster's apartments.

By MR. SOHIER. When I noticed the cuts in the sink I was looking particularly. The sink was used for purposes in relation to his gasometer. Ice had been broken up in this sink. The piece cut off was by Mr. Andrews, Secretary of the Inquest.

ANDRICK A. FOSTER called and sworn. I am a Provision dealer in Howard street. I remember supplying a turkey to Mr. Littlefield on Tuesday, Nov. 27th, 1849, upon an order from Dr. Webster. I should think it was between 3 1-2 and 4 o'clock, P. M.

There was another order to send to him at Cambridge some sweet potatoes, the potatoes to be delivered to Mr. Sawin. The abstract from my books, exhibited to me, is correct.

Cross examined. Mr. Littlefield did come to me in relation to the date of this transaction, when he expressed the opinion that it was upon another day.

CAROLINE M. LITTLEFIELD called and sworn. I am the wife of Mr. Littlefield, the janitor of the College. We occupy rooms in the College. I recollect the time of the disappearance of Dr. Parkman. I think I first heard of it on Saturday. I can fix it in my head as having heard of it as early as Sunday.

[Objections were made against her stating her conversation with her husband in relation to suspicions of Dr. Webster. Question allowed.]

On Sunday evening alluded to, he asked me to go into the bed room, when he communicated his suspicions that Dr. Webster murdered Dr. Parkman. I said, what makes you think so?—for mercy's sake, never mention this thing again! I told him never to mention it again, because if the Profes-

sors should get hold of it, it would make trouble for him. After he mentioned this I recollected that the door by the laboratory stairs had been fastened on Friday and Saturday. This was the only door I had anything to do with. At the commencement of the lectures, Dr. Webster asked me to get water from the laboratory, on account of the newness of the lead pipe; he did not want to keep the water running in consequence of its spattering the floor. On Friday afternoon I sent a little girl to get water there, and she returned, unable to get in. I went to the door and satisfied myself that it was fastened. On Saturday I tried the door several times, and found it fastened. I could get water in the cellar, but went to Dr. W.'s laboratory in consequence of his request.

On Monday morning, Dr. Samuel Parkman called at my kitchen door and asked for Mr Littlefield, and then for Dr Webster; and wished to know how he should get into Dr Webster's rooms. I said I did not know, and went to the door by the stairs and found it opened. Dr. Parkman went up that way. I expressed my doubts to him because the door had been fastened. Afterwards I found the door again fastened. This door was the only one I generally tried. On this forenoon the Cambridge expressman brought a bundle of grape vines, a box and a bag, which were left near our door. Usually he had taken every thing for Dr Webster to his rooms. If the doctor happened to be out when any thing was brought, the man could generally get in, the key either being in the door or easily obtained. On Thursday, (Thanksgiving) I asked Mr Littlefield why he could not put those things into the laboratory.

He replied that it was because the doors had all been locked. He then went and tried the doors, and said, you see they are fastened. I wanted the grape vines taken away because the children were scattering them about the floors of the house. I recollect seeing Mr Littlefield listening at the key-hole of Dr Webster's door, about that time. I did not see Mr Littlefield go into the laboratory of Dr Webster on Wednesday. I do not know that my husband built any fires in Dr Webster's rooms that week. I saw Dr W. pass through the entry on Monday, Wednesday and Friday. On Wednesday morning he came as early as 8 o'clock; he passed through our entry, and turned to the door which led up stairs. That was all I observed of him on that morning. On Friday morning he came to the College while I was at breakfast, not very early, o'clock, for I was unwell. He came in, took up a paper, and asked Mr Littlefield if he had heard any thing more about Dr Parkman. He replied, "No." Then said Dr Webster, a woman has stated that she saw a large bundle put into a cab—the number of the cab was taken, and the cab proved to bloody.—Mr Littlefield replied, there are so many flying stories, one does not know what to believe. I know that my husband attempted to break through the wall on Thursday. I know that he borrowed tools for that purpose. I saw him go down for that purpose. He was down there about an hour. About 3 o'clock on Friday he resumed the digging. I kept watch while he was engaged in the work, to see if Webster was coming. On Friday, after he had been at work about 3/4 of an hour, I thought I saw Dr Webster, and struck on the floor four times, when Mr Littlefield came up. While he was out talking with Mr Kingsley and Mr Starkweather, Dr Webster came in, went down into his laboratory, unbolted the door, took in the grape vines, and left the door unbolted, as he usually had done before the disappearance of Dr Parkman. I know the door was unlocked, because I saw it a little ways ajar. Dr Webster immediately went out. I saw him pass through the entry.

Mr Littlefield had been gone to his work under the building but a short time before he returned; appeared to be much affected, more than I ever had seen him before in his life.

[Objections were raised against her relating to the interview between herself and Mr Littlefield on his

return after the discovery of the remains. The description of his manner and conduct were allowed by the Court.]

When he came up he appeared much affected and burst out crying. He went and fastened the cellar door, and told me not to allow any one to go in there. While Mr Littlefield was absent to Dr. Bigelow's, Mr Trenholm, the Police officer, came in. I unlocked the cellar door with another key, and allowed him to go down. He was gone not more than five minutes. Here remained at the College until Mr Littlefield and Mr Clapp came. No one but Mr Trenholm went down cellar while Mr Littlefield was absent.

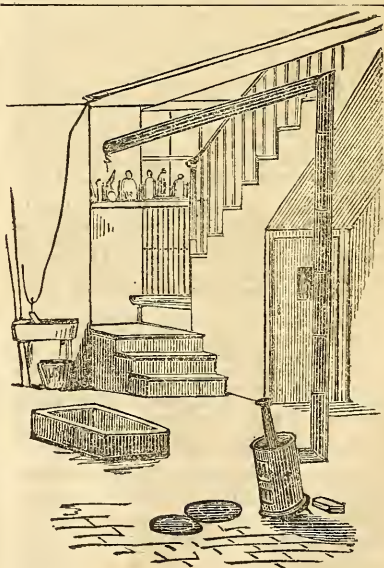
Cross examined. I cannot tell what time I went to get water that evening. I recollect going for the water after the officers came; I went into the laboratory for it because the water in the cellar was near where the officers brought up the remains. I remember correcting Mr Littlefield about the date of getting the turkey; I suppose it was before the coroner's inquest, but do not know.

JOHN MAXWELL called and sworn. I live in Fruit st. place; know Mr Littlefield; knew also Dr Parkman, who lived in Walnut street. I recollect that Mr Littlefield wished me to carry a note to Dr Parkman. It was the fore part of the week, the same week the doctor was missing. It was about 4 o'clock in the afternoon.

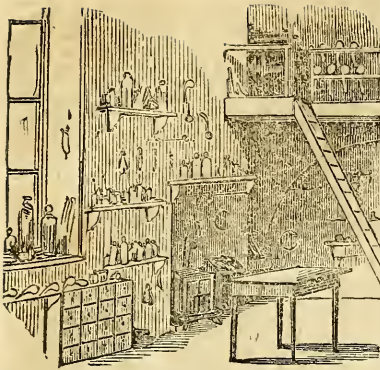
JOHN HATHAWAY, called and sworn. I have charge of the medicines at the Massachusetts General Hospital. I recollect an application was made to me by Mr Littlefield for blood, Thursday of the week before Thanksgiving. I did not furnish the blood.

Cross examined. I fix the fact in my mind from the circumstance that there was to be but one lecture more that week on Chemistry.

It being 2 o'clock, officers were sworn to take charge of the Jury, who received more than their usual admonitions when the Court adjourned to Monday morning at 9 o'clock.



Interior of Lower Laboratory, showing entrance to the Vault.



Interior of Laboratory back of Dr. Webster's Lecture room.

SIXTH DAY.

MONDAY, March 25

SARAH BUZZELL called and sworn. I know Mr and Mrs Littlefield; am a niece of Mrs Littlefield. I was on a visit to them last fall; came on the 19th November, and went home on the 22d; my home is in Medford; while there I recollect hearing of Dr. Parkman's disappearance; heard of it on Friday, in the afternoon; heard them talking about it Friday night, Saturday and Sunday. Between 4 and 5 o'clock, on Friday, I went to the front door to let a gentleman in; think his name was Pettee; on that afternoon, as the bell rung, I went to the door, as Mr Littlefield had laid down, and Mrs L. had gone out. When I got to the door—the front door—the steps—I found it locked, and did not know where to find the key. I looked through the side light, when the gentleman inquired for Mr Littlefield. I told him he had laid down, and that if he would go to the other door I would call him. I went down and called Mr Littlefield. I saw Mr Littlefield come out of the bedroom door, in his stocking feet: I then passed into the kitchen. Mr Littlefield went to the door.

Cross Examined. I think it was between 4 and 5 because Mr Littlefield had laid down, and because it was after the lectures in the afternoon. This was brought to my mind about two weeks ago, when my father asked me if I went to the door while at Mr Littlefield's. I had not heard of Dr Parkman's disappearance when the gentleman called.

JOSEPH W. PRESTON, called and sworn. I am a student in medicine; have been in attendance upon the last course of lectures; attended Dr Webster's lectures. I recollect the talk about the time of the disappearance of Dr Parkman. Recollect seeing Dr Webster on Friday No. 23, the day of the disappearance of Dr P., about 6 o'clock in the evening; saw him going into Mr Littlefield's shed; saw him going into the door of the shed; I was passing from the dissecting room, out by the shed—called the east shed.

Cross examined. I passed near Dr Webster—bowed to him, but do not know whether I touched him or not. I fix this to be on Friday, because I was to meet two medical students on Hanover street; I had met them once before, and told them I could only come that night, for I should be detained at home the next night. I have thought of this often since. I thought my meeting Dr Webster at that time a remarkable fact; I think I have mentioned it as such, mentioned it to Mr Richard son, a member of the bar; do not know whether it was before or since Dr Webster was arrested. I fix the hour, because I usually had tea at half past 6

o'clock, and was to meet those young men at 7. I came from the dissecting room, and left some one there.

By Mr Bemis. I thought it remarkable in seeing Dr W. at that time, because I had never seen him there after his lecture. This was my second course of lectures.

WM. CALHOUN, called and sworn. I drive a team for Mr Fuller, of the Iron Foundry; I know Mr Littlefield; live near him. I recollect the talk about Dr Parkman at the time of his disappearance. Recollect a conversation with Mr Littlefield and seeing Dr Webster on the Sunday night after Dr Parkman was missing. Saw him in North Grove street in front of the College. He was coming down Fruit street when I first saw him. This was about 4 o'clock; it was pretty clear at the time. He came up and said, Mr Littlefield, did you see anything of Dr Parkman the latter part last week.—Yes, said he, I did. Where did you see him? About the ground we now stand on. Which way was the Doctor coming? He was coming towards the College. Where were you when you saw him. I was in front of the College, or at the front door—I don't know which he said. Did you see him go into the College. No, said he, I went into the College immediately. What time did you see Dr Parkman? It was about 1 1/2 o'clock. About that time, said Dr W. I paid Dr P. \$483; he did not stop to count the money, but grabbed it up or wrapped it up, and ran off.

When he went off, said Dr W., I said to him, you must go, Dr, to the Register of Deeds office, and discharge that mortgage, or see that it is done up in good shape. I understood Dr Webster to say that was the last he saw of Dr Parkman. I never was in conversation with Dr Webster before; cannot tell his manner. He had a cane which he put down to the ground several times. He stood with his face to the college at the time; we were all looking that way; Dr W. stood a little sideways to Mr Littlefield.

Dr J. B. S. JACKSON, called and sworn. I am Professor of Pathological Anatomy at the Medical College. I have known Mr Littlefield all the time I have been connected with the college—perhaps longer. On the Friday when Dr Webster was arrested, I was at the Medical College, in the forenoon, about 1 o'clock, when Mr Littlefield came to my room with some language respecting the disappearance of Dr Parkman. [Conversation objected to.] He informed me that he had already partly dug through the cellar wall. I advised him to finish the opening through the wall. In the alternative of a discovery, I told him to go and inform Dr Bigelow, of the fact; then to call at my room in the neighborhood of Dr Bigelow's, and leave his name on my slate if I was not in. I enjoined upon him strict secrecy in case of discovery, and pledged myself to the same. When I came home in the early part of the evening I found Mr Littlefield's name on my slate. I do not know that anatomical subjects have ever been used in Dr Webster's apartment.

GEO. W. TRENHOLM, called and sworn. In November last my station was in the west part of the city, near the college. Have known Mr Littlefield two or three years; know Prof. Webster; the first time I saw him after the disappearance of Dr Parkman, was on Sunday afternoon, when he came up and asked what about that \$20 bill. He then said an Irishman came to the toll-house and offered a \$20 bill. I am mistaken about this. On Sunday afternoon, I was conversing with Mr J. H. Blake, near the Medical College, when Dr Webster came up. This was near 4 o'clock—I am not certain about the time. Dr Webster came from the front steps of the college. He came up and spoke to Mr Blake, and said the first he heard of the disappearance of Dr Parkman he read in the evening papers of the night before. He said he thought he would come in and let his friends know that on that day he paid him \$483; he took up the money and started with it, telling him as he went he would go over to Cambridge and discharge the mortgage. This is all

I recollect at the time. I left them together, and went on searching through the houses.

On Friday, the day of the arrest, I was passing by the Medical College, at 3 1-2 or 4 o'clock, when I met Mr Littlefield, who told me he had commenced digging through the wall; he had suspicions of Dr Webster; he said he had told the officers he had searched every place but that; he was going to dig through the wall and satisfy himself and the public whether there was any thing there or not. He took me into the dissecting room entry, and by his directions I put my hands upon the laboratory wall; we went round to the front part of the building, and while talking Prof W. came up, and it was then he asked about the \$20 bill. I told him I had not heard any thing about it. He then said an Irishman came to the bridge and offered a \$20 bill to pay one cent toll. The toll keeper thought it strange that the Irishman should have a \$20 bill, and asked him where he got it. He replied, from Dr Webster.— He then said the Marshal had the bill, and sent to him to know if he could identify it. Said he, I told him I could not swear to it. He then bid me good night, and went off. Mr Littlefield wanted me to come back in twenty minutes or half or an hour, when he thought he should get through the wall.— I then went away and was gone twenty or thirty minutes when I returned. When I came back I met Mr Littlefield's wife, and asked her if he had come up from under the building. She said he had and had gone down to see Dr Bigelow. She asked me if I was afraid to go down there. I told her I was not. She then went with me and showed me the way to get down. I do not remember that any door was locked. I took a light and crawled out to the place where he dug through. I put my head and shoulders through, and saw the parts of the body found which were afterwards shown to Coroner Pratt. I then came up and waited until Mr Littlefield returned with the Marshal, Dr Bigelow, and Mr Clapp. I aided in taking out the parts. We all went down, and Mr Littlefield and I saw the remains removed. I held the lamp while Mr L. passed the parts up. They were under the wall. I do not recollect of any thing being done about going into the laboratory before Dr Webster was brought down.

The remains were left there until the party returned, and I was left in charge of the building by the Marshal. It was near 11 o'clock when the party came down with Prof. W. Mr Littlefield came down and said Prof. W. had been brought down. I went with Mr Littlefield, and we forced the door of the laboratory so that the party could get in. Some one called for the key of the privy door, when Mr Littlefield said the doctor had the key, and always kept it himself. The doctor then pointed to a hook or nail, and said it was hanging up there. I think Mr Starkweather took down the key and handed it to Mr Littlefield. Mr L. and I then went down to the laboratory, tried the key and found it would not unlock the door. We went back up stairs and told Prof. W. that it was not the key. The door was then broken open. While in the back room, I noticed that Prof. W. was confused; while in the laboratory he was more so; he called for water, and appeared to bite at it. I remember an inquiry was made by some one about the furnace. This was while the doctor was in the room.

Mr Adams, Rice, and myself, remained in charge of the laboratory that night. I remained there until Sunday. I left only a few minutes. The place was, during that time, in custody of the police. I do not recollect that any instructions were given in relation to Mr Littlefield. The place was properly and securely guarded. No oversight was exercised towards Mr Littlefield, to my knowledge. There was an inquiry about a hatchet, when Dr. W. said it was down stairs in the sink. I believe Mr Littlefield found the hatchet. Some search had previously been made in the room for the hatchet.

I was present on Saturday or Sunday morning, when a key was tried to the lock of the privy. Mr Clapp had the lock, which had been forced off.

Cross Examined. I had not heard of any \$20

bill until Dr Webster spoke to me about it. I was a little acquainted with Dr Webster. I think I saw Mr Littlefield on Sunday; I saw him on Saturday, was present when he had a conversation with Mr Kingsley; Mr L. said to Mr K. he had not seen Dr Parkman for three or four days. Mr Littlefield did exjoin secrecy in relation to his making a discovery. Mr Littlefield on Saturday evening went up to the Marshal's office while I was there, and corrected the statement that he had not seen Dr Parkman for three or four days. [This statement of the correction was objected to by defence as inadmissible.]— This interview was but a few minutes. There was a key on the nail in the private room, which the Dr said belonged to the privy. The lock subsequently fell off, or was taken off. The privy was nailed up that night by driving a nail in by the side of the do

NATHANIEL D. SAWIN called and sworn. I run an express from Cambridge to Boston. I know Prof. Webster; have been in the habit of carrying articles for him; about the time of the disappearance of Dr Parkman, I recollect bringing packages; on the 26th of November, Monday, I brought in two bundles of faggots, or grape vines from his house; I also brought in a box of the shape of a soap box and a bag of tan. I brought them from Dr. Webster's house in Cambridge, and left them in Mr Littlefield's cellar. He gave me directions to leave them there, saying he would take them into his room, himself. I never received similar instructions before, although I had often carried articles for him. In the course of three years, I suppose I had been there two hundred times.

My custom usually was to carry them either into the upper or lower laboratory; I generally took the keys from Mr Littlefield's kitchen. On the Monday in question I tried the doors, and looked for the keys. I thought I would set the things into the laboratory, and therefore tried the door; then I went to look for the key, thinking I might have misunderstood the Dr. I always went into the store room door. [The door was pointed out on the model.]— I always went in this way.

I went there again on Wednesday, Nov. 23, and carried two boxes; one was about two feet and a half long, a foot deep, and about ten inches wide; the other was a foot and a half square. The large one was empty; the smaller one had something in it. A piece of the cover being split off, I noticed a piece of a bundle handkerchief in it. I carried the things in, and seeing the others in there I did not stop to try the door. I saw the grape vines and box, but did not then notice the bag of tan; I went to the College after the arrest of Prof. Webster, to see these boxes, but did not see the large one, neither the one I carried on Monday. This was on Saturday or Monday.

Cross examined. I have been in the habit of carrying boxes to the College. When I had business, I was always in the habit of going in and out the lower laboratory; never saw any tan there; Prof. W. did not tell me that the door was locked when he sent in the articles spoken of. The knife exhibited to me [the one found in the tea chest,] I saw first in Prof. Webster's garden, on the 18th November. He was using the knife in trimming his grape vines; I noticed the knife, from its being a peculiar one.

DERASTUS CLAPP called and sworn. I have been connected with the police since 1823.

[The two mortgage notes found among the papers of Dr Webster, with one other paper, were now submitted to Mr Clapp.]

On the 5th of December I was directed by the city marshal to go to Cambridge, and get a Cambridge officer and search the house of Dr Webster. I took officer Hopkins with me, and went to Cambridge and took officer Sanderson. We went to the house of Dr Webster; the other officers went up stairs while I remained below. This was the second search. I went in pursuit of papers. I asked Mrs Webster if she had in her possession a bundle

of papers given to her by Dr Webster. In a short time Mr Saunderson brought down stairs a bundle of papers. They being articles not named in the search warrant, I requested him to return them to the trunk where he found them, and to bring the trunk down. The trunk was brought down, when I requested Mrs Webster to give me certain papers named among them, to bring to the city, which she did, and I give her a receipt for them. I did not know what the papers were, but recognized on them the hand writing of Dr Parkman. I put my initials on these papers—two notes and a memorandum.—One of them was a note dated Boston, June 22, 1842, for \$400; the second was dated Jan. 22, 1847, for \$2432, and the third was a memorandum.

These papers Mr Bemis now proposed to put into the case. The first he said was made payable to Geo. Parkman or order, fifteen months from date; signed J. W. Webster. Interest payable at 6 per cent.; on the bottom, marked in pencil, were the words, "this is to be given up on payment of W.'s mortgage of Jan. 22, 1847." On the back was this indorsement—"July 10, 1845. Int. accounted to date by receipt and seven dollars of principal, leaving \$393. Oct. 10th, \$75."

The second was dated Jan. 22, 1847, for \$2432, payable within four years, with interest yearly; one quarter of the capital to be paid yearly. This was made payable to Geo. Parkman or order, and signed J. W. Webster. Witnessed by Chas. Cunningham. In pencil are the words, "\$500 of the above is G. P. plus \$332, equal to \$832." Written across the face of the note is the word "Paid," which Mr Bemis said the government would show was in Dr W.'s hand writing.

The other paper related to memoranda in connection with the above notes.

[These papers were submitted to the Court and then to the Jury, for examination.]

Mr CLAPP. The memorandum I have in my possession I found in the wallet of Prof. Webster, which I received from him at the jail office on the night of the 30th November; the large memorandum, and also two small ones, were found in the wallet.

Mr Bemis now read the large paper. "Nov. 9th, Friday, received \$510; underneath that \$234,10 cts. out. Dr B. Leaving \$275,90. Against this was written, Pettee, cash."

Sundry memoranda were found on the back of this, representing Dr P. as calling on the writer, stating that he owed a certain amount; the Doctor was much excited, told him to call on Friday, with other matters relating to payments of money. On a small piece were the figures "\$483,64," letter "a," the words "jug of molas," "keys," "tin box," "paint" and "solder."

Mr CLAPP. On Tuesday, 27th Nov., I took part in the search of Dr Webster's rooms, by direction of the Marshal, who wished me also to search thro' that neighborhood. With officers Fuller and Rice I went to the College about 11 o'clock. Entered the east end occupied by Mr Littlefield. He went with us; tried the door in the lower part but could not get in; cannot tell which door. After trying the door, we went up into the front entry, and tried the door of the lecture room; found it closed; Mr Littlefield said it was the Dr's lecturing day; it was now 11 1-2 o'clock. Mr L. rapped on the door; no one came, when he rapped again, and the Dr came to the door. I informed him that we wished to look over the College. He said the Police had made a search before, but if we wished to do so we might do it. I said to Dr W., whom I had known for a quarter of a century, but without knowing his name—I said to him—We cannot believe for one moment that it is necessary to search your apartment, but as we were about to search the neighborhood, we thought we would begin here first, lest the people in the neighborhood should object to searching their houses. We went down into his laboratory.

To my inquiry he said he saw Dr. Parkman last on Friday, Nov. 23d; he came there by appoint

ment; he paid him \$483; to my inquiry where Dr. P. went to, he said he went out with hurried steps, and he had not seen him since. We went in to a back room, when he said there was the place he kept his dangerous articles. I merely looked in, when we went down into his laboratory. Saw things apparently in confusion; after passing round, when near the door of Mr Littlefield's cellar, my attention was called to the other side of the room. I was at the time near the privy, when I was shown the passage way to the dissecting room.

I do not recollect looking into the privy; I did not expect to find Dr. Parkman's body there, or in the building, and thought it was entirely unnecessary to go there; consequently the events of the search are not impressed very strongly upon my mind. We went to the great vault, where a lantern was held down. We then went to Mr Littlefield's apartments, where we searched every square inch of the place, pockets, clothing and crockery, and then we went over the building. Mr Fuller went down under the building. We afterwards searched through that neighborhood.

On the night of Nov. 20th, about 6 o'clock, I was requested to repair to the College. In a short time I was joined by the Marshal, Mr Trenholm, Mr Littlefield, and Dr. Bigelow. After we went down I was the first to put a light through the hole. On going into the laboratory, I stepped round a table, and asked Mr Littlefield what that place was, pointing to the furnace, covered with sundry articles. I reached down my hand and took up a piece of hard coal, which I thought came up hard. Something adhered to it which I thought was bone. The Marshal was near and said, don't meddle with anything there. He then directed me to go to Cambridge. I took a carriage in School street, and went to Dr. Webster's, with officers Starweather and Spurr.—We stopped a little ways from the house of Dr W., so as not to create any excitement. As I reached the house of Dr. W. I saw him showing a gentleman about his premises. I told him we were about to search the College over that evening, and wished him to be present. He stepped into his house and took his boots and coat.

After he got out he said he should like to go back for his keys. I told him it was not necessary, when we went on and got into the coach. He made the remark in going to the carriage, a few rods off. I gave directions to the driver to come over through East Cambridge. We conversed at first about the contemplated railroad to Cambridge; afterwards about the efforts used to find the body of Dr. Parkman. I told him what efforts we had made, and the stories which had been told. As we rode along he said there is a lady over there, Mrs Bent, who knows something about seeing Dr. Parkman; suppose we call and see her. I told him we would postpone it to some other time. Dr. W. said he called on Dr. Parkman on Friday, Nov. 23, at 9 o'clock, requesting him to call at the College between 1 and 2 o'clock. The doctor did call, and he paid him \$483, when Dr. Parkman was to cancel the mortgage. I inquired of Prof. W. if Dr. Parkman had done so. I think he said he did not know. I then asked him in case Dr. P. should not be found whether he should be the loser. He answered he thought not. As we reached the water, seeing the tide up, I said to him soundings had been made both above and below the bridge, and that a hat had been found near the Navy Yard, supposed to belong to Dr Parkman. On reaching Brighton street, the Dr. remarked that the driver was going the wrong way. I told him the driver might be green, but would perhaps find his way there at last. On reaching the jail door, I went in to ascertain if there were any spectators, when I went to the carriage door and said, Gentlemen, you had better walk into the jail office a few minutes. They all passed in, no one making any remark, and then went into the rear office at my request. Dr Webster first spoke after getting into the room, saying, "what does all this mean?" Said I, you recollect I called your attention when near the bridge, by saying that

soundings had been had above and below the bridge. We have been making soundings in and about the college; we have done looking for the body of Dr Parkman any more; adding, you are now in custody, on the charge of the murder of Dr Parkman.— He then said, I wish you would send word to my family. I recommended a postponement of the message to the morning; if sent then it would be a sad night to them.

He began to say something which I thought was in relation to the crime charged, when I told him he had better not say anything to me about it. He then requested that I should send for some of his friends in the city; to this request I said it would not be necessary to send for them that night, for they could not see him; it would do as well in the morning. I told him I wished if he had any articles about him not proper to carry into the jail, he would give such articles to me. He gave me his gold watch, wallet containing certain papers, \$2 40 in money, an omnibus ticket-case, and five keys. I took these articles, wrapped them up in a handkerchief, took them to the Marshal's office, locked them up in my drawer and did not see them again until Sunday. I left Dr. Webster with Mr. Stark-weather and Spurr in the back room while I made out a mittimus, and left it with a request that the doctor should not be committed until Mr. Stark-weather should hear from me. Mr. Spurr then joined me and we went to the Marshal's office, and thence in pursuit of the Marshal.

After awhile I went down to the Medical College, when I found Dr. Webster there in custody of two jail officers. There were other officers there. I met them in the laboratory. Mr. Littlefield went for keys to unlock the privy door. He got a bunch, but none of them would unlock it. I with others got a poker and some other things from the furnace when we pried the door open.

The lock came off as the door opened. On Sunday after I opened the things in my desk, and found a key which proved to fit the lock on the privy. I have some other keys which I obtained at Doctor Webster's house on a search warrant. Some of these keys fit the doors of rooms in the College. I found in Dr Webster's drawer two keys which fitted the outer doors of the College. While in the laboratory, I saw Coroner Pratt present, also Mr. Andrews, the jailor. Coroner Pratt spoke of not meddling with the bones in the furnace. I noticed Dr Webster's manner in attempting to drink; he tried several times, but I do not know whether he succeeded. He trembled very much; acted much as persons do under a fit of delirium tremens.

On Saturday, Dec. 1st, I obtained a warrant from Justice Livermore, of Cambridge, and with a Cambridge officer and Mr. Cunningham, a friend of Dr Webster, I went to the Dr's. I did not get what I went for; in a drawer in his library I took a bank book. We searched the library and looked over the same trunk in which we subsequently found the papers produced in Court. I think if these papers had been in the trunk at the time, I should have found them. On the same day, after coming home, we were sent out again to make another search.

From the president of the college, we got permission to look over the mineralogical cabinet and then searched Dr Webster's house again, but without finding any thing for which we were sent.

AFTERNOON SESSION.

The Court came in at twenty minutes to four o'clock.

Mr CLAPP cross examined. These three papers were in the wallet. When I went into the College I do not recollect seeing Mr Littlefield try the door of the laboratory. I saw minerals in the laboratory on my visit there, but did not see any fire in the furnace there. In coming in from Cambridge the only thing I said to Dr W. about searching the College was the expression I have before used that we were about to make another search there. The keys exhibited here are the only ones I have had. I don't

remember in coming in that Dr W. said any thing about the note, more than I have mentioned, except Dr Webster, in speaking of not being the loser if Dr Parkman was not found, said, "Dr P. was an honest man." We arrived at the jail at 8, and at the College a little past 10; I looked at my watch at the jail, but did not on arriving at the College.

CHARLES W. LITTLE called and sworn. I am a resident at Cambridge, a student in the senior class. I knew the late Dr Parkman. I recollect meeting him on Thursday, Nov. 22d, between 1 and 2 o'clock, P. M. in Cambridge, on the road leading to the Washington elm. He was riding in a chaise, and inquired where Dr Webster lived. I told him where, when he rode on. This was between Mr Saunders' house and the corner of the street, an 8th to 1-4 of a mile from the house of Dr W. I call this to mind from the fact that I went to New York the next day.

SETH PETTEE called and sworn. I do business in this city; am discount clerk at the New England Bank, and collect funds at the Medical College; I distribute or sell the tickets, and collect the pay for them. I entered upon this duty on the 7th November last. I received one hundred of Prof. Webster's tickets, and disposed of fifty-five tickets for which I received pay, by the 23d of November. The aggregate pay for these tickets was \$625; of the remainder for some I took notes; others were free tickets; still others were third course tickets, which also were free. I disposed of ninety-three tickets in all. Thirty-eight were for notes and third course tickets; I had seven left. For these thirty-eight I received, previous to the 23d November, only \$15 for Prof. Webster. The whole amount paid to Prof. Webster was \$825; the \$15 were paid to Dr Bigelow.

I have on my list one hundred and seven students to Prof. Webster's lectures. In one instance, I have known of a ticket being sold to a student for Dr. Webster, without my receiving the money. Mr Littlefield sent for me to come to the College on the 23d of November. On the first collections I made, Nov. 9th, there was due to Dr. W. \$510; the lectures began on the 7th. Dr. Bigelow gave me a note against Dr. W. of \$225 89. This note was dated April 1, 1849; with interest it amounted to \$234 10. This I paid to Dr. Bigelow for Dr. Webster's note. The remainder \$275 90 was paid in a check to Dr. Webster. The next division of funds was about the 14th. I credited Dr. Webster with 13 tickets sold amounting to \$195. This I paid to Dr. Webster. I drew a check for that amount on the 14th. The next date, the 16th, I credited him with \$30, and paid the amount on an order from Dr. Webster, dated the 20th. On the 23d, I credited him with six tickets, \$90, and paid a check to that amount, to Dr. Webster.

I have collected some since which I have not paid over. The first time I saw Dr. Parkman and knew him, was on the 12th November. He came to me and inquired if I collected funds for the Medical College, and asked if I had any funds for Dr. Webster in my hands. I had none at the time, and I so informed him. He made a few remarks, and then left the Bank. In fifteen or twenty minutes he returned and took a dividend belonging to his wife.— When I paid the dividend, I inquired if Prof. Webster owed him. He made some remarks and left.— A few days after, he called on me again, and inquired if I had any funds of Dr Webster. I told him I had just paid over all I had. He said he thought he gave me a hint to keep some for him. I told him I had no control over Prof. W.'s funds, and all I had to do was to pay them over to him.

[Something further was here said by the witness which it was difficult to hear. One remark was something that Dr P. had said about Dr Webster's dishonesty.]

On Friday morning, I called at the College for Mr Littlefield. I went up to the library; when I went down I went into Mr Webster's private room, the door of which I found open. I told him Dr Park-

man had several times called on me and inquired if I had any of his (Dr W.'s) funds in my hands. I told him I did not wish to have any of his funds in my hands which should be the cause of trouble with Dr Parkman. Prof. Webster said, Dr Parkman is a very peculiar kind of a man, is very nervous, and sometimes is subject to aberrations of mind; so much so that he did at one time put his business out of his hands. He then added, you will have no further trouble with Dr Parkman, for I have settled with him. I then paid Dr Webster \$90 in a check on the Freeman's Bank and departed.

On Friday afternoon I went again to the College. It was between 4 and 5 o'clock; I called at the front door, at the top of the steps, and found it fastened; a young woman came to the door, and after asking if I wished to see Mr Littlefield, told me if I would go to the other door, under the shed, I should find him. I found Mr Littlefield, and asked if he sent for me. He said he did, and wished me to fill up a set of tickets for a student named Ridgway, who was to leave town in the morning. I filled them out, with the understanding that he was to receive the money for them and pay it over to me. I called at the College on the following day, Saturday, at not far from 3 o'clock. I saw Mr Littlefield. I went up the steps to Prof. Ware's lecture room, when Mr Littlefield was standing by the table.

[Objection was here raised against conversation which took place in Dr W.'s room, intended as corroboration of Mr Littlefield on collateral points.—The government wished to show that the disappearance of Dr Parkman was then known, although Dr Webster said he knew it only through the evening papers. Objections allowed.]

My visit to Dr Webster on Friday was to pay him money to get it out of my hands. At the interview with Dr Parkman on the 14th, he used harsh language in reference to Dr Webster, but I do not recollect that he used profane language. I do not know that the message he sent by me to Prof. Webster was couched with any profane expression. I think, in what I said to Dr W., I did not represent to him that Dr Parkman spoke of him as a dishonest man.

Cross examined. I have no means but by my records to show the number of tickets sold by me to students. The money I paid to Dr Webster I think was in bills of the New England Bank. I sent word to Dr Webster that I should call on him on Friday morning; the only thing I had to do with him was in relation to his tickets. I think I did not tell Prof. Webster that Dr Parkman used profane language towards him.

By Mr CLIFFORD. I think I did not tell Dr Webster that Dr Parkman said he was a d—d rascal, or d—d whelp.

JOHN P. DANA called and sworn. I am Cashier of the Charles River Bank at Cambridge. I have known Dr Webster for twenty years. He has kept a bank account at our Bank, and did in November last. I have been requested to make an abstract of Prof. Webster's account at the bank.—The bank book submitted to me I recognize as his. By this book it appears that on Nov. 10th he deposited \$275.99 in a check on the Freeman's Bank; November 15th, \$150 in bills; Nov. 24th, a check of \$90. On the 23d November there was due Prof. Webster on his account, \$139.16. This was before the \$90 were deposited. On the first of Nov. he had a balance of \$4.26 due at the bank; then he deposited \$275.99, when he began to check; on the 1st December he drew a check of \$93.75, which he paid to Mr Wyeth, for rent; on the Monday following the arrest, several small checks were drawn; those were the last checks which were paid, when his accounts were trusted, the balance being \$68.

DANIEL HENCHMAN, called and sworn. I am a druggist in Cambridge street. I know Dr Webster. On the 23d November, Dr W. called on me and asked me if I could give him bills for a check of \$10. The check was on the Charles River Bank.

This was about 10 o'clock on Friday forenoon; the check was dated 22d, and I gave him bills for it. I never have received payment for that check; it was sent out for payment on the day of his arrest, after which it was returned, and it was said there were no funds.

JAMES H. BLAKE, called and sworn. I am a nephew of the late Dr Parkman; took part in the search for him, after his disappearance. On Sunday afternoon about 3 o'clock, returning from the jail lands, I went towards the Medical College; when near the east end of the building, talking with several police officers, Dr Webster came from the direction of the college towards me. I think he had no overcoat on, and the day was cold, the wind east. He took me by the hand, and said that on the evening previous he saw in the Transcript that Dr Parkman was missing; he came in on purpose to notify the family that he was the gentleman who went to Dr Parkman's house on Friday morning to get the Dr to meet him at the college at 1 1-2 o'clock on that day. That was the first intimation any of the family knew as to who it was that called for him. Dr P. called on him, and Dr W. said he paid him \$183, the amount of a note; he, (Dr W.,) kept the note, and Dr P. left him, stating that he would go to East Cambridge and discharge the mortgage. Said he, we all know Dr Parkman to be an honest man, and I trusted him to attend to it. He then said he should go up and see the Rev Dr Parkman about the matter. He said he went to church in the morning, and thought he would wait until after dinner before he came in. After the conversation he went into the college. I did not see the Dr as I came up Grove street. I did not see him afterwards that day. After staying there a few minutes, I went to the marshal's office and from thence to Lechmere Point. The Dr might have come up Grove street while I was talking with the officers without my seeing him. [Mr Blake here pointed out on the map the way in which he went to the college.] I had been there about three minutes when Dr W. came up. His appearance at the time was in no wise peculiar. I had had no particular acquaintance with him; he held my hand nearly all the time; he made no inquiries at the time about the result of our search; the only communication he made was as already stated.

Cross examined. I do not think I told him I was searching for Dr P.; he said he came in on purpose to inform the family of what he told me. I commenced the search on Saturday afternoon.

Rev Dr FRANCIS PARKMAN called and sworn. I am a brother of the late Dr Parkman. I have known Dr Webster for a great many years. While he was a resident at the North End, in his father's family, I was his pastor. I knew him also at Cambridge, and within a few months I was called on by the son-in-law and daughter of Dr W. to baptize their child, the grand-child of Dr W., as I had baptized all the children of the family. On the Sunday succeeding the disappearance of my brother, we were in great perplexity and distress; none of us went to church; I passed the day in my brother's family. At about 4 o'clock in the afternoon, Dr Webster came to my house; immediately on entering the room he said, almost without the usual salutations, I saw your brother on Friday, when I paid him some money. It was then said to him—perhaps by myself—then you are the gentleman who called at George's house at 9 1-2 o'clock on Friday morning, and made the appointment. He answered that he was, and should have called and given the information; but that he did not see the notice of his disappearance till Saturday, and waited until now, thinking we might be at church. I said to Dr W., we are glad to know that it was you that made the appointment; we had feared it might be some one who meant him ill, and under an appointment had waylaid him. He said further he had paid my brother \$483. I asked him if he was perfectly certain about the hour, because two persons had called at my house and said they had seen

him at 11-4 o'clock at some distance from the College. He said he was quite certain for it was after his lecture. I asked Dr W. if he had any papers in his hands; he replied he had, and he took out one and dashed his pen through it. This Dr W. represented as having been done with violence. Speaking of the mortgage, my brother said he would see that it was canceled. I asked Dr W. whether he knew that my brother had gone to cancel the mortgage. He said he did not know, but meant to go and see for himself.

Dr Webster then departed and I followed him to the door. I think I have a distinct recollection of the conversation at that time. I am sure he said that my brother took out one paper and dashed his pen through it. Dr W. appeared very earnest in his manner at the time; he commenced speaking in a business tone, and exhibited no expression of surprise at the disappearance, and no sympathy in my grief. I should describe it as a business visit. I have noticed in Dr Webster, before, a quickness and rapidity of motion—it belongs to his character—but there was a certain flurry of manner I had not observed before. What particularly struck me was the absence of tenderness with which persons should approach those so afflicted as we were. He was in my house from ten to twelve minutes. I have an impression he had no overcoat on at the time. I think after leaving my house he went down Green street.

My brother, in his habits, was marked; he was among the most punctual of mankind; he was regular in his meals; seldom went out of the city; left a wife, son, and daughter. His son was in Europe at the time, and has but lately returned. I may say with confidence I never heard him use profane language; he could express himself strongly when moved, but I never have heard him use a profane word.

Cross examined. The names of the men who called at my house and said they saw my brother on Friday, were Fessenden and Oliver. I passed the morning of Sunday with my brother's family, then remained at home during the rest of the day.

SEVENTH DAY.

TUESDAY, March 26.

RALPH SMITH called and sworn. My place of business is in Exchange street; I am a dealer in liquors. Have had business with Dr Webster. The note shown to me was a reply to a request of mine to Prof W to pay a debt due me.

[The note was read by Mr Bemis. It was dated Cambridge, Oct. 15, 1849. The note is to the effect that the writer will pay the bill when he receives his fees from the medical students, and until then he asks indulgence.]

SAMUEL D. FULLER called and sworn. I am a Police officer; have been an officer for nine years; I have seen Prof. Webster; never had any acquaintance with him. On Sunday night, Nov. 25th, I went to East Cambridge to ascertain whether Dr Parkman had been there to cancel the mortgage spoken of. Mr Thompson, the clerk in the Register's office, said he could best tell after seeing Dr Webster. I took him in a chaise and called on Dr Webster. The Dr came to the door, when the clerk made known the business we came for. We went into the house, when Dr W. turned over the leaves of a long account book, and then left the room.—This was a little after dark. In turning over the leaves of the book, he seemed to tremble badly. He returned in a few minutes and said—it is strange that I cannot find those papers. He sat down, and then got up and went to a trunk under a table; then returned to the account book, and after again looking at it conversed with the clerk about the matter. He said to him—my ticket man said to me that Dr Parkman came to him the other day, and demanded what money he had of mine in his possession. The

ticket man said he had none, when Dr Parkman told him to tell me that I was a d—d rascal and a scoundrel. I thought hard of it at the time, said he, but I don't care any thing about it now, for I have settled with Dr Parkman, and it is all over. He also told the clerk that the mortgage was on personal property, and not on real estate. I made the remark that we would go to the city clerk and see if Dr Parkman had been there. We left, and I saw nothing more of Dr W. that night.

I took part in the search for Dr Parkman on Tuesday; went to the College with Mr Clapp, Rice, and C. M. Kingsley. This was about 11 1-2 o'clock. We went to the lower laboratory door next to Mr Littlefield's, which we found fast. We next went to another door by the store room, which was also fast; we then went to the front door to the lecture room. After knocking the second time, Dr Webster came to the door. After getting into the room, I asked Dr Webster who was with him when Dr P. paid him the money. What time was it? said I. Between 1 1/2 and 2 o'clock, he replied. We passed through the lecture room, and when near the table I asked where they were when the money was paid. He replied, here, pointing to the place. We then went to the back private room, of which he said here is where I keep my choice articles. After getting down stairs, Mr Clapp, in passing the privy, asked what place is this? Mr Littlefield answered, Dr Webster's private privy. At this moment Dr W. passed across the laboratory to the store room, saying, this is another room; we passed out then without taking much more notice of the laboratory. I know that Dr W. appeared to hurry us through the room. After looking to the main vault, Mr Littlefield and myself went under the buildings, by the scuttle. [This place was pointed out on the diagram by the witness.] There was no hole in the wall at the time. There was a conversation as to the position of the privy while we were there. Since then I have been through the hole cut in the wall several times, and have made two examinations of the walls. There is no access by the tide, under Prof. Webster's apartments, of sufficient quantity to carry off any thing by it.

I am the person who found the remains in the tea chest. I had been searching on Saturday, Nov. 30, from 9 1-2 o'clock in the morning to 4 in the afternoon. I had seen the chest before it was turned over, but did not see any one put any minerals in it. There were six or eight of us engaged in the search. I proposed to take one side of the building and search it thoroughly. I do not know that any one had searched there before. Seeing these minerals in the chest, I thought it was the place where he kept the minerals. But as we were examining every thing, I thought I would take them out and lay them on the shelf. After taking out a few I found some tan in the chest, when I thrust my hand in and took some minerals from it. I put my hand in again, when I took out a knife which I looked at and put in my pocket. On putting my hand in again, I felt something cold, when I said I thought there was something more in it than minerals. I then took the chest to another part of the room, and turned it over, when I discovered parts of the body of a man. When I first saw the trunk, it was back up; in turning it over I saw a hole in the left breast about here, [pointing to the place.] The tan was scraped off by the hand. Officer Butman was about to scrape off some of it with a stick, when I told him not to do so. I remarked, on seeing the hole, I should think the knife in my pocket might fit the hole very well.

[The tea chest in question was brought in while Mr Fuller was giving his testimony.]

I found the kidneys in the ash hole in another part of the furnace range; in the lower laboratory on a table was a comforter next to a window on the back side, and two blankets—the articles appeared to be all new—never used. I remained in charge of the College several weeks, until the 8d of January; we did not allow any one in without a permit; my in-

structions were to watch every step of Mr. Littlefield.

[This last remark was objected to by Mr. Sohler.]

The hole of the privy was 9 3-4 inches in diameter—we tried the thorax in the tea chest and found that it would not go through the hole. The pelvis would go through by turning it up edgewise. While in the charge of the laboratory, experiments were made as to whether noises could be heard in Prof. Webster's room from Dr. Holman's, and vice versa. Nothing could be heard. These experiments were authorised by the Marshal or Mayor. A little plate shown to me was found on the floor under a bench in the upper laboratory, back of the lecture room.

Cross examined. I measured the privy hole; the experiments were tried after the seat was taken up; Mr. Littlefield held the thorax and the pelvis when we tried to get them through. We searched the rooms thoroughly; found a box of tan, and half a bushel in a barrel. The box was eight or ten feet from Mr. Littlefield's store-room. The box was nearly full. I did not notice the tea chest on Tuesday. The knife was shut when I took it from the chest; I put it in my pocket and have kept it in my possession. When the thorax was thrown out, Messrs Butman, Starkweather, Rice and I think, Littlefield, were present. We were sent there by the orders of the Marshal. These officers were there that day specially; I remained there, as I have before stated. We looked at the thorax four or five minutes when I turned it over, and saw the hole in the side; I turned the thigh partly over, when we left the remains for the Coroner.

The twine was round the bone of the thigh. The Coroner's Jury met about 4 o'clock in the afternoon. Officer Butman said he was going to scrape the tan off, when I told him not to. It was not scraped off until the next day. I brushed off a little with my hand. I put my hand into the tan up to the wrist. I never saw Mr Thompson until I went to the Register's office. After leaving Dr Webster's house, I remarked to Mr Thompson that I thought Dr W. appeared very singular—told him that the doctor trembled. I had no suspicion of the doctor at the time—thought he had a quick, nervous way. We arrived at Dr Webster's just after dark; were there not more than fifteen or twenty minutes. Our object in going there was to ascertain the date of the mortgage.

The first time I was at the College was on Tuesday. Dr Webster then said that Dr Parkman was at his room between half past 1 and 2 o'clock. If I said before the Coroner's jury that he said half past 1, it was not correct. On the night after the search, I made memorandums in relation to the conversations held at the College. On the day after the interview at Cambridge, I made some memoranda; stated in it that Dr W. looked excited. I went down into the cellar three times; first on Saturday morning; noticed the ground there; there is a trench round the wall; the tide, in coming in, flows into the trench, and is confined to it; in one corner of the wall the water is about three feet deep; in the privy two feet; from the privy the ground slants towards the trench. A man cannot stand up under there, except in the trench; did not see the remains there; found the towels directly under the privy. The labels on the minerals did not look as though they had been written more than five or six months; appeared fresh.

By the Government. Mr Eaton was present when the tea chest was carried out by the window.

SAMUEL PARKMAN BLAKE, called and sworn. I am a relative of the late Dr Parkman. I took an active part in the search for Dr Parkman; in the course of which I called on Dr Webster, on Monday morning subsequent to the disappearance, between 10 and 11 o'clock. As I approached the steps I saw a student, as I supposed, of whom I asked if Dr W. lectured that day. He could not tell, but I believe rung the bell, when Mr Littlefield appeared. He said Dr W. did not lecture; but tho't I could see him. He

tried the door of the lecture room, and asked my name, that he might mention it to Dr Webster.—He passed through the entry, and I thought I waited an unreasonable time. He then appeared by unbolting the lecture room door, when he passed out and I passed in.

I saw Dr Webster coming out of his laboratory door, or back room. He laid something on the table, had on a smoking cap and a working dress. He stood at the place until I approached him. I told him I called to get the particulars of the interview I learned he had with Dr Parkman. He then went on to state that on Tuesday the 20th, lecture day, before he had finished his lecture, Dr Parkman came in and sat down [pointing to the place] and waited very patiently for the close of the lecture. After its close Dr Parkman came up to him at the table, and said, Doctor, I want some money; he was very much excited, and was very angry; he said, you have \$500 in your wallet, and I want it. The countenance of Dr W. lighted up as he related this interview. He told Dr Parkman he could not pay him on that day; he had not collected all the pay for his tickets; Dr Parkman then asked him when he could pay; he replied, on Friday. The Doctor then went out. On Friday, Nov. 23d, on coming into the city, he (Dr W.) called at the house of Dr P., saw him at the door, and told him if he would call on him after his lecture he would settle with him.

He did come about 1 1-2 o'clock. I asked Dr W. how he knew about the time. He said his lecture had been finished, and several of the students stopped on and asked him questions, as was somewhat customary. After they got through he went to look at some pictures he had recently purchased, and then went out. Very soon Dr Parkman appeared, in a great hurry, came up to his table, and asked him if he was ready for him. He said he was. Dr P. then took out of his pocket a bundle of papers, done up in a piece of newspaper or brown paper, and took out a note. He (Dr W.) then paid him \$453, or perhaps \$484, and some cents. Dr P. seized the money and was going off, when he (Dr W.) said—there is one thing you have forgotten, Dr, that mortgage. He replied, I have it not with me, Dr Webster, but I will see that it is attended to. Dr P. then rushed out of the room, with the bills in his hand exposed to view. I then asked Dr W. if he could inform me what some of those bills were, as they might possibly lead to a discovery.—He said he could recollect but one bill, of \$100 on the New England Bank; the others he could not remember. I pressed him rather close, as to whether they were Boston or out of town bills, of what denomination they were, and the like. But he replied that he could not tell. I asked him if he had the notes of Dr Parkman; he answered in the affirmative, but in a way that made a strong impression on my mind. He said no one was present during the transaction.

I had been acquainted with the Doctor for many years. When I entered the room of Dr W., he seemed peculiar—appeared to want that cordiality usual to him. As I came down the steps I thought I noticed that he looked very pale. He received me in a stiff, formal manner; think he did not put out his hand. His manner of speaking of Dr Parkman was devoid of sympathy for the family, or for the disappearance. His stiffness of manner seemed as though he did not anticipate a visit from me. He said very little about the search, and made no inquiries about the family. The interview lasted about fifteen minutes. During the interview, there was a change of position, but not while talking of Doctor Parkman. I heard the door bolt after I went out; he must have done it, as there was no one else in the room.

Cross examined. The doctor waited upon me to the door, when I heard the bolt. I heard of Dr Parkman's disappearance on Saturday afternoon; I was under much alarm on hearing of it. On going in to Dr W.'s room, he told me he was preparing for his next day's lecture; he was putting a jar up

on the lecture room table. I did not assist in preparing the handbills. While I was present with Dr W., I looked in to the upper laboratory to see what kind of a room it was.

CHAS. B. STARKWEATHER, called and sworn. I am a police officer; have been connected with the police four years. I took part in the search for Dr Parkman; commenced on Saturday after the disappearance. On the Monday following, went to the college with Mr Kingsley, at about 12 o'clock; went up the front steps; saw Mr Littlefield, Dr H. J. Bigelow, and afterwards Dr Ainsworth; told them the object of my visit—to look over the college in search of Dr Parkman. Mr Littlefield tried Dr Webster's lecture room door, which was fastened. After knocking, Dr W. came to the door. We told him what we came for and went in; went through the lecture room into the back laboratory, thence down stairs, Dr Webster following. We passed through the lower laboratory, stopping there not many minutes. At the bottom of the stairs, Dr W. said this is all my department; we went out by the laboratory stairs. We then searched the rest of the college. I made one of the party who went out to arrest Dr Webster, on Friday night. In coming in the doctor talked very freely, about the railroad, and spoke of Mrs Bent's having seen Dr Parkman on Friday; he wished us to drive round by her house; we came in by Cragie's bridge.

Mr. Clapp talked with Dr W. The Doctor [in passing Second street spoke of the driver's going the wrong way, and Mr. Clapp replied to it; there was conversation about the search. On getting into the jail office, Dr Webster spoke to Mr. Clapp, saying what does this mean? He replied, we have done looking for Dr Parkman, and you are in custody for his murder. What, me? Yes, you are in custody for the murder of Dr Parkman. Mr Clapp and Mr Spurr left me to find the Marshal or S. D. Parker. Mr. Clapp made out a mittimus which he handed to me, saying do not commit the doctor until we come back. Mr. Clapp had searched him before this time. Immediately after they went out, Dr Webster called for water and 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? O, my children, what will they do? what will they think of me? where did you get the information? I asked him then if anybody had access to his private apartments but himself. Nobody has access to my private apartments, but the porter who makes the fires. After a pause, he said, Oh, that villain; I am a ruined man!

He paced the floor, wringing his hands; he then would sit down. I noticed him put his hand to his vest pocket, and then to his mouth. In a moment he had a spasm like a man in a fit. I asked him if he had taken any thing; he replied no. I thought by his appearance, he had. I asked him if he was sure. He said he had not. I lifted him up, and he paced the floor. I was with him an hour, when Mr Clapp came back and told me to commit him. I went to the doctor and told him I must commit him. I took hold of his right hand, and he could not stand.

I asked Mr Cummings, an attendant at the jail, to assist me. We led him to the lock up. I told Mr Cummings the Doctor had been taking something, and insisted upon sending for a physician. Mr Clapp thought it was not best, unless he grew worse; we might look to him every few minutes. We laid him into a berth; he could not get in himself; we laid him on his side, and he turned over on his face. He appeared like a man in a fit; never saw a man in just such a condition. In three quarters of an hour I met the Doctor at the Medical College.

When we got there, there were several persons in the laboratory. I was present at the breaking open of the back private room door, and the door of

the privy. While in the lower laboratory, some one inquired where the furnace was. Mr Littlefield pointed it out. While in the laboratory, the doctor appeared much agitated; more than while up stairs. I went down with Mr Littlefield to help up take the remains. I do not recollect that Dr W. said any thing at the time of looking at the remains, except asking for some water. He took the water and split it over him in trying to drink.

I remained at the College in the day time, but not nights. I have in my possession some fish hooks and twine. These were found just as they are, in Dr Webster's private room. There are three on one grapple, and two on another. I saw them first on Friday night, and took them on Saturday. They were rolled up in a paper and laid on a shelf, in the back private room, adjoining the laboratory. There was a ball of twine in the same room. A sinker was also found with them. They were done up in a newspaper. [These articles were now submitted to the Jury.] On Saturday there was a general search. I was in the upper laboratory in the afternoon, when I heard my name called by some one in the lower laboratory. I went down, when I saw Mr Fuller carrying a tea chest to the back part of the room; [pointing out the place on the model.]—I saw the remains taken from the chest; on the thigh was some twine; I cut off a piece of this twine; [exhibiting it;] I had charge of certain keys—twenty four—found on the premises. I found all but one in Dr Webster's back private room on a shelf, tied up together.

[Objections were here raised by the defence against the testimony proposed to be introduced that these keys fitted other apartments of the College besides his own rooms. The Government claimed the necessity of admitting this testimony, because Dr Holmes had stated that Dr Webster's apartments were entirely distinct from the rest of the College, and because Dr Webster had accounted for the possession of these keys by stating that he found them in the street. Testimony allowed.]

One of these keys fits the door of the dissecting room; another the front door of Dr Webster's lecture room, also the store room door, below. This last one has the marks of having been filed. Another key before me fits the outer door of the building above the steps, and the door below. This was also found in the Dr's private room. In this room, where there had been drawers, the drawers had been taken out, and a closet made. In this closet were the keys. [The government proposed to show that wine and liquor were found in this closet. Ruled out as inadmissible.] When Dr Webster was brought to the Police Court for examination, I said to him, I found some keys in your room. He asked, what, them that are filed? I picked them up in Fruit street and threw them in there.

Cross examined. I testified before the Coroner's Jury; made records from time to time while in search of Dr Parkman. I finished my records before I gave my testimony before the Coroner. I don't think I testified about Dr Webster's putting something in his mouth at the jail office. On Friday, Nov. 30th, when I went to the College, I asked Mr Littlefield if there was not some private place in the College not yet searched. He said, no place but Dr Webster's privy; I asked if we could not look in there; he said we could not, for Dr Webster had the key, kept it himself, and had gone away. I told him I would come again in the morning, and see it. I then went away; I first saw the fish hooks on Friday, laid on the shelf; the keys were under the shelf in a drawer. All of these keys were found in the same place. While about getting into the carriage at Cambridge I recollect the Dr wished to go back for keys, when Mr Clapp told him we had enough. I have given the exact words in the conversation at the jail. I took the words down at the time, while the Dr was talking.

CHARLES G. RICE, called and sworn. I am a Police officer; was one of the party who went to search the College on Thursday. After getting into the laboratory, some one asked if we had seen every thing. It was replied, everything except the privy. This was said, I believe, by Littlefield. No reply was made to this, and we immediately passed out of the room. I was at the College on the night on which Dr Webster was brought down; recollect hearing some inquiry about the furnace, but do not know whether Dr Webster was present at the time.

Cross-examined. Was present when the tea-chest was turned over. Fuller, Tarlton, Stark-weather, Eaton and others, were there. The tea-chest was ten feet from me when first turned over. Do not know whether Fuller or Eaton brushed the tan off; cannot say that any one had a stick in his hand. I do not recollect who asked the question mentioned when we made the search on Tuesday. The question, I think, was whether we had seen every thing. The reply was, either that we had seen all but the privy or the private privy. At the time Dr Webster was near the furnace, I believe, speaking with Mr Clapp.

SAMUEL LANE, Jr., called and sworn. I am in the hard ware business at No. 9 Dock square. I should think I had known Dr Webster since 1855. I recollect seeing him about the time of Dr Parkman's disappearance. After I heard that Dr P. was missing, I saw Dr Webster at my place of business; I should think in the after part of the day. I think it must have been Monday or Tuesday after; I was not in the city on Wednesday. Dr Webster came in and inquired for fish hooks. I told him we had none in the store. Stephen B. Kimball was clerk also in the store at the time. I have been in Dock square a year and a half, in the store of N. C. Warren. I had seen Dr Webster in that store before; had done business with Dr Webster previously.

SEPHEN B. KIMBALL called and sworn. I was clerk for Mr. Warren last fall; I knew Dr Webster by sight; about Thanksgiving time, on Monday or Tuesday, he came into the store for fish-hooks; he inquired for large size fish-hooks; it was in the afternoon.

JAMES W. EDGERLY called and sworn. My place of business is in Union street; I am in the hardware business; I recollect the time of the disappearance of Dr. Parkman. A person came to the store for the largest kind of fish-hooks we had; he purchased half a dozen, paid for them and went away; this was in the afternoon. The hooks shown to me, I should think, were the same; I identify them by a peculiar mark, and the large size of the hook, having had them on hand a great while, and seen them often. The person was Prof. Webster; I did not then know him; have seen him at the jail and in Court. Nothing was stated of the object for which the hooks were wanted.

WM. W. MEAD called and sworn. I am in the hardware business in Union street. I have known Dr. Webster but recently. About Thanksgiving time, the Friday after, some one came in and inquired for fish-hooks. He wished some hooks to make a grapple with; he purchased three of those I offered him; I showed him how they might be fixed together to form a grapple. They were considerably smaller than those in Court. I think the person was Dr. Webster; he came to my store about twenty minutes or a quarter to one o'clock on Friday.

WM. M. TYLER called and sworn. I am a rope and twine manufacturer; have been engaged in the business forty-five years. I think I am able to judge of particular kinds of twine. [Pieces of twine were now submitted to the witness.] This twine is called small marlin—two threaded marlin. I have not the least doubt that all of the pieces on the fish-hooks, the balls and the other pieces are the same—made of good Russian clean hemp; unusual in the manufacture of such marlin at the present day. American hemp is generally used for this purpose; the Russian hemp is generally used on ship-board.

In the kind of material and mode of manufacture this kind of marlin is unusual for common use.

Cross examined. I think these pieces of twine were from the same piece; this kind of twine is sold by the pound; I used to work the length of this twine fifty fathoms. This twine is 25 cents and the other kind is 20 cents a pound; the twine before me is of the best of stock, but poorly made. I do not pretend to say one piece came from the other; but they are of the same make.

By the Government. A considerable quantity of this twine is manufactured for navigation, sailmaker's use, &c. Most of this kind of twine is not put up in balls.

NATHANIEL WATERMAN called and sworn. My place of business is 83 & 85 Cornhill. I am a tin plate worker. I have known Dr Webster for some time. Dr W. was in my store on the 30th of November at about 10 o'clock. He was talking with my foreman when I first saw him. I walked up and asked him how Dr Parkman appeared when he paid him the money. He said he took the papers in his hand and darted out in his usual manner. I said in that case he could not have got a great ways before some one might, seeing the money and papers, have enticed him into one of his own buildings. I believed that when he was found he would be found in one of his own buildings; for I did not believe the story of his going over Craigie's bridge; Dr W. then said energetically, he did go to Cambridge; only think, Mr Waterman, a mesmerizer has told the number of the cab in which he went off, or was carried away; Fitz Henry Homer has found the cab, which proved to be all bloody. Dr W. then being engaged in talking about making a box, I went away.

AFTERNOON SESSION.

Mr WATERMAN on the stand. I was speaking of the manufacture of a tin box; [the tin box was here brought in.] I told Dr Webster that if he wished a large thing to be put in the box, he must have the side come up straight, and not turned in. If small things were to be put in it might be made different. He replied, "small things, say books, &c." He then spoke of having handles upon it—he decided to have a handle on the cover. He said he wanted to solder it up himself—you know I can do such things. I left him then, and bid him good morning. I did not hear any thing said about the time the box was to be done. I have done business with Doctor Webster for several years. The abstract shown to me was drawn from my books. I have never before made such a box for Dr Webster, or any one else. This account runs back as far as 1843. The Doctor wanted the handle made very strong. The box was completed on Saturday morning about 9 o'clock.—At that time I went into my store and saw it there. It has not since been called for.

Cross examined. My store is near the Cambridge omnibusses. [The witness further explained the manner of making the box.] I introduced the conversation spoken of by my own accord.

CHARLES G. LATHROP called and sworn. I am Mr Waterman's foreman; I remember the occasion of Dr Webster's ordering a tin box; it was on Friday, Nov. 30, at 10 o'clock. He wanted a square tin box to pack things in; I showed him some boxes we had on hand, which he said would not answer. I asked him what he wished to pack in it. He said, "ks, &c." He then gave me a piece of paper to show the size of the box which he wanted; eighteen luche square and ten deep. I told him how such boxes were usually made. He wished it to be made strong, and the handle put on so that it would not pull out. Mr Waterman came along about this time and apologized to the Dr for asking him a question about Dr Parkman. [The testimony of the witness in relation to this conversation did not differ materially from that of Mr Waterman.] I told him if after he put his things in he would send the box in, I would solder it up for him. He replied that it was to be sent out of town, and he could solder it

himself. Mr Waterman told him if he was to solder it up himself, he should have a holder made to hold the tin down while he soldered it. I told him I would have it done by Saturday night; he wished it earlier. I finally promised to have it done by 12 o'clock on Saturday. Dr W. spoke as though he had no doubt Dr Parkman went over to Cambridge.

SAMUEL N. BROWN called and sworn. I am one of the toll gatherers on Cambridge bridge. I knew the late Dr Parkman; know also Dr Webster. On the day of the arrest of Dr Webster, Nov. 30, I was in a grocery store at the corner of Cambridge and Grove streets about 4 o'clock; saw Dr Webster pass by the window; I went out and walked with him to the toll house: I asked him if he could recognize that \$20 bill—referring to a bill I took in the morning. On the morning of this same day I was on the Cambridge side of the bridge, when an Irishman came along and offered me this bill to take out one cent for toll. I changed it, and carried it to the other toll house. Mr Hadley said he had not money enough to keep it, and I went home for money for that purpose. Mr Hadley, in depositing the toll money, left word of this bill at the Marshal's office. The bill was on the Freeman's Bank. I asked Dr Webster if he recognized that bill; he said he could not; the money he paid Dr Parkman was some of it in large and some in small bills, received of students. I had not heard any suspicions made known in connecting this with the disappearance of Dr Parkman.

I had no further conversation with Dr W. I saw Dr Parkman last, before his disappearance, on Wednesday or Thursday. Dr Parkman came to the toll-house, between 11 and 1 o'clock, and asked if I had seen Dr Webster on that day. I told him I had not. In a few minutes Dr Parkman passed over the bridge in a chaise, with a white horse.—This was the last time I saw him. He had twice before, in a few days, been at the toll-house to inquire if I had seen Dr Webster.

Cross-examined. This conversation with Dr Webster I mentioned to Mr Hadley, when I got to the toll-house.

BETSEY BENT COLEMAN, called and sworn. I live at East Cambridge. I know Dr Webster; I saw him on Friday, the day of his arrest, at my house, at four o'clock in the afternoon. He called in reference to Dr Parkman. I told him I thought I saw Dr Parkman on Thursday, the day before his disappearance. He had on dark clothes at the time. I asked Dr Webster if he had heard anything of him. He said there had been a coat picked up, thought to be his, which had spots of blood on it. A hat had also been found. I said, Oh dead, then I am afraid he is murdered. He also said something about a \$20 bill which had been offered by an Irishman for toll, which was thought suspicious. He asked me twice or three times if I was sure it was on Thursday. It was in the afternoon when I thought I saw him. I accompanied Dr W. to the door, when he repeated the inquiry again, with the remark, was it not on Friday.

SAMUEL D. PARKER called and sworn. I did go to the Medical College on the night of Dr Webster's arrest. I was at home at 8 o'clock on the evening of the 30th Nov. The door was opened and ten or fifteen gentlemen came in. I recognized Dr. Bigelow, the Marshal, and others. After stating the object of their visit, and talking over the matter, I advised that some one should make a complaint, when Mr. Kingsley said he would make it. Dr. Martin Gay, a chemist, was sent for at my request. We went to the jail, when Dr. Webster was brought up. Dr. Webster recognised Dr. Gay and myself. Water was handed him, but he could not drink; he seemed much agitated, and expressed much feeling for his wife and children. He wished that Franklin Dexter and Wm. H. Prescott should be sent for. When he spoke of the distress of his wife and children, I told him there was another family too in great distress. I said to the officers that Dr. Webster was not to be interrogated. We went

from the jail to the College. While in the laboratory, Mr. Andrews, the jailor, called my attention to the bones in the furnace. On going in, we passed through the lecture room. I remember Dr. Webster's asking for water, and the difficulty he had in drinking it. When the remains were brought up, Dr Gay was asked if the remains were those of a human being, and belonged to the same person? He answered in the affirmative. When the door of the privy was forced, and the seat was taken up, Mr Andrews noticed some spots he thought to be blood. Mr Dexter was not sent for that night. I was present at the Police Court when Dr Webster was arraigned. No examination took place at the time.

[The testimony of Mr. Parker was very unintelligible, and but a small part of it was heard by the reporters.]

JOHN N. CUMMINGS called and sworn. I am a watchman and turnkey at the jail. I was present on the night on which Dr. Webster was arrested. I first saw him when Mr. Clapp came back and told me to commit him. When Mr. Starkweather took hold of him, he did not seem to have the use of his limbs. Mr Starkweather and myself led him down to the lock up, and put him into bed. When I went down for him, subsequently, he seemed much agitated, and said, I expected this. He took no notice of me when I first spoke to him; he afterwards threw his arms around Mr. Jones's neck as though he was fighting; we carried him up stairs and set him down in the back office. Mr Leighton and myself lifted him into the coach, and, with Mr. Pratt, went down to the College. We lifted him out and helped him up the steps. We were detained a few minutes on the steps. At that time, I noticed he trembled very hard, and had a cold sweat upon him. While they were searching the little back room, the Dr, then standing in the other private room, said, when they took up a coat, That is the coat I lecture in. Seeing them continue their search, he said, I do not know what they want there; they will not find any thing. On returning to the carriage, we assisted him to get in, and rode back with him to jail. While riding back, I noticed that his pantaloons were quite wet; also noticed the same thing afterwards. We carried him down to the jail from the office. Twice in the night we went down to see him; found him in the same distressed condition, lying on his back. I remember Mr Littlefield's going after the hatchet while in the College, and returning with it.

GUSTAVUS ANDREWS called and sworn. I am the keeper of the jail. I remember the night of Dr Webster's arrest. I first saw him at the Medical College that night. I entered the College through the shed, and went to the lower laboratory. Quite a number of gentlemen came down the stairs at the time, and one of them, Mr Parker I believe, called my attention to the furnace. I went to the furnace, and after taking out some pieces of bones, I turned round and saw Dr Webster coming in, with the officers in charge. While in the room where the remains were placed, he exhibited great distress. I asked Mr Parker if he wanted anything more of Dr Webster; he replied he had nothing to say. I ordered a carriage, and found Dr Webster was unable to get in—his limbs appeared to be stiff. The first words he said, after getting into the carriage, were, Why don't they ask Littlefield; he can explain all this; he has the care of the College. They wanted me to explain, but did not ask me. What will my family think of my absence. I then said, My dear sir, I pity you; I am sorry for you. You pity me; you are sorry for me; what for? I said, To see you so excited; I hope you will be calm. He said, Oh, that's it.

On Saturday forenoon, when Dr Webster was able to sit up, he said, "that is no more Dr Parkman's body than it is mine; but how in the world this [the remains] came there I don't know." He then said, "I never liked the looks of Littlefield, the Janitor; I opposed his coming there, all I could." I noticed the dampness of Dr Webster's clothes.

Friday night, from perspiration. I have in my possession a letter in the handwriting of Dr Webster. The rules of the jail are that all letters shall be examined before going out of the jail; if sealed they are opened before being sent out. This letter was sent up open. Mr Holmes, the turnkey, called my attention to it. In consequence of this letter, search was made at his house for papers. After this I told Dr Webster if he wished to communicate any thing to his family he had better wait until he saw some of them. The same thing was stated to Mr Prescott and Mr Cunningham. [The following is the letter addressed to his daughter.]

Boston Monday ev'g.

My Dearest Mariame:—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 Hersford called, to-day. 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 Fayal. With many kisses to you all.

Good night, from

Your aff't. 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. It was in consequence of this sentence about the bundle which led me to keep back the letter.

ELI C. KINGSLEY, called and sworn. I am Postmaster at East Cambridge. The letter submitted to me was dropped into my office, and I took it and gave it to Mr Tukey, the Marshal. It was addressed to "Mr Tukey, Boston." It must have been dropped in the office between 10 o'clock and twenty minutes past 10. This was on the 26th, and I brought it over on that day. Its peculiar appearance prompted me to bring it in rather than send it by mail. I first intended to mail it, but changed my intentions.

FRANCIS TUKEY. Of the three anonymous letters addressed to me, and now in my hands, this [pointing out one of them] was the first one received; the post-mark is the 26th of November, and the letter was received that day; another was received from the Postmaster of East Cambridge; the other I am not so certain when it was received.

[The counsel for the government now stated that he proposed to put these letters into the case as having been written by Dr Webster. To prove the identity of the hand writing, he should offer the testimony of an expert who is acquainted with the hand writing of Dr Webster, and then compare them with those papers already in the case known to be in the hand writing of Dr Webster.]

EIGHTH DAY.

WEDNESDAY, March 27.

NATH'L D. GOULD, called and sworn. I am an old resident of this city; am not personally acquainted with the defendant; I have seen writing which I supposed was his; I have filled out diplomas to which were appended his signature; have filled out diplomas for a number of years. I have from my youth paid particular attention to penmanship; have instructed in penmanship for something like fifty years; have used the pen in a variety of ways, for curiosity and in the way of instruction.

[The government now proposed to submit the three anonymous letters received by the City Marshal, to the witness. The defence objected to the attempt to show by experts that the letters in question were probably written by Dr Webster. The point was argued by both of the counsel for the defence, and by the Attorney General for the Government. The Attorney General further said he expected to show that one of the papers was not written with a pen, but with an instrument that was found in Dr Webster's room, as testified already by one of the witnesses. The Court allowed the examination to go on in the manner proposed. The first letter submitted to the witness was the one designated the "Civis" letter. The letter was dated November 21st, and post marked Nov. 30.]

Mr. GOULD. In expressing an opinion in relation to this letter, I must, in order to make the matter clear, be allowed to explain the grounds of my opinion.

[Objections were again raised in relation to the mode in which the witness proposed to proceed.]

I have never been able to satisfy myself in all my writing that I can make the letters exactly alike, yet I never have had a scholar, but what I could detect in his writing some peculiarity by which I could distinguish his writing from that of any other person. And in no attempt to disguise his hand, can he get rid of all the peculiarities which belong to his hand. In an attempt to disguise, a person must pay a particular attention to every stroke of the pen. In this letter I find three letters made different from the letters of Dr Webster. These letters are "a," "r," and the character "&."

The other letters are not dissimilar from the usual handwriting of Dr Webster. I could mention particular letters which are similar.

[A question was raised here whether the witness should confine himself to the handwriting generally or compare the handwriting with what he knew of the signature of Dr Webster. The checks on the Charles River Bank, drawn by Dr Webster, were put in as standards of comparison, also the letter to his daughter and a memorandum found in Dr Webster's pocket.]

Among the most striking ones is the form of the letter "I," which can hardly be mistaken; other letters which I consider similar—which may not be so clear to others—are the letters "P" and "D." My usual course in examining letters is to look at similar peculiarities, and then at dissimilar ones. In making capitals most persons make the first stroke nearly alike; but in the finishing of the letters the variation consists in the dress put upon them. In every thing that I have examined in these letters, the figures 1, 3, 4 and 9 are made similar; the word "Nov.," for November, are alike in all the letters; the words "was," "it," "his," "Boston," are alike; but the B in Boston is not always so. The capital "Y" is alike in all; it is not made as well as other letters usually, but is placed above the line. From

the examination I have made, in my own mind I have no doubt this letter was written by Dr Webster. [The letter post-marked Boston, Nov. 26th, signed "Dart," was now given to the witness.] We have here an apparently different hand. At first sight it might be supposed to have been written by a boy, but by examining it, it is found that it is written by a person who knows how to make letters.—Dr Webster's letters almost always leaves the letter "a" open at the top. In this letter I see the same peculiarity. I have no reason to doubt the envelope and letter were written by Dr Webster. The name of Francis Tukey was written on the inside of the envelope, and erased. It was written by the same hand, but apparently in a different manner. The erasure could not have been made by the finger before the ink was dry. The letters remain under the erasure perfectly well defined. [The East Cambridge letter was then put into the hands of the witness.] I have examined this letter before. I have no doubt this letter was written by the same hand which wrote the other letters. There are some words here which look as though they were written with a pen.

[The witness here stated several peculiarities.—The letter "t" was spoken of as presenting strong resemblance to the "t" in all the other letters.]

The word "Boston" is like the Boston in Dr Webster's letters. This letter could not have been written with a pen. The top of the letter is made with something soft. It could not either have been written with a brush. The top of the letter shows an instrument of very fine fibres.

[The witness was about to state that he had made experiments with some instrument to see if this letter could have been written with such an instrument, when objections were raised. The Government proposed to show that a stick with a rag around it, found with a plate in Dr Webster's room, would make just such marks as are found in this letter. Ruled out as inadmissible.]

In looking at the words "Paid," on the notes handed me, I should think they were in the handwriting of Dr Webster. On these notes and the Cunningham memorandum, I discover traces of a similar hand-writing. The erasures on the notes were not written with a pen; I discover in them the same fibres spoken of as peculiar to the letter I supposed was not written with a pen.

Cross examined. I have examined these letters before; the appearance of the letter signed "Civis," is that of having been written in haste, and in the ordinary hand of Dr. W.; I cannot say that I think it was intended to be in a disguised hand. With the exception of a few letters, it has the appearance of Dr. Webster's handwriting—most of it is; the letter "e" is closed at the top, which is not usual with Dr W; the letter "d" at the end of the word is always turned over; this is Dr. Webster's usual custom; many people do make some letters alike; generally, but not always, Dr. Webster turns his "d's" at the end of the word. His "a" generally resembles a "u;" in the case of the different "a's" spoken of, there are appearances of an attempt to close the top after the letter was made; his "r" is made without a hook to it; the "e" alone would not look like that character; on the face of this letter, it does not look like a disguised hand; it is difficult to tell a disguised hand without something to compare it with; I do not pretend to tell a disguised hand by merely looking at a handwriting, but by comparing it with others; I have often taken up writing to compare it with others which it might resemble. On taking up this letter, I believed it to be in the handwriting of Dr. Webster.

My belief that this letter is in a disguised hand, is not influenced in any degree by the examination of other letters which I suppose to be in a disguised hand. I have examined perhaps a dozen letters not written with a pen.

GEO. G. SMITH called and sworn. I have paid special attention to penmanship with reference to signatures. I am acquainted with Dr Webster and also with his hand-writing; have engraved diplomas to which his signature was affixed. I have noticed the peculiarities of hand-writing in various ways; particularly in engraving fac-similes.

In the letter signed "Dart," the general appearance is not that of the handwriting of Dr. Webster; but there are resemblances in many letters to his hand—the letters "r," "b," "o," "n," "j,"—the "t," in all these letters, is very peculiar. I should not consider the handwriting of this to be a natural one. This letter was not written with a pen; a person with a stick might make words to resemble the writing of another. The character of the letter, taken as a whole, with the peculiarities pointed out, and the manner in which the letter must have been written, contribute to my belief that this letter was written by Dr Webster:

[The "Civis" letter was submitted to the witness with the other letters.] I have examined several of these letters before. With my knowledge of Dr Webster's handwriting, and on comparison of the "Civis" letter with the other letters, I am of the opinion that it was written by Dr Webster. I am sorry to say I feel quite confident of it.

With regard to another letter, [the Dart letter] I see certain peculiarities resembling Dr Webster's hand-writing, but am not prepared to speak of it with confidence. I should think it might be his, but cannot say with certainty. In looking at the erasure on the inner side of the envelope, I see certain parts of it which looks as though the fingers passed over it, and others which do not. It could not have been done with a pen.

Of the East Cambridge letter I cannot speak with any more confidence than I did of the other letter; I see certain peculiarities resembling Dr Webster's hand; but not sufficient for a satisfactory conclusion. It does not appear to have been written with a pen.

The erasures on the papers shown to me [notes and memoranda] do not appear to have been made with a pen; there are marks of a fine substance. I do not say that a pen could not have made them.

Cross examined. I did not say the erasures on the notes were not made with an ordinary pen; I do not know but they might have been made with an old pen soaked in ink; I never tried the experiment.

[The witness here pointed out to Mr Sohler the appearance which he supposed some fibrous substance would make.]

It is possible cotton wool might make such a mark. In the "Civis" letter, among the resemblances to Dr Webster's handwriting is the letter "d" at the close of the word, the character "x," and some other letters, [which the witness specified.] Supposing this to be Dr Webster's handwriting; I should think it was rather disguised. These letters I have picked out, and many more I do not now recollect, are generally made alike. I think there was an intention to disguise the hand.

[Mr Bemis here read the three anonymous letters addressed to Marshal Tukey, copies of which we give below:]

"Dr sir, you will find Dr Parkman murdered on brooklin heights. Yours, truly, M. Captain of the Dart."

[This letter was post-marked Boston, Nov. 26th and directed to Francis Tukey, City Marshal. On the inside of the envelope was the name of F. Tukey erased.]

"Dr Parkman was took on Bord ship herculum and this is all I dare to say as I shall be keld

Est Cambrige one of
the men

[On the second page:]

give me his Watch but I was afraid to keep it and throw it in the water right side the road to the long bridge
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 above 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 would recommend that the cellars of the houses in East Cambridge be examined.

Yours respectfully,
CIVIS.”

FISHER A. BOSWORTH called and sworn. I am a physician, a resident of Grafton, Worcester county. I attended medical lectures in 1847-8; know Dr Webster, also Mr Littlefield. I had occasion to go to the Medical College on the 23d November last, to see a student. It was between the hours of 1 and 2, nearer 2.

[The witness here pointed out the way in which he went to the College, and up the steps.]

I saw the door jar, and on going in, thinking the lecture was not yet out, I went down the west stairs, to the dissecting room entry, and at the foot of the stairs met Dr Parkman; I last saw him at the top of the stairs going into the College. I went away, and returned about three o'clock. On returning, I asked Mr Littlefield if there was a student by the name of Coffran, in the College. He said he did not know him; but as he was busy he said if I would go down I should probably find him in the dissecting room. I went down and found Mr Coffran.

I fix the time of this visit to the College by the fact, that on the 26th November I borrowed money to pay a note; on the following day I came to Boston, and was too unwell to do any business. On the 23d I went to the College, after dining with a friend at 624 Washington street. Immediately after dinner I went down to the College. On Saturday I went to South Boston, to see my brother, Rev. Mr Bosworth. I first heard of the disappearance of Dr Parkman on Saturday afternoon. I went home that afternoon; heard of it at the depot, and saw the notice in the evening papers. I recollected at the time of having seen Dr Parkman on the day before, and spoke of it in the depot. I was first apprized that my attendance would be required here, on yesterday at 11 o'clock.

The Attorney General stated that all of the evidence for the government was now in, when the Court adjourned to 3 1-2 o'clock.

Opening for Defence.

AFTERNOON SESSION.

The Court room was densely crowded at an early hour to hear the opening for the defence. The Court came in at twenty-five minutes to 4 o'clock.

Mr SOHIER commenced his argument by saying that it might be expected he should call the attention of the Jury to the condition of the defendant at the bar; but he feared that if he did so, he should lose sight of the case, and think only of the man. He must follow in the steps of the counsel for the Government and review the case, as presented.

We were in the discharge of our various duties to discuss and determine that great question which for months had occupied the community. Is the life of Professor Webster forfeited by the commission of the most atrocious crime on the records of criminal practice? It devolved upon the jury to say, whether Professor Webster shall depart hence to his family, or to the scaffold, leaving to that family only a blasted name.

This duty did devolve upon the jury, under oath. If they err here, they must answer it to the prisoner and his friends, to an exact and scrutinizing God, and to their own consciences. It devolved upon them to assume no antagonistic position, but endeavor to assist each other. It was their duty to assume the position of counsel to this prisoner, and to give him the advantage of every thing that would operate in his favor.

And here he wished to make some remarks on a subject that he would not do, except in such a case. He would then ask them to look into their own minds, and eradicate every thing like prejudice. He remembered they said they were not sensible of prejudice. Could they say so now? Could they be sure at any time? It was the very essence of prejudice to conceal itself in the mind. He besought them to examine their own minds. -If prejudice existed in a single mind on the panel, there was no safety.

Were they to forget the great excitement that existed when it was first bruited abroad that Dr Geo. Parkman was missing? Had they forgotten the indignation that existed against Professor Webster, and the College itself, when it was announced that the body had been found in his apartments.

He had thought that in opening the case, he might diminish the labor of the closing counsel. Instead of informing them of the nature of the defence, he should call their attention to the rules of law, and the nature of the government's evidence. And then he should state what the facts were which they intended to prove.

1. The rules of law which described the offence charged. The offence charged is the murder of George Parkman. Murder was a division of homicide, which was a general term for all killing. This is divided into two great divisions—that which was circumstantial, and that justifiable. Criminal homicide was divided into two parts—murder and manslaughter. The indictment charged the defendant with murder. But as a man indicted for murder may be convicted of manslaughter, the prisoner stands twice indicted.

The first question was, what was murder? This was the killing of any person with malice aforethought. Two things were necessary—1, the killing; 2, the killing with malice aforethought. Malice was of two kinds—express and implied.

Express malice is malice in its common acceptation—a wicked, rancorous disposition, which reduced a man to kill another. Express malice was killing with a previous design, shown by circumstances.

But we come next to what was called implied malice. It was a theory of law that it punished not so much the overt act, as the wicked mind from which it proceeded. But how was the law to arrive at this? It could not, except by judging the mind by the acts.

The law urged that when a homicide was committed in certain circumstances, then malice should be implied from the act. If we would know what implied malice was, we must inquire what the acts were from which it was to be inferred.

Malice was implied, by law, from any deliberate cruel act, committed one against another. Therefore when one person killed another suddenly, without any, or without considerable provocation, malice was to be implied. That was the definition.

Having stated this, they saw shadowed out before them the difference between murder and manslaughter. Manslaughter was not deliberate—was not a cruel act, but was done in the heat of cruel blood. Whenever death ensued upon sudden passion, with considerable provocation, that was manslaughter.

This line might be an exceedingly narrow one, but one that was never to be lost sight of; for on one side of it was life and on the other death. And they were to remember that the one act was deliberate and without provocation, while the other was in the heat of blood and with provocation.

The law stated that manslaughter was upon sufficient provocation or sudden combat. What then was sufficient provocation? To ascertain this we must go to books, where it was well defined. To ascertain this the law always regarded the instrument. The provocation that would excuse a blow from a stick, would not excuse it with a deadly weapon. The weapons were divided into two sorts, those that were deadly and those that were not.

What was a reasonable provocation for the use of a dangerous weapon? Here he read from a book, stating that any assault made immediately, such as pulling the nose, &c., if resisted immediately, with a deadly weapon, would reduce it to manslaughter. He read a case where a person was riding in the road, and was driven out of it, and the person alighted and killed the assailant. This was held to be manslaughter. Three soldiers were drinking. An altercation ensued. The deceased pushed a soldier out of the house, and the soldier stabbed him. This was judged manslaughter.

The next question was, what was considered a sufficient provocation for a homicide with some weapon not likely to produce death? Words of reproach were not sufficient, nor insulting words or actions. This governed all cases where deadly weapons were used; but when done with weapons not deadly, this would reduce it to manslaughter.

The next question was, what was meant by sudden combat? [He read from the same book to show that where, upon words of reproach or other causes a combat commenced, and death ensued, this was held manslaughter, even though produced by a deadly weapon.] These causes and authorities showed the real difference between murder upon implied malice and manslaughter. Professor Webster stood charged with murder, and virtually also with manslaughter. If he committed manslaughter it must have been upon sufficient provocation. Hence the great importance of the government proving the manner; for it was the manner that made the distinction between murder and manslaughter.

When the government say that Prof. Webster killed Dr. Parkman with malice, they say it was done deliberately. And when the government say he committed manslaughter, they say he did it with sufficient provocation.

He proceeded then to state the rules of the law applicable to the indictment. It was essential that the Jury should bear in mind what were the various particulars of the offence. It was a matter of no consequence how many crimes a man may have committed, if he had not committed the crime charged upon him. If this rule was to be broken down, who would be safe?

Therefore it was, that we had provided in the bill of rights, that no man should be tried for any offence, unless the offence was clearly set forth. It was essential, then, that we should examine this indictment. What, then, were the particulars of the offence charged against Prof. Webster?

He then called attention to the indictment. (Here he proceeded to enumerate the several counts in the indictment.)

He must ask their attention to the rules of law applicable to the three first counts. In an indictment for murder it was imperative that the means of death should be accurately described, and then proof must sustain it. He understood that there were certain means of death totally separate and distinct from each other. A large class was STRIKING; another class was striking a man AGAINST an object. And there were various others, such as poisoning, strangling, burning, stabbing, &c.

And these were distinct and separate from each other. Now which of these measures the government see fit to adopt and charge, the government was bound to prove. Now under the class of striking, it was necessary for the government to mention some manner; but it was not necessary to prove that the striking was with the same instrument alleged. But the means must be proved. If a man was charged with producing death by STRIKING, and it was proved that it was done by STRANGLING, the indictment was not sustained.

To sustain this, he referred to authorities. In an indictment for murder or manslaughter, where the death was caused by a man striking against a stone, the charge of producing death by striking with a stone was not sustained by proving that the death was produced by falling on a stone. In another case, it was charged as being produced by striking with a hammer, and it was proved to have been produced by falling against a door, and the defendant was acquitted.

Now the government had alleged the death by striking, in the two first counts, and therefore they must prove it. In the third count, they must prove that the death was produced by striking with the feet and hands.

The fourth count they should allege to be entirely insufficient; and the government had no right to introduce testimony under this count; and if they had, that they had not sustained it. There was no authority for introducing such a count. Here he cited authorities. An indictment for murder or manslaughter must have certainty annexed to it more than anything else. Not only the TIME but the MANNER must be alleged.

If he killed another with a weapon, the government must allege the weapon; but if another weapon was proved, it was sufficient. But if the killing was by other means, the indictment could not be sustained. Another authority stated that it was necessary to set forth the manner of the death with distinctness and particularity, and to prove it.

The count under consideration was clearly distinguishable from Col's case, where one of the counts charged that death was produced by a hatchet, and another count, by striking and cutting by some instrument unknown. This mode of alleging in the indictment was clearly inadmissible. There might be an indefinite number of crimes tried. The last count was clearly inadmissible. The question then was—Has the Government proved that Prof. Webster killed George Parkman by striking him with a weapon?

And if the jury were satisfied that the killing was not produced in the manner stated,—if they were left in doubt on that point, there was an end to the case, even though they should believe that Professor Webster destroyed Dr. George Parkman in some other way. The government had the privilege of alleging as many causes of death as they pleased; but they were held up strictly to the allegations.

In regard to the third count, there was not a particle of evidence. But on the two first counts, the government had brought up something which they would attempt to show was insufficient. But they were to prove that Prof. Webster destroyed George Parkman by STRIKING.

He was perfectly aware that this REASONABLE DOUBT was considered as a PRIVILEGE to the defendant. But this was not a privilege accorded to him. All criminal systems were defective; and this

was one of the checks put upon them. The prisoner was taken from his family and locked up, and he was told to prepare for the defence.

But meantime, ex parte proceedings were had, and with all this accumulation of public opinion against him, he was placed at the bar, his mouth was shut, witnesses were let loose against him; and who were they?

Oftentimes malicious witnesses, interested, perhaps, in swearing off some old grudge, or for obtaining a reward. Now this reasonable doubt was a check upon this. If the government cannot prove it without reasonable doubt, the jury must acquit.

This was the only defence they had. This was every man's privilege. This matter of reasonable doubt, so far from being a mere gratuity, it was his right. And although guilty men sometimes escaped, yet the very maxim of the law was, that it was better that a hundred guilty men should escape than that one innocent man should suffer.

Mr Sohler read from Starkey, Vol. I., p. 514, the authority on this subject.

It must be nearly a certainty that they would so act upon it as if their lives depended upon it. They should be convinced, and convinced beyond a reasonable doubt.

This brought him to the nature of the government's evidence, and the law in relation to it. Evidence was divided into DIRECT and CIRCUMSTANTIAL.—Direct evidence was where the testimony was from persons who had actual knowledge of the transactions, concerning which he testified.

But circumstantial evidence was where a fact was attempted to be proved by proving in advance certain other facts and circumstances, and then by drawing inferences, prove that certain other facts existed. For instance, the Government attempt to prove that a murder had been committed, and they prove certain other circumstances, and make the inferences that this fact existed.

There was no comparison between these two kinds of proof. In the latter all we could do was to approximate to the fact. If a man came and testified to a fact directly, the chances of error were few. But where a fact was to be established by circumstantial testimony, there were a great number of circumstances to be proved. Here were so many different chances for error; but the greatest of all was the fallibility of human judgment in drawing inferences. We were always drawing incorrect inferences; and the number of those who had lost their lives from circumstantial evidence, was from drawing incorrect inferences. For instance, a man and his niece lived together, and she was heard crying out to him not to kill her, and she disappeared. He, in his fright, procured another girl to represent his niece; and this was construed as an evidence of his guilt, and he was hanged. Afterwards his niece returned. She had absconded from fear. Several other cases he also cited.

Another great cause why circumstantial evidence was not to be relied upon, was of a moral nature—the tendency of men's minds to prejudice, and the anxiety to determine, which often led witnesses to exaggerate facts, and tribunals to misjudge them.

So much in regard to the nature of the government's evidence. It consisted entirely of circumstances. And in many cases, it was attempted to show circumstances by other circumstances. The law pointed out rules to govern such testimony.

The first was, it was an established rule of law, that every circumstance that was relied on must be proved beyond all doubt. That meant this: that they must find it was proved beyond a doubt when all the evidence was in. If, in a long train of circumstances, there was one that failed, there was an end to the case.

2. The circumstances which were proved, must establish to a moral certainty the particular hypothesis attempted to be proved. Wills on Circumstantial Evidence, p. 137.

3. The circumstances which were proved must not only support the hypothesis alleged, but must exclude every other hypothesis. If they would sup-

port the hypothesis of the defendant's innocence as well as his guilt, there was no ground for hesitation which to choose. (Starkes's Evidence, p. 577, 2d edition. Also, Wills 187. All the authorities referred to in Best. 195.)

[He read as part of his argument facts taken from Best.] The evidence must be such as would not sustain any other hypothesis than the defendant's guilt. Cases of the innocent suffering had occurred by inattention to this fact. Various examples were cited.

A servant girl was charged with murdering her mistress. No other persons were in the house, and the doors and windows were fastened. She was executed on the presumption that she must have committed the murder.

But it appeared by the confession of the real murderers, that they entered by placing a board across from another building, and entered the upper part of the house.

Take the Government's evidence. What was it? It consisted of one great chain of circumstantial evidence. This consisted of two great parts—first, that George Parkman came to his death by violence; second, that Professor Webster produced that death, and in the manner charged.

How did the government start? They said that Dr. George Parkman was murdered. How did they undertake to prove this? By one great circumstance, that being in the Medical College, he never came out.

They started with another link, that Professor Webster destroyed him by violence, because he was the last person who was with him. But suppose it was shown that he had been seen out of it. That destroyed the whole of that presumption.

Then another circumstance was the identity of the body, which depended upon the identity of certain teeth. But suppose it should be shown that there was no great peculiarity about these teeth, after all.

What then must be the line of defence taken up? It must consist simply in this, that the circumstances relied on by the government were not established beyond reasonable doubt; and second, that these circumstances did not establish the hypothesis of the defendant's guilt.

He came then to state very briefly the heads under which the defence intended to introduce testimony. They did not intend to introduce any direct testimony as to the means by which those remains came in Prof. Webster's apartments. They put that where Prof. Webster himself put it: "Those are the remains of a human body, but how they came there, I have no knowledge."

Then in regard to the interview between Professor Webster and Dr. George Parkman, no direct testimony could be introduced. The parties were alone.—There could be no direct proof brought. The evidence in regard to this must consist, in a more or less degree, of circumstances.

Prof. Webster stood charged with committing a certain act. In regard to this they should introduce his character and standing. The law did not admit so much weight to this kind of testimony where the testimony was direct, but where it was circumstantial it was entitled to great weight.

And a man had a right to be judged of by his character. It was a rule that a man should be allowed to introduce his traits of character, so far as they related to that particular offence with which he was charged.

In this particular instance, Prof. Webster was charged with having committed a violent and cruel act; and he should introduce testimony to show that he was not the man to commit such an act.

Again, they should endeavor to show what Prof. Webster's conduct was in the interval between the alleged murder and his arrest. And also, in regard to Dr. Parkman having left the College.

Professor Webster was a man who had all his life been devoted to the profession of Chemistry. He was a nervous man, but a very harmless, timid man, not likely to be engaged in deeds of blood.

He had always devoted his attention to Chemistry. It was no new thing for Professor Webster to be locked up in his laboratory, days or nights. It was his common and ordinary practice.

They should show that Prof. Webster left the college at a reasonable hour; and how he passed the night. They might, also, introduce some testimony to contradict statements made by the government.

This was the extent of the information they felt bound at present to communicate.

[Mr Solier spoke about two hours and a quarter, and was listened to with deep attention.]



Correct Portrait of Prof. John W. Webster.

JOSEPH T. BUCKINGHAM called and sworn. I reside at Cambridge; am acquainted with Prof Webster; have known him nearly 30 years; have lived near him for 17 years; his general reputation as a man of peace and humanity, I have never heard called in question.

JOHN G. PALFREY called and sworn. I have been acquainted with Prof Webster for 15 years.—His character for peace I have never heard discussed.

[Objections were here raised by the Attorney General against the manner in which the witness was questioned—he should be questioned upon his reputation, rather than his character, or the estimation in which he was held by the individual.]

MR PALFREY. I suppose Dr Webster has been esteemed as rather a petulant man; yet his passion was calm, and would exhaust itself in words.

JOHN H. BLAKE called and sworn. I reside in Boston; have been acquainted with Prof Webster 25 years; was in his laboratory 5 years. His reputation as a peaceable man, I have not heard questioned; have never heard of any acts of violence committed by him.

REV. DR WALKER called and sworn. I have been acquainted with Prof Webster 15 years. I have never heard that he was other than a peaceable and humane man; never heard any imputations of acts of violence made against him.

FRANCIS BOWEN called and sworn. I have been acquainted with Prof Webster about 20 years. I have been acquainted in the society in which he moved; his reputation is that of a man quickly excited, but lacking in depth of passion; he quickly gets over his passion. I have never known any acts of violence imputed to him.

PROF. JOS. LOVERING called and sworn. I reside at Cambridge; am acquainted with Dr Webster; have been acquainted with him 20 years. His reputation is that of a peaceable, humane, and quiet man.

GEORGE P. SANGER called and sworn. I reside in Charlestown. I have been acquainted with Prof. Webster 12 years. His reputation for peace and humanity is very good. I have never heard any acts of violence charged against him.

REV. DR. CONVERSE FRANCIS called and sworn. I reside at Cambridge. I have been acquainted with Prof. Webster as a neighbor since 1842. His reputation as a peaceable, quiet and humane man has been entirely honorable and satisfactory.

ABEL WILLARD called and sworn. I reside in Cambridge. I have been acquainted with Professor Webster twenty years. His reputation as a quiet and humane man is good.

JOHN CHAMBERLAIN called and sworn. I reside in Cambridge. I have been acquainted with Prof. Webster twenty years. His reputation as a peaceable, quiet and humane man has been very high as a neighbor. I have never heard any acts of violence imputed to him.

JOEL GILES called and sworn. I reside in Boston in winter and in Cambridge in summer. I am a Counsellor at Law. I have known Professor Webster since 1829. His reputation as a peaceable, quiet and humane man has been good, so far as my knowledge goes. I have never heard any acts of violence imputed to him.

EDMUND T. HASTINGS, called and sworn. I reside at Medford. I have been acquainted with Prof. Webster since 1825; I lived in Cambridge till 1834; I never heard his reputation questioned, as a peaceable, quiet and humane man, until his arrest.

JOHN A. FULTON called and sworn. I reside in Cambridge; am a painter by occupation; I have been acquainted with Professor Webster for twelve years; I have never heard otherwise than that he was a quiet, peaceable, amiable gentleman. I never heard any acts of violence imputed to him.

Cross-examined. I never witnessed any acts of violence by him. Never knew him to be a petulant man. I knew of the decoration of a Hall in which he took part; he was sorry that the decoration did not go on; I did not know of his manifestation of anger in putting down decorations.

JAMES D. GREEN, called and sworn. I reside in Cambridge. I have been acquainted with Prof. Webster somewhat from fifteen or twenty years. He has been regarded as a peaceable, quiet, and humane man.

C. W. HOVEY, called and sworn. I reside in Cambridge. I have known Prof. Webster twenty or twenty-five years. His character, I believe, has been high, as a peaceable and humane man.

DAVID TREADWELL, called and sworn. I reside in Cambridge. I was connected with the College many years. I have known Prof. Webster nearly thirty years. He has been esteemed as a peaceable, quiet, and humane man; somewhat irritable, but a peaceable and harmless man.

NINTH DAY,

THURSDAY, March 28.

NATHANIEL I. BOWDITCH called and sworn. I reside in Boston. I have known Prof. Webster about thirty years. His reputation is that of a mild, amiable man, but rather irritable.

J. D. HEDGE called and sworn. I have known Dr Webster for a quarter of a century. I have known him as a nervous and excitable man, but not passionate.

JAMES KAVANAH called and sworn. I lived three years with Prof Webster; have known him 15 years. His reputation as a man of humanity is high, peaceable.

ABRAM EDWARDS called and sworn. I reside in Cambridge; have known Prof Webster fifteen years. I have never known to the contrary but that he was a man of peace and humanity.

PELEG W. CHANDLER called and sworn. I have known Prof Webster twelve years. His reputation is that of a man of peace, a mild man, deficient in strength of passion.

MORRILL WYMAN, M. D., called and sworn. I reside in Cambridge; have known Prof. Webster 15 yrs. As far as I know, his reputation is that of a kind, amiable, agreeable man.

PRES. SPARKS called and sworn. I reside in Cambridge. I have been acquainted with Professor Webster as a neighbor for seventeen years. I have always supposed him to be a kind man; never heard any thing before his arrest which was contrary to that of being a peaceable man.

Cross examined. In saying that I never heard any thing against his character before his arrest, I do not mean to say that I have heard any thing since against him, which transpired previous to that time.

CHAS. O. EATON called and sworn. I reside in Boston; have known Prof. Webster three years; have always known him as a peaceable man, and a man of kindness. I am a sign and ornamental painter; I have worked for him. When I went to his rooms I generally found him there. He always told me to go into the door of his private room. I have been there when the door was bolted on the inside; many times I have gone away without obtaining admittance, even when he was in his room, and when the Janitor himself could not get in. The last time I was at his room was on the 12th of November, by appointment. The Janitor told me I could not get admittance. We tried several doors before we could get in.

Cross examined. Previous to the last time on which I was there, I was there in the summer; during his lectures I had diagrams to make for him almost every week. I have been at his rooms three or four times a week during his lectures, and then again not so often. I have an impression that his lectures ended late in the spring or early in the summer. I have prepared diagrams for him for three courses of lectures—for most of the time while I was an apprentice. Since I have been in business for myself I have had occasion to go to his rooms every lecture day—I think four times a week. I cannot say I have been at his rooms as late as in April, when his lectures were going on. In saying that I went there in the early part of summer, I mean that I went there when the weather was warm, when the windows were down. I cannot say positively what time of the year his lectures closed. When I was at his rooms in the summer, I think I was there after my pay for diagrams. In January or February last I received orders for the diagrams to be made in the summer, and he wished me to wait for my pay until his lectures commenced in the following winter.

By Mr. Sohier. I went to see him frequently at one o'clock, did not always go at that time.

ROBERT B. APTHORP called and sworn. I reside in Boston. I have been acquainted with Professor Webster for many years; I am not aware of having heard any thing against him during the three years I knew him most intimately; I have heard of him as a peaceable man.

SAMUEL S. GREEN called and sworn. I reside in Cambridge. I recollect the Sunday after the disappearance of Dr. Parkman; I gave the information to the Marshall that the toll-keeper said he saw Dr. Parkman pass the toll-house, on Friday; I was at the toll-house on Sunday evening, when Mr. Littlefield came there. I was sitting back in the toll-house, when a conversation took place in regard to Dr. Parkman; I understood Mr. Littlefield to say that he saw Dr. Parkman go out of the College on Friday.

Cross examined. Mr. Edward Whitney was present; I had conversation with him at the time; he said he understood it as I did at the time, but I believe he differs a little with me now; other persons were present. I understood Mr. Littlefield that he saw the money paid to Dr. Parkman; I think he said \$480; I said \$470 before. Mr. Littlefield said he had charge of the Medical College. I understood he was in or about the building when Dr. Parkman went out; he said he saw Dr. Parkman go out of the building; I understood him at first to say that he saw \$480 paid to him, and before

he went away, I understood him to say that he did not see the money paid him.

JUDGE FAY called and sworn. I reside in Cambridge; have known Prof. Webster between twenty and thirty years, intimately for fifteen years. I have always heard his reputation as that of a peaceable man; he is a nervous, excitable man; never heard that he was a man of violence.

I recollect the time of the disappearance of Dr. Parkman; heard of it on Saturday. I saw Professor Webster on Friday evening previous. I called in accidentally at Mr. Treadwell's and found there Dr. Webster and his wife and Dr. Morrill Wyman and his wife; this was about 9 o'clock in the evening. There was nothing unusual in his appearance at the time; he was in conversation at the time with Dr. Wyman. I called at his house on the evenings of Sunday, Monday and Tuesday of the succeeding week—I am not quite sure about Sunday evening. I called on him to inquire about the disappearance of Dr. Parkman, knowing him to have been in town and well acquainted with what was going on. On Monday evening I called in, and was invited to sit down and play whist; I did so; Dr. Webster and his wife and daughter engaged in it. I made the inquiries of the Doctor with himself.

JOS. KIDDER called and sworn. I am a druggist in Court street. I know Prof. Webster; recollect distinctly the day on which Dr. Parkman disappeared. Dr. Webster came into my store about 15 minutes after sunset; it was about 15 minutes before 5. He was in the store a few minutes. He ordered some articles, which I procured for him; the bill of these articles is dated Nov. 23d.

Cross examined. He called to purchase Cologne—purchased a whole box—six bottles—which he took away; did not pay for it.

MARIANNE WEBSTER called and sworn. I am daughter of Dr. Webster. Since his arrest I have called to mind places and circumstances in reference to his conduct during that week. On Friday, Nov. 23d, he was at home at tea; came home a few minutes before 6. He remained at home until 8, when he went to a neighbor's house with my sister, mother, and myself; he left us at the gate; went away with my mother; I saw him again at half past 12, when he opened the door for us. He went to his room about 1 o'clock; we all went up stairs about the same time; I do not know where he went during the evening. He was at breakfast Saturday morning, but I did not see him until 1 o'clock. He was at home at dinner; I was not at home in the afternoon. I saw him at night. One of our neighbors, Mrs. Lowell, takes the Transcript, which my father occasionally borrowed. He was at home in the evening, during which time he read, and we played whist; I retired to bed about 10 o'clock that night.

On Sunday morning I cannot recollect of seeing my father until I saw him at the chapel. From the chapel he went to walk with us, and was at home at dinner. We dined earlier than usual, because he was going to town. I understood in the morning he was going in. His object in doing so was to inform Dr. Parkman's family that he had an interview with him on the Friday before. I cannot recollect of seeing him on Friday evening.

On Monday my father was at home at dinner. We dine at 2; he came home just at dinner time; did not see him in the afternoon. I saw him at tea; he stopped an hour at dinner; I think he was not at home in the afternoon. I saw him at 6 o'clock. He was at home on Monday evening. Judge Fay came in, and we played whist; I went to bed at 10; my father was then at home.

I recollect that my father was at home at dinner on Tuesday, and was at home in the afternoon. He was at home in the evening; I saw him between 10 and 11. There was a fire on that evening.

I recollect seeing him about 11 o'clock on Wednesday forenoon. I was in the dining room when he came in, and spoke about a book I was reading. He was at work in the garden until dinner time. He came home about 6 o'clock in the evening; took

us to Mr Cunningham's in Boston; we came home about 10 1-2 o'clock. I left him up when I went to bed. He was sitting in his dressing gown, reading a newspaper.

On Thanksgiving Day he was at home. I do not know that he came to Boston. He passed part of the morning in the garden. He was at home in the evening.

I first saw him on Friday at dinner. He was at home part of the afternoon. He was at home at sunset, and remained at home in the evening.

I have a sister at Fayal; have constant intercourse with her. We keep a journal, from which we make up our letters; this assists me in fixing my recollection to the events of which I have spoken. My father is in the practice of sending plants to Fayal in air-tight boxes. I do not know that any plants were in preparation to be sent at this time.

HARRIET P. WEBSTER called and sworn. I am daughter of Dr Webster. Between half past 5 and 6 o'clock on Friday evening, Nov. 23, my father came home. He went with my sister and myself to Mr Batchelder's, and then went with my mother to Mr Treadwell's. I saw him again at half past 12; he came to the door and let us into the house. I saw him for about half an hour. He went up the stairs at the same time, and went into his room before I went into mine.

On the next day I saw him at dinner; he spent the afternoon at home, and went out about half an hour, at dark. When he came back he brought a book. He spent the evening at home. Miss Hodges was present; my father read aloud to us, and afterwards we played whist. I left him up that evening. I saw him about breakfast time on Sunday; he went to church with me; he was at home at dinner, and came into Boston to inform Rev Dr Parkman of the interview with his brother on Friday. He made known this intention to my mother on the morning of going in. I recollect next seeing him before bedtime. It was not far from 10 o'clock. On Monday I saw him at 2 o'clock; do not recollect seeing him in the afternoon; in the evening Judge Fay came in and we played whist; I retired before Judge Fay left. On Tuesday I recollect first seeing him at dinner; next time I recollect of seeing him was at tea time. In the evening he was at home; he read aloud part of the time, and played whist part of the time.

On Wednesday I saw him at breakfast, and again at about 11 o'clock. I think he was at work in the garden in the forenoon; he spent the afternoon at home; in the evening he went out with my sisters. On Thursday he passed part of the day in the garden; in the evening he was at home and read part of the time.

On Friday I think I breakfasted with him; I recollect that after my father's arrest, certain articles came out to my father's house from the laboratory; among them were a cap, pair of overalls, and one or two coats.

[The Jury were now allowed to retire a few minutes.]

ANN FINNIGAN called and sworn. I live at Dr Webster's, in his family; I went there on Friday evening, November 16th; the doctor usually breakfasted at near 7 1-2 to 8 o'clock; he usually dined at 2 o'clock; I recollect that on Wednesday of the following week in the forenoon, he came out earlier than usual. He came in at 12 o'clock; I fix it in my mind by the fact that when he came in I thought it was 2 o'clock; looked at the clock and found it was but 12; he went out into the garden at work; he breakfasted at home every day while I was there, up to the morning before his arrest.

CATHARINE P. WEBSTER called and sworn. I am a daughter of Dr Webster. On the afternoon of 23d November my father returned home between half past 5 and 6 o'clock. He remained at home at 8, when he went with my sisters and myself to a party. I saw him again about 12 1-2 o'clock.

On the day before Thanksgiving he came home between 11 and 12 o'clock. He passed the evening with us at Mr Cunningham's. We left there about 10 1-2 o'clock; came out in the 11 o'clock omnibus.

We went to the toll-house to take the coach. While there I recollect seeing a notice offering a reward for Dr Parkman; my sister first saw it, and my father read it to us.

On Sunday I saw him at breakfast, when he spoke of going into town. My mother wished him to wait until afternoon. He was going to town to inform the friends of Dr Parkman of his interview with him on Friday. He went to church that morning. After church I went to walk with him. He came into Boston in the afternoon. I heard his voice in the evening about dusk, and saw him between 9 and 10 in his study. I saw him as late as 10, when he came into the parlor.

DOCTOR WINSLOW LEWIS, Jr., recalled. I have been acquainted with Prof Webster for about thirty years. His reputation stands fair; he is a man of kindly feelings; never heard that he was violent. While at the old Medical College I recollect of going to his rooms, when I could not get admission. The cut in the body found in the tea chest was any thing but a clean cut; could not prove that it must have been made before death. I finished my examination of the remains on Sunday; I do not recollect that Dr Strong was present. The appearance of the lower limbs was that of being soaked in water. I could not tell whether a bone was fractured before or after it was calcined.

Cross examined. I do not regard my opinion in relation to the calcination of bones so highly as that of Dr Wyman. There would be less likely to be a clean cut after death.

Dr GAY. We finished our examination on Sunday. I saw Dr Strong on Monday. The cut might have been inflicted before or after death. The limbs looked as though they had been macerated.

Dr HOLMES. There are two authorities in relation to the quantity of blood in the human system; one says about 27 pounds in weight, the other about 34 pounds; the last would measure about 17 quarts. The fracture of a bone after calcination depends much on the degree of calcination. I have broken bones of a different degree of calcination.

Cross examined. I should not defer my opinion in respect to calcination of bones to that of Dr Wyman; the matter is that of a simple medical fact, easily determined. I examined several specimens of calcined bone, and could not tell which were fractured during life and which afterwards. I did not say one man's opinion was as good as another's.— I simply give my own opinion of my own opinion.

Prof. EBEN. N. HORSFORD called and sworn. I am an instructor in the Lawrence Scientific School; gave instruction at the Medical College in Chemistry since Dr Webster's arrest. I have nitrate of copper in my laboratory, and I have seen it in other laboratories; there are occasional for its use in laboratories; it is used in organic analysis; either in the analysis of plants or of animal substances. It is not the best article for use in removal of blood. I have made experiments with nitric acid upon beef flesh and bones. In the course of five hours and twenty minutes it had dissolved, and the liquid was clear. I have dissolved human muscle, but never human bones; it would dissolve in less time than beef. I have occasion to use blood not unfrequently in laboratories. I have not had occasion to use gases from anatomical vaults; know that such gases are generated, and are subjects of examination. After going to Prof Webster's laboratory, I sent out to his house some clothing, consisting of two pairs of pantaloons, one or two coats, a pair of overalls, and a cap. I examined the overalls but cursorily at the time. I have since examined them closely. There was no blood found upon them. As far as I could see, they were in the same state when last examined as they were at first.

Cross examined. I found these things in the private room of Dr Webster; the policemen had had them for a pillow; I found nitric acid in the laboratory, about 15 or 16 pounds. I should think that to decompose human flesh and bones rapidly, it would require more than the weight of the body in nitric acid. It would best be done with an iron vessel,

lined with porcelain. No offensive gas would come from the decomposition of the human flesh; the offensive smell would be from the nitric acid. I can see no occasion for using 120 pounds of nitric acid in the laboratory. Pure nitrate of copper would operate upon clothes or flesh but slowly. In the experiment I made, I used in weight more nitric acid than flesh and bone.

I have known Prof Webster for several years.—His reputation is that of a man of kindness, mildness and humanity.

By the Attorney General. I do not think that nitric acid would have any effect upon mineral teeth. I have never tried any experiments of that kind.

WM. T. G. MORTON called and sworn. I have practiced dentistry about eight years. I usually manufacture my own mineral teeth. I have seen Dr Keep's work; was instructed in his method of making teeth.

[Certain teeth were now submitted to the witness.]

I do not see any marks about these teeth by which they might be identified. I should think I could see marks of grinding on the inside of these teeth. The grinding of teeth to make room for the tongue, is no unusual thing. I have used platinum pins; it is the usual mode of fastening teeth which are made in blocks. The holes for the pins are drilled in the middle of the teeth; there are rules laid down by authorities as to the place where the springs should be fixed. The jaw, I have in my hand does not show an unusual degree of absorption; I could go to a refuse lot of teeth in my possession and find those which would fit in the jaw before me. I have a block in my hand which fits exactly to the right side, as accurately as I could make a block for it.

[A quantity of teeth were now brought into Court, which the witness fitted into the jaw before him, and exhibited to the jury.]

The eye teeth and the bicuspedes are generally the most durable. In looking at the government models I see nothing peculiar in the projection of the lower jaw. I will answer the question by the exhibition of four or five models which I have here; one of them projects more than that in Court. I never heard a dentist remark that such a projection was an unusual thing. Looking at the block before me, I see nothing which should preclude the idea that the teeth were warped into the place to make them fit, as well as warped out of it.

Cross Examined. I knew Dr Parkman when alive. In answering the question about a peculiar jaw, I should not know what to call a peculiar jaw, for I never saw two jaws alike; all jaws resemble each other in particular points; I do not think that Dr Parkman's jaws were peculiar; I have had difficulties here in distinguishing his jaw from that of the models of others. I could mention the jaws of others in the community which projects as much as his did; should not be at liberty to mention names. I should not be able to identify these teeth as those of Dr Keep, although I know his work; could not tell all the teeth made by me. Teeth made for one man would answer for another if fitted to his mouth; I never saw a set of teeth made for one man which would not answer for another. In relation to the jaw I have here, the absorption is as great as that of Dr Parkman's; it is that of a person about fifty-five years old.

By Mr Sohler. Blocks of teeth separate and distinct might fit two mouths, but on a plate would not.

By the Attorney General. If I were to take an impression of a jaw, and there were any particular marks about it, I should be able to remember the jaw, if it was not too long afterwards. I never had any cases of such peculiarities as to remember them any great length of time afterwards. I think I never saw any two jaws in which the degree of absorption and the shape were the same.

DANIEL TREADWELL. I live in the neighborhood of Prof Webster. On the evening of the 23d

November he came to my house with his wife in the evening; it was near 8 1-2 o'clock. Dr Wymen and wife were present, and in the evening Judge Fay came in. The evening was spent in general conversation. Dr Webster and wife went home about 10. My recollection of the interview does not bring up any peculiar indications in his appearance on that evening; he was cheerful and self-possessed; did not show any appearance of wandering. During the following Tuesday I saw him after 6 o'clock in the evening, near the burial ground, going toward his house; it was not so late as 7 o'clock. He stopped me and we conversed together. I saw him once during the same week, I think in the evening. He exhibited no unusual appearance; usually talked of the common topics of the day, and spoke of the disappearance of Dr Parkman.

Cross examined. I think it must have been after 6 o'clock when I met him on Tuesday evening. At this time he called my attention to a very bright star. I saw him twice after the disappearance of Dr Parkman was known.

AFTERNOON SESSION.

Dr J. W. STONE recalled. I examined the hole in the thorax; it was not a clean cut; the examination was finished on Sunday, Dec. 2. There would be no difficulty in making a clean cut after death. While a student, I paid particular attention to dissections. There would be no more difficulty of making a clean cut than a butcher would have in cutting up a piece of beef.

PH LENA HATCH called and sworn. I live at No. 15 Vine street. I knew Dr Parkman for fifteen years. I saw him on Friday, Nov. 23d. I saw him in Cambridge street, between North Russell and Blossom streets. He was going towards Court st. When I got into my house it wanted 12 or 13 minutes to 2 by my clock. I fix it to be on Friday, in consequence of my husband's going into the country on Thursday; on that night my sister came to my house. I had been up to the Roxbury line to tell my niece that my sister was here, and was on my return home when I met Dr Parkman. I mentioned this when I heard that Dr Parkman was missing. I looked at my clock on my return, to ascertain how long I had been absent.

Cross examined. I did not see Dr Parkman turn round after I saw him. I mentioned this when I got into the house; I noticed that my sister looked home sick, and to draw a smile upon her face I said to her that I met a chin—I explained it to her that I met Dr Parkman. I did not mention it immediately; he was known to some people by that name, in consequence of his long chin. I met him on the right hand side of Cambridge street, as I was going down. I do not know that Dr Parkman turned and followed me into Blossom street.

JOSEPH HATCH called and sworn. I reside at No. 15 Vine street. I left the city Thursday, Nov. 22, to go to Corinth, Vt., and returned on Monday, Dec. 3d. I am a married man; Mrs Hatch, just on the stand, is my wife.

WM. B. THOMPSON called and sworn. I reside at East Cambridge; am a clerk in the Register's office. I went to Prof. Webster's on Sunday evening with Officer Fuller. It was about 6 o'clock; I went to ascertain the date of the mortgage on which the payment of money was paid. I stated the object of my visit to the young lady who came to the door. I went into his study and asked if he recollects the time on which the mortgage was given. He said he could tell us if we would come on. He looked into his trunk and said it was strange he could not find the paper. He then said he would give the information in another way; he read extracts from what I supposed a journal. He gave the date of a mortgage, and corrected it himself immediately by saying he supposed that was not the one I wanted. I told him the one that I wanted. He gave me the date of it, and I said I would call on the City Clerk to ascertain about it; I supposed it was on real estate, and it proved to be on personal estate. There was considerable other

conversation at the interview. At this time Dr Webster said he called over to see Dr Parkman, to tell him of his interview with his brother. He said on his return home he asked the tollman if he saw Dr Parkman on Friday; he also called on Mr Paige, the City Clerk, to see about cancelling the mortgage. He did not find Mr Paige at home, and was not aware that his communion day came on the last Sabbath in the month, instead of the first. After waiting awhile Mr Page returned home. He ascertained that the mortgage had not been canceled. I made the observation that we would call at Mr Paige's on our return; perhaps Mr Paige might have overlooked the matter. I saw nothing at all peculiar in the demeanor of Dr Webster at the time, except in the matter of correcting himself, which I have stated.

By the COURT. The first mortgage he gave me was the large one; afterwards the small one.

By Mr SOHIER. I had been acquainted with Dr Parkman about five years; known him about ten years. I saw him last on the 23d of November, in Causeway street. I should think it was about ten minutes of quarter past 2 o'clock. I was going towards Charlestown bridge, he was going towards Leverett street. I met him a little below the centre of the street; where we met there was a milliner's shop on one side, and a carpenter's shop on the other. It was nearer to the Merrimack end of the street. [The position was here pointed out on the map by the witness.] There was no railroad anywhere near. It was somewhere near Portland street. I was on the left hand side going down; he was on the opposite side going towards Leverett street. I fix the day as being on Friday from the fact that I paid for the coat I have on that day; I also examined a title for a man on India street, that day, and he gave me a receipt for it. I had not been in Boston for 9 days; I came in again the week after this time, on Thanksgiving day. I left the examination at the store in India street; the gentleman was not in, and I wrote a billet to him. I started from East Cambridge at three or four minutes to 2. I first called at the corner of Hanover and Elm streets, at Orr N. Towne's. I left some things there, took out my watch, and found it to be 23 or 25 minutes to 3. This was after I passed Dr Parkman. I came on foot from East Cambridge. I went through Portland st. to Elm street; I am called rather a quick walker.

I noticed Dr Parkman's appearance at the time; he had on a dark frock coat, dark pants and a dark hat. When I saw him he had his hands behind him and appeared to be excited, angry. I noticed him as he came up and passed me. I did not turn and look round. I first called this fact to mind on Sunday about 5 o'clock, when I stated it to the late City Marshal, Blake.

Cross examined. I do not think that I am near sighted; I am not aware of it. I use glasses slightly colored, for weak eyes. I give attention to copying in the Register's Office, but do not think it has impaired my eye-sight. There is a grocery store on the corner after getting into Causeway street. I think there is a large turner's shop further down on the street. I should think the largest opening from Causeway street was after passing Lowell street. I met Dr Parkman before I got to the first cross street which leads from Causeway street; I do not know the name of the street. [After looking at the map] I had not then got to Merrimack street; Merrimack street is the first street after going into Causeway street; it was near to Leverett street when I met Dr Parkman. I went through Merrimack and Portland streets. I do not think that I am near sighted. I do carry a magnifying glass, for the purpose of looking at fine writing. I generally write fine; I have never made the assertion that I have written so fine at one time that I could not read it at another. I will not swear positively that I made such an assertion. I believe I told Mr Andrews that I had written very fine writing in a biological state; I never used the expression mesmeric state; I never told Mr Andrews I wrote so fine in the biological state that I could not read it in the natural state. I

did state to Mr Andrews that I had written so fine in the biological state that others could not read it without a glass; I carry the glass for the benefit of others. I do not know that my eye sight is any better in the biological state than it is now; I do not think that in that state I could see at a great distance.

Dr Parkman did not speak to me on that day, neither do I think that he noticed me. I mentioned this to Mr Blake, and it seemed to strike him forcibly. While at Dr Webster's house, I asked him how Dr Parkman appeared when he paid him the money. He said he appeared very angry and excited. He also informed me that Dr Parkman had called on Mr Pettee, the gentleman who sold his tickets for lectures, and inquired if he had any money in his hands belonging to Dr Webster. Pettee told him he did have money. He wished him to pay over the money in his hands to him, and he would give him his receipt. Mr Pettee, he said, refused. Dr Parkman was very angry, and used the expression to him that Prof. Webster was a d—d whelp. The reason I did not state this to the jury before was because I was interrupted by the counsel. When we left the house of Dr Webster he followed us to the entry, and said, gentleman I trust you will be successful in your search, and he added, that any information he could render he would be happy so to do. [A paper was here handed to the witness, who said] in this paper I did not put down all this conversation. I put it down at the request of Mr Andrews, who said I wish only a rough outline. Dr W spoke also of the great feeling which the disappearance of Dr Parkman created in the community. I think he also said that Dr Parkman had used insulting language towards him; [answering the Attorney General who questioned him did he not say thus—] He (Dr W.) also said he told Dr Parkman that he would pay him as soon as he got pay for his tickets; Mr Andrews asked for this conversation to be put down in a rough manner, and then asked me to sign it; at Mr Andrews's request I put down the statement, which I told him was only an impression, that Dr Webster said two persons were present when the money was paid.

SAMUEL A. WENTWORTH called and sworn. I live in Vine street; I am a provision dealer. I knew Dr Parkman; knew him two years. I saw him last on the 23d November. I saw him in Court street, between the hours of 2 1-2 and 3 1-2. I fix the time from having my dinner at 1. I went to dinner, and let my young man go at 2; after he got back (my shop is in Lynde street, No. 1) I went down town. He was gone to dinner half an hour. I went down to Haymarket Square, thence to market. I met Dr Parkman near Sudbury street; after getting to Mrs Kidder's he turned round facing the street; this shop is on the right hand coming this way. He was then going towards Bowdoin Square. When he stopped, he put his hands behind him, under his coat, and looked up to the houses this way. [Describing it.] I remember this, from the fact that on Saturday evening, after going home late from my store, my wife said two men had been to the house and spoke of the disappearance of Dr Parkman. I said, I guess he has not gone a great ways; I met him in the street yesterday.

Cross examined. I communicated the information of seeing Dr Parkman to a lady in my house at the time, and in the week after finding the remains, to a man by the name of Foster, in Blossom street. At the time I met him it was near 3 o'clock. I am sure it was not on Thursday afternoon. I went down to buy my marketing for Saturday. I had no occasion to speak to Dr Parkman at the time; I was with Mr L. H. Russell at the time; I have spoken to him about it since, and he does not remember the day on which it occurred. The two men who came to my house were searching for Dr Parkman; I did not mention it to any one except my wife, until the body was found.

SAMUEL CLELAND called and sworn. I reside in Chelsea and do business in South Market street. I was acquainted with Dr Geo. Parkman. I knew

for eleven years; in 1838-'9 I was a tenant of his. I last saw him on Friday, Nov. 23d, in Washington street, between Milk and Franklin streets.

It was between 15 and 30 minutes past 3—about 20 minutes. He was going towards Roxbury. I fix the hour from the fact that I went up to see Rev George Wells, No. 18 Franklin street, to supply the pulpit of St. Luke's church in Chelsea. I had written notes previously to Rev. Mr Allen and Rev Mr Woart, for the same object, and received replies to them in the morning of that day. I always called on Mr Wells at 3 o'clock. On passing into Washington street from Franklin street my attention was attracted to Dr Parkman, from the fact that I supposed he was walking with a laboring man. The circumstance I thought singular, but it afterwards appeared that he was not walking with the man in question. I heard of the disappearance of Dr Parkman on the following Monday morning.

Cross examined. I communicated the fact of my meeting Dr Parkman to my partner at the time. I also mentioned it to Wm. Knapp, Esq, assistant clerk of the Police Court. I asked Mr Knapp if it was necessary to communicate the fact to the Police; he said—No, for Dr P. had been seen going to the South End on the afternoon in question. If I had thought it necessary I should have communicated it to the Police, or to the family; I saw the offer of a reward for his recovery. When I first saw him he was four or 5 rods off. There were persons between him and me at the time. He met and passed me in the street, I going down and he towards Roxbury. I do not recollect of stating this to Wm Raymond Lee at the time. I did not see any advertisements asking for information to be communicated to the Police in relation to Dr Parkman. I also stated this fact to Mr Bradley, of the "Mail" while in his office. I read the papers daily. I should have been happy to have communicated any information which was considered important to the case.

The answers of Rev. Mr Woart and Mr Allen were here offered by witness to show the date of receiving them to be on Friday. The government did not question the fact of his receiving them on that day, and thought it not necessary that the notes should be put in, they only supposed him to be mistaken in seeing Dr Parkman on that afternoon.

LUJUS R. PAIGE called and sworn. I am city clerk of Cambridge; I saw Dr. Webster at my house on Sunday, November 26, at about a quarter to 5 o'clock. He stated that he called to see if Dr. Parkman had been at my house since Friday, to discharge a mortgage; told him that Dr. Parkman had not been there; I believe I went to my records to satisfy him that he had not been there.

ABBY B. RHOADES called and sworn. I reside in Minot street. I was acquainted with Dr George Parkman for 25 years. I saw him last on the afternoon of Friday, Nov. 23, in Green street, corner of Lyman place, in front of Mr Souther's apothecary store. This was about a quarter to 5 in the afternoon. There was a man with him at the time. I passed as near as I could, my daughter being between him and myself. I was going down, and he was going towards Bowdoin square. We bowed to each other as we passed.

I do not know which bowed first. I fix the day from the fact that I went out with my daughter on that day to Mr Hovey's store, where I made a purchase of muslin de laine. I do not recollect of whom I bought the articles. On the next day, Saturday, I know I was at home; I was also at home all day on Thursday. I have taken great pains to ascertain the day. I first heard of the disappearance of Dr Parkman on Sunday morning. My daughter first called

to my mind the fact of our meeting him. She went to Lexington on Saturday and returned on Tuesday. I asked my son if Dr P. had been heard from, when my daughter reminded me of our meeting him in the street. I dine at 1 1/2 o'clock; had been out in the afternoon, and was on my return when I met Dr P.

Cross examined. I said I had been a parishioner of Rev. Dr Parkman, and felt an interest in the disappearance of Dr Parkman; I never have had any misgivings in relation to the fact of meeting Dr P.; have never said to my sister, Mrs Harrington, or any one else within a few days, that it had I not said, so many times, I had met Dr Parkman, I should now have doubts about it. I do not know the person who was with Dr Parkman; it was not Dr Webster; it was some one taller but not so stout as Dr W. I had an interview with Rev. Dr Parkman, on Tuesday, in relation to this fact of meeting his brother; I went to see him again on Friday, after Thanksgiving. I went to assure him of the truth of it, lest he should have doubts on the subject. I did not tell him, until this interview, that my daughter first reminded me of the circumstance.

MARY RHODES called and sworn. I am the daughter of the lady just upon the stand.—I have known Dr. Geo. Parkman by sight nearly ten years. I saw him last on the 23d Nov. It was in Green street, oppoite to Mr Souther's apothecary shop. I had been with my mother to Mr Hovey's store in Winter street. Dr. Parkman was in company with some one at the time. My mother spoke to him on passing. Dr. Parkman passed nearest to me. I took my bundle from under my arm so as not to hit him in passing. I went to Lexington on Saturday, and heard the fact of his disappearance on that night. I mentioned the fact of our meeting him to my mother and brother on my return on Tuesday. I have taken pains to assure myself that the day and hour I mentioned were correct.

Cross Examined. I did not mention to any one at Lexington that I met Dr. Parkman on Friday. I heard the disappearance read on Saturday night, from the Journal or Traveller. I did not speak of having seen him because I thought the disappearance was on Saturday.—The gentleman with Dr. Parkman was rather a stout man, but not so tall as the Doctor.

When I came to town it did not occur to me to say any thing of our meeting Dr Parkman, until my mother spoke of his disappearance; I was at home all the week of the disappearance; Friday was the only day in which I went through Green street with my mother on going home. I was in the habit of seeing Dr. Parkman often.

By Mr. Sohler. This was the only day on which I went home with my mother through Green street.

SARAH GREENOUGH called and sworn. I reside in Cambridge; I was acquainted with Dr. George Parkman by sight for many years; I saw him last on Friday before Thanksgiving, in Cambridge street between Belknap and South Russell street. This was ten minutes before three o'clock; I fix the time from having an engagement at ten. I wished to see my son

residing in Temple street, who left his home at 3 o'clock; I looked at my watch on my way over the bridge, and at the clock on Dr. Lowell's Church; when I saw Dr. Parkman I knew that I had time to get to my son's in season to see him. Cross examined. I first saw him across the street, as he was passing.

SAMUEL D. DEAN called and sworn. I am salesman at Hovey & Co.'s, in Winter st.; I recollect having sold muslin de laine on the 23d of November; it was the only sale of that kind of article for cash on that day; I cannot tell the hour from my own knowledge.

Mr. Sobier here informed the Court that he thought the evidence for the defence was closed, but wished the indulgence of looking over their minutes. It being a few minutes past 7 o'clock the Court adjourned.

TENTH DAY.

FRIDAY, March 29.

The Attorney General gave notice to the defence that the ground of the government in relation to the mortgage, as taken in the opening of the case, was that the sum of \$512 due to other persons yet remains unpaid.

Witnesses were now called by the government.

JOSEPH SANDERSON called and sworn. I am a police officer of the city of Cambridge. I have known Dr Webster four years. On the week succeeding the disappearance of Dr Parkman, between Sunday and Thanksgiving day, I saw Dr Webster. I saw him get out of the theatre coach in Harvard square, near the Colleges. I should think it was between 11 and 12 o'clock at night. No one of his family was with him. I was standing near when he passed, and I walked in the direction he was walking. I don't recollect seeing him after he passed Graduate's Hall. I followed him perhaps fifteen rods. I am a watchman; I met Mr John Bryant, another watchman, immediately afterwards. I made an observation to him about the person's being Dr Webster. I am positive about its being between Sunday and Thanksgiving day, from the fact that I called it to mind on the Saturday following, after the arrest of Dr Webster. 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 till 11, unless I have something to call me specially. I cannot tell on what night it was.

Cross examined. I mentioned this on Saturday to Mr Bryant. I say I fixed the hour in my mind from the particular course I took. I cannot say that it was not on Wednesday night. I do not know that any other persons went the same way he did. I did not see any ladies get out of the coach. I am sure that it was not on Thanksgiving night, for on that night it was clear. On the night in question it was hazy. I do not know that it was not on Tuesday; it was not on Saturday. It must have been on Monday, Tuesday, or Wednesday. I walked behind this person till within a short distance of Dr Webster's house, but did not see him all the

way. I was standing near by when the people got out of the coach. The moon was not shining at the time. I turned round immediately after he passed me, and followed. I did not speak to any one until I spoke to Mr Bryant.—Next to Graduates Hall is a vacant lot, then beyond is Church street. The omnibus runs every night when the theatres are open.

DR DANIEL HARWOOD called and sworn. I am a dentist in this city, and have practised as such since 1829, with the exception of a few years. I am a member of the Massachusetts Medical Society. I have always been very busily occupied in my practice. I was one of the first who engaged in the manufacture of mineral teeth. In such teeth there are marks or characteristics by which dentists may know their own; they would be as likely to know their labor as fully as a sculptor would know his own works, or a merchant his own handwriting. I mean this in a general sense, of large cases or blocks of teeth. In single teeth there might be exceptions, but in blocks he would not be likely to be mistaken.

I could not positively say I could tell Dr. Keep's work; but should think I might; his teeth are not so marked as that of some others. When I see patients with the teeth of several dentists, I can tell generally the work of the different dentists.

[The teeth in Court were now submitted to the witness.]

These teeth are covered with foreign substances; I judge from appearance that Dr. Keep's teeth are almost entirely destitute of pipe clay. The principle ingredients in mineral teeth are quartz and feldspar; the composition of his teeth as well as those of Dr. Flagg of this city and Dr. Kelly of Newburyport are much alike; I am pretty confident these are teeth of the composition of Dr. Keep; the style of making is his; I know the style by seeing it at his place and in the mouths of his patients; his style of making teeth—I do not say his alone—is that the teeth are not separated down to the point which represents the gum. The characteristics of the modelling of the teeth are the peculiarity upon the left side, and the absorption of bone at one point.

[Objections were here raised against allowing the examination on this point to go on. The Court ruled that it was not competent to go into the general question of the construction and identity of teeth, but to some extent the examination might proceed, as an expert.]

Under the circumstances in which these teeth were made, had they been my own I think I should have no difficulty in identifying them. [The witness here stated to the Court that while turning the teeth over in his hand, one portion had broken off from another.] I think there can be no difficulty in identifying the teeth.

Cross examined. Taking the block alone, without the model, I should think there would be no difficulty in identifying them; they could be identified by the workmanship and the extraordinary degree of absorption. The manner of Dr. Keep in sawing down teeth is peculiar;

among all the teeth I have seen, I do not remember to have ever seen any where the degree of absorption is so great.

Dr. JOSHUA TUCKER called and sworn. I am a dentist in this city; I have also received a medical education; I have been engaged in dentistry for twenty-one years. I have been at work myself all the time; I manufacture sets of teeth as well as single teeth. [The witness was here asked if on looking at the teeth before him and other models, whether he could obtain from them means of identification.] All of the blocks except one are so disfigured I should not wish to give an opinion. The left lower block has means of identification, as strong as the features of a man's face would be on a canvass after a week's labor by an artist.

Cross examined. If a man is sure of the model, he would be sure of the teeth.

Dr. WILLARD W. CODMAN called and sworn. I am a dentist, and a member of the Massachusetts Medical Society; I have been in the practice about sixteen years, pretty extensively; I have manufactured mineral teeth.— [Looking at the teeth before him.] I think these teeth do furnish sufficient means of identification.

By the Court. I think the maker of them under their present circumstances, could identify them.

Cross examined. I think there is a strong probability that the maker of them could identify them; but not so well as he could, if they had not been in the fire.

BENJ. H. TOLD called and sworn. I was present at the toll-house on Cragie's bridge Sunday evening, after the disappearance of Dr Parkman. I was in company with Mr Littlefield. We went over out of curiosity, learning that the City Marshal had a lot of men over there searching for Dr Parkman. The toll man was at the door, and an old gentleman was in the back part of the toll-house. There was another person present. Mr Littlefield asked the toll-man if any policemen were over there. Then I asked the toll-man if he was the one who saw Dr Parkman go over the bridge. He said he was not. The young man who saw him was at supper. Mr Littlefield said he was connected with the Medical College, and said he saw Dr Parkman coming towards the College on Friday afternoon. He also spoke of the story which had been told of Dr Parkman's paying money to Dr Webster.

Cross examined. I do not recollect hearing Mr Littlefield say that he saw Dr Parkman pay the money to Dr Webster; I do not recollect anything of the kind. I heard every thing he did say. The words of Mr Littlefield might have been called to mind on the next morning. I recollect them on Monday. I have often thought of the language. I met Mr Littlefield in the street since the trial commenced, when he asked me if I recollect the conversation at that time. I never saw Littlefield at Gibbs's eating-room.

ISAAC H. RUSSELL called and sworn. I am a resident of Boston, in the dry goods business. I know Mr Samuel A. Wentworth, provision dealer. I do not remember walking with him on any particular day at the time of the disappearance of Dr Parkman; do not recollect being with him on Friday, Nov. 23; I recollect of his having called my attention to Dr Parkman on one occasion whilst with him; it must have been before his disappearance; it might have been six months; it must have been as much as one day before; I do not recollect the last time I saw Dr Parkman; if it had been since his disappearance I should have recollected it; I cannot tell when I first heard of his disappearance.

I was with Mr Wentworth on some occasion when he called my attention to Dr Parkman; but the place I do not know.

Cross examined. I occasionally walk with Mr Wentworth, but do not call to mind the time of his calling my attention to Dr Parkman.

[The Attorney General here said he had summoned five witnesses who would testify to their having seen a person about the time of the disappearance of Dr Parkman who resembled him in appearance so nearly that they were led to approach him as being Dr Parkman. He proposed to introduce this evidence, to show that some of the witnesses for the defence might have been mistaken in their identification of Dr Parkman. Some discussion followed between the Attorney General and Mr Merrick for the defence, as to the admissibility of such kind of evidence. The Court ruled that the evidence was of too uncertain a character to be admissible. A recess of a few minutes now followed.]

GEO. W. FIFIELD called and sworn. I am a toll gatherer on Cragie's bridge. I recollect the time when the clock was put up on the Court House at East Cambridge. It was within six months; its character as a time-piece is not good. [Defence here objected to putting in the character of a clock.] It was put up last fall; it stops frequently, and when running it frequently does not agree with other clocks. I can see several clocks from the toll house. It is an inaccurate time-piece, not to be depended upon.

Cross examined. The clock differs from one half an hour to fifteen minutes with other clocks; it is sometimes faster and sometimes slower.

SAMUEL D. FULLER called and sworn.— I am toll gatherer at West Boston or Cambridge bridge, on the Cambridge side. I have had occasion to observe the clock on the Court House at East Cambridge. It was put up last fall; it is an inaccurate time-piece; sometimes stops, and at other times it is five to ten minutes out of the way.

The Attorney General said he should rest his case here.

Closing Argument for Defence.

Judge Merrick then commenced the closing argument for the defence.

He commenced by saying he need not say to the jury with what difficulty he entered on the defence. The case presented to the jury transcended in importance any which had ever occupied the attention of our citizens. A few months since a well known individual suddenly disappeared; connected with a family well known in the community; in such a disappearance his friends naturally and deeply were interested; they enlisted the whole community in it; when all inquiry, investigation and efforts seemed entirely baffled, and there seemed universal darkness, then suddenly the astounding fact was made known that the mangled remains had been found, and that the perpetrator had also been found—an individual who would no more have been suspected than one of us engaged in this case.

With this it was stated that circumstances had transpired which fully fixed upon this person the stigma of the crime. In the meantime, the prisoner at the bar was in the cell of your prison, silent; he was alone, without friends and without help to repel the charges against him; he waited in silence and hope; he set forth no appeal; he suffered the charges to be sent forth, until they returned from the most different parts of this land, and of other lands. He waited long and in hope, when the time should come, that passion would give way, and his country would try him justly.

That hope and that expectation is not disappointed; he has not asked one hour's delay; but prepared in that consciousness that he could trust his life to an impartial Jury under the instructions of a calm and learned court.

Gentlemen, it is impossible that before taking your oaths you should not have heard much that has been detailed on this trial; yet you have declared that these circumstances have not produced even a bias on your mind; if this be so, then after the evidence is produced in a judicial form, I may rely upon a more favorable effect upon your minds. What then is the charges, and what is the crime. The charge is that on the 23d of November last, George Parkman was murdered by the prisoner at the bar. In various forms the charges are presented in the indictment before you. This has been done, because as it has been stated, different evidence may make it necessary to state the charge in their various ways.

To establish the charge, there are certain facts which it is indispensable that the government should prove. They must prove the death of George Parkman; the manner of his death, the agency of the defendant in producing it; and they must prove also that it was done with malice aforethought.

Much time has been spent in gathering testimony to prove these charges; and yet by no direct evidence is it shown that Dr. Parkman was slain, or that the defendant had any agency in causing his death, if produced by violence. Let us see what the position of the government is and what the prisoner at the bar concedes. The

position of the government is that Dr. Parkman on the afternoon of Nov 23 had an interview with the defendant in the Medical college between 1 and 2 o'clock, and that Dr Parkman has not since been seen; and that some time after his remains were found in the Medical College.

What is the position of the defendant; he concedes that there was an interview had for a specific purpose, and that when that was accomplished in a few minutes, Dr Parkman left the building at 1 1/2 o'clock.

To ascertain whether Dr Parkman did leave that building we are to examine all the evidence in the case. We have undertaken to show that Dr Parkman did leave this building and was seen at a later hour in different parts of the city. Suppose we should show that the parties did separate, and never met again on earth, then there is no proof that he was slain by Dr Webster. Even admit that the remains found are those of Dr Parkman, if it can be shown that after parting they never met again, the case of the government fails, and this matter remains an inexplicable mystery—one of those mysteries of which the world afforded abundant examples, and which has led to the common remark that truth is often stranger than fiction. Then gentlemen, if these parties separated, there is no proof more that touches or can touch the life of the prisoner at the bar.

And how does the proof stand? Did they separate or did they not? We have called several respectable witnesses to testify on this point. These witnesses, though few in number, have come up without the aids which have attended the procuring of witnesses by an opulent and highly influential family.

Compare the number of the witnesses who saw Dr Parkman in the afternoon of that day with those who saw him in the forenoon, and our case stands in no unfavorable condition with that of the government.

Mr Merrick proceeded to review this testimony. Mr Thompson says that he came in between 15 and 20 minutes after 2, and met Dr Parkman in Causeway street. He had made acquaintance with him in the Register's office. If this was true, these parties did separate. Why was it not true? He did not know by the cross examination, but an attempt would be made to show that the witness had made another statement.

But, we might presume, as nothing more had been done, that the witness was fairly entitled to credit. He did not think that he was to be discredited by his "biology." Individuals adopted strange systems of philosophy, but this did not show them insincere, but rather the contrary. No attempt had been made to impeach him. His visual organs had not been proved to be imperfect. Therefore Dr George Parkman must have been seen in Causeway street at half after 2 o'clock.

Wentworth testified that he saw Dr Parkman between half past 2 and 3 in Court street. He remembers the day perfectly—in company with Mr Russell. He went down by Haymarket Square to the market to purchase provisions for the next Sunday. He fixed it, further, by what he said to his wife, on Saturday night, that he did not think Dr Parkman could be far off, for he saw him yesterday afternoon. The

cally thing against this testimony was, that Mr F. Russell had been called to say that he did not recollect seeing Dr Parkman while in company with Mr Wentworth, on the day of the disappearance of Dr Parkman; but he admitted that he did once see him in such circumstances, but could not recollect the time.

Mr Clifford had appealed to the Jury, to show how imperfect were men's recollections. The thing was of no consequence. It had passed out of his memory. But Mr Wentworth, an unimpeached and unimpeachable witness says he did recollect it, and thought and spoke of it the moment he heard of Dr. Parkman's disappearance.

Mr Cleland, of Chelsea, a man of intelligence, standing and substance, a member of a religious society, states that he was taking measures to procure the services of a minister for the following Sabbath; that he wrote a note to a friend, and it being returned, he threw it into his desk, and also another note from a friend; and from these circumstances he fixed the date. Mr C. said: that in the afternoon he had occasion to meet a friend in Franklin street; that he then immediately passed in to Milk street, and up into Washington street. He saw Dr. Parkman in circumstances peculiar at about 20 minutes past 3. He saw him at a distance of four or five rods, and watched him till he went past him. Of the time or place there could be no mistake. Was it Dr. Parkman? The witness knew him well, and the impression was fixed upon his mind. Here was a witness above all doubt, who tells you beyond all doubt that he saw Dr. Parkman about 20 minutes after three.

Then there was the testimony of Mrs Rhoades and her daughter. She testified that she came that afternoon from her residence, and went, among other places, to Mr Hovey's in Winter street, and purchased a dress, and the price she paid for it, and the clerk found the entry on his books; and in going home they passed a person whom they supposed to be Dr. P., and the daughter said he passed so near that she had to shift the bundles so as not to touch him. Mrs. Rhoades knew him familiarly; she bowed to him; and he recognized her and bowed to her; and to this the daughter testified. This testimony had not been disputed by the Government. They knew that it contravened their view, and the views of the friends of Dr. Parkman, and she knew it also, and yet she had said that this man was Dr. Parkman.

Mrs. Greenough said that the same day, she saw Dr. Parkman, as she believed, in Cambridge street. She had occasion to come into the city to visit her son, who left his house at 3 o'clock. She saw Dr. Parkman in Cambridge street, and looked up at the clerk and saw the time. She was not so positive as the other witnesses; but she did not mean by this that she had any doubt.

This, then, was the testimony upon which the defence relied to show that Dr Parkman left the Medical College, and that he was seen in various parts of the city that afternoon. He did not return to his family. That was strange. Some things occurred that afternoon which were very strange. And things had happened since that were strange. This will be accounted for, upon the hypothesis taken by his friends that af-

ternoon. That was, that he might have wandered away under the influence of mental aberration. And if that might have been true, then, why not now? It had been proved that he was seen in the afternoon. They might be mistaken; but were they mistaken?

The government had brought men here to testify that there was nothing dissimilar to Dr Parkman in these remains which they saw spread out upon the floor of the medical college. But our witnesses judged not from the naked leg, but from the open face, and they said, not that there was nothing unlike Dr Parkman, but that it was he.

He should now, he said, proceed to the examination of the testimony on the part of the government, and he should treat it with all fairness. He was not here for strife, but to vindicate justice, and learn the truth, and he spoke to them with the hope that he might aid them in their investigation of the truth.

Let us look at the facts at the order in which the government had presented them. They must prove the facts which they had alleged, or they could not claim a verdict. The prisoner was to be presumed innocent, till proved guilty beyond all reasonable doubt.

They were first to establish the fact of the death of Dr Parkman; and second, that his death was occasioned by the prisoner.

Now, have they proved the death of Dr Geo. Parkman? Dr Parkman entered the medical college on Friday, Nov. 23d, and since that day had not been seen. To show that he was dead, subsequently to that day, certain remains had been found, which it was attempted to show were those of the person that had been lost. Intelligent gentlemen had been called here to show this fact. Dr Wyman had stated that these fragments formed parts of the same body, and that there were no duplicates. The inquiry then was, whether this body was that of Dr George Parkman. On this point there was strong testimony. In the first place there was the testimony of these same medical gentlemen, showing the strong probability that this was the body of Dr Parkman, and in addition to this, there was the strong if not conclusive testimony of Dr Keep.

They had called their attention to the testimony of Dr Morton, not for the purpose of contradicting Dr Keep, but that they might have a full understanding of the case. This had led the government to introduce other respectable testimony. He could only say, that if they could say that this was Dr Parkman's body, there was an end to the case. But, supposing they came to the conclusion that it was the body of Dr Parkman, was it certain that this body died by violence? He referred to the supposed fracture of the skull, and the hole in the *thorax*. In regard to the first, he had only to say that Dr Wyman himself said, that though there was an appearance of the fracture having been made before calcination, he had no means of determining whether it was before death. But he was not certain that it occurred before calcination. Dr Holmes stated that it was quite clear to him that this might have been produced after it had been calcined to this extent. Take the testimony of these two witnesses together, and he was sure that it was wholly uncertain. Next, as to the perforation in the side. It appeared

that this was discovered almost immediately on its being turned out of the chest. But was it made before death? There was one witness, Dr Strong, who said it was a clean cut; but the physicians who had made the official examination say there was no knife cut there—that it was a ragged cut, and that a clean cut might be made after death. Now here was a disagreement between the physicians; but they had the testimony of three witnesses who say it was not a cut.

Hence, the government was destitute of proof as to the allegations that Dr Parkman came to his death by a stroke upon his head, or by a stab with a knife. There were marks enough upon the body to kill him. But was he killed in any of these ways? By cutting off his limbs? By severing his arms? By burning his head?—Though they found this body mutilated, yet nobody believed the mutilation was the cause of his death. With all these facts before us, the matter was as dark as it was before the light went under the Medical College.

Were they to say that this body died by violence, when they have shown no evidence of it but the fact that he was dead? Was it a necessary or inevitable consequence? Take a case of ordinary presumption. A man was seen running from a house with a bloody sword in his hand. A body is found in the house dying, with a bloody wound, produced by a sword. This was sudden discovery.

But here the disappearance was on the 23d, and the discovery on the 30th; so that there was no evidence that the death of the body was produced by the marks found on it. Death approached the human form in many ways, sometimes suddenly. Was there anything in these mangled remains to show that Dr Parkman did not come to his death in a natural way? Could they leap through all this darkness, and see that he came to his death by violence. If that man had disappeared, and was to be mourned over by many friends, yet before they made a decision affecting the life of another man, they should be sure that he came to his death by violence. If this could not be shown by direct or indirect testimony, strong suspicion might rest upon the minds of men; but there was a want of that judicial evidence necessary to convict a man of murder. They did not, and the prisoner did not attempt to show how these remains came there. There were a thousand ways in which death might occur. A midnight robber might have met him; and when the mind of the community was excited on the subject, might have placed them there to conceal his own crime.

But suppose these were passed, and it were admitted that that was the body of Dr Parkman, and he came to his death by violence, at the hands of Dr Webster—admitting the worst of the case, he should show that, all the circumstances considered, it was not the larger crime of murder. He wished not to be misunderstood. They were not at liberty to leave the case where the prisoner himself would leave it; for they could not assume that the jury would decide that Dr Parkman had come to his death by the hands of Dr Webster. They should therefore go into the question as to what constituted murder and what manslaughter. He did not understand, as the Attorney General had said, that it devolved upon the defence to

show that, in case of a voluntary homicide, that there was not premeditation.

[The court said that when it was shown that the death was produced by design, it was for the defence to show the mitigating circumstances; and the whole evidence, upon both sides, was to be taken into consideration.]

Upon this question, if they were satisfied that Dr Parkman came to his death by the hand of Dr Webster, and that he came to his death by design, then the law implied malice aforethought. But in determining this, the jury were to look upon all the evidence in the case and if it should appear to them that the homicide was upon sufficient provocation, or by sudden combat, they were to determine it to be manslaughter. He understood the government to take the ground of express malice—that he formed a plan—that he devised the means—that he allured him to the College, by making an appointment for business. Prof. Webster said that this business transaction did take place. The government say that this business transaction did not take place. They conclude he did not pay it because he had not the means.

It became necessary to review the evidence. They had shown how the money was paid by Mr Pettee, and that the deposits of the money were made in the bank. They had attempted to show in this way that all the funds derived from the students were disposed of in other ways. This was admitted. Then Mr Henchman had shown that Dr Webster had drawn a check for \$10. There was no doubt of that. By looking over the books it would be found that his money was drawn in small sums.

Now they had attempted to prove by Smith that he had put off the payment of a bill for want of funds. But this only showed that he had none of the funds which he appropriated to the ordinary expenses of his family. As to the money that he paid to Dr Parkman, they had not the means of showing where he got the money. They knew that Dr Webster was in debt, and that Dr Parkman was resolute in demanding his pay; that there was a transaction with a third person, which unexplained, might destroy his reputation. Dr Webster believed he could explain it, which he had attempted in a long letter to Mr Shaw. When such a man was called upon to pay a large sum, he was obliged to straiten himself many ways. It was by this means that this money for Dr Parkman was hoarded. If they would examine the banks they would find that \$150 was deposited in the Charles River Bank. But of the \$190 received, \$40 was saved out, which, with other sums, was to make out the claim of Dr Parkman.—All he meant to do was, when the time did come, when Dr Parkman could no longer be paid, he could pay it. This he had gathered from the circumstances proved to the jury.

Remember the circumstances. Dr Webster says he paid \$483, of which \$200 was on the New England Bank. Further, it was testified the toll-man had said that Dr Webster said he could not recognize the \$20 bill—that he had said the money he paid was some he had received from the students, some large and some small. This did not imply that it was all received in this way. The conversation was

about a \$20 bill. Then Dr Webster said the money came from the students. But the idea was, not that every dollar was received in that way, but a considerable portion of it. He could not tell, because he could not recognize the sources from which it came. He thought there was the most pregnant suggestion that there was the note of \$100; interest on it was paid out by Mr Pettee, who belonged to the New England bank. He wished now to fortify these presumptions. He wished that Dr Webster could go to the time when he saved the money, and to the individuals from whom he received it. But he could only say that, in this daily practice of saving, his situation was such that it might be done—the time of his lectures had come, and Dr Parkman must be paid or he must lose his place. The government apprised us that they should claim not only that there was this money due, but that there were other persons to whom a large portion of these notes were due. In ordinary cases the possession of these notes produced the presumption that they were paid. And if otherwise, it devolved upon the government to show it. It was not alleged that he had paid the money to any other person. The whole matter had been figured up. It was finally arranged that if Dr Webster would pay so much, together with one year's interest, he was to have the notes.

There was something said of the mortgage. It was in the testimony that Dr. W. had said that Dr. P. said he would take care of the mortgage; and it appeared that he not only said this, but went to make the inquiry. How was the fact, as to Dr. Parkman retaining the mortgage? They found among Dr. Webster's papers the notes; but the mortgage was found among Dr. Parkman's papers. Now we had these facts—that Dr. Webster was the debtor of Dr. Parkman, and that a business transaction took place—that Dr. Parkman did go down to the College with his papers, and that Dr. Webster obtained the notes, and Dr. Parkman kept the mortgage. These were all the considerations that he should present against the suggestion of the government, that Dr. Webster had not the money, and therefore could not have paid it away. He thought they could not make out that a man of his standing would sit down deliberately to chalk out such a course; and if not, express malice could not be made out. This was all he had to say on that point.

[The Court here adjourned till half past three o'clock.

AFTERNOON SESSION.

The Court room was densely crowded before the Court came in.

Mr Merrick proceeded with his argument, and said he wished to call the attention of the jury to the character of those circumstances attending the transaction which had been related before them. If Dr Parkman died from the hands of Dr Webster, no human eye was witness to it, and it was the duty of the jury to attend to the circumstances under which these two men met. What were they? The jury had already heard of the relations of the parties. They knew that for a long time Dr Webster had been indebted to Dr Parkman, and that Dr Parkman had been very much exasperated against Dr Webster.

The feelings of Dr Parkman were very much

excited against Dr Webster. Those feelings never subsided, but grew more intense. This appeared from the testimony of Mr Pettee. He had in vain endeavored to realize his debt from Mr Pettee. He said to Mr Shaw that he would have it. It was not so much the amount, as to gratify his feelings. He did not call in the aid of the law; but he trusted in his own endeavors in exciting the feelings of Dr Webster. He sent a message by Mr Pettee, which could not but have deeply affected his feelings.

There was a relation of that language by Dr. Webster on Sunday evening after the interview. Dr. Webster might have aggravated it; but however taken, it was such as would be likely to excite Dr. Webster's feelings. On Monday evening you find Dr Parkman at a late hour in Dr Webster's laboratory, where he was toiling for his daily bread. He left him with a menace, and told him that at all events it must be settled the next day. The next morning, Dr Webster sent a note to Dr Parkman. That whole week, Dr Parkman was on the track of Prof. Webster in the streets, and drove out to Cambridge to see him. That was Thursday. On the next day they met under these feelings.—Is it strange that men meeting under such circumstances should get into a wrangle? Is it strange that the creditor should feel himself injured, and that angry words should have followed, and that these angry words should have been followed by a personal struggle, and that this should have issued in the death of one of the parties? Passion had its sway. It was natural that men smarting under such circumstances, should get into an altercation, and that altercation should have resulted in death.

He was now arguing upon the probabilities of the case, from the circumstances proved, which was most likely to have occurred—this combat, resulting from passion, or that there should have been on the part of Prof. Webster a deliberate plan, and that he allured him into this place and took his life with deliberate design. It was not reasonable to suppose that a man of Prof. Webster's standing would, by one stride, have fallen into such a crime.

What transpired afterwards could not change the character of that transaction. The jury are left to decide, upon these circumstances, whether it must not be, beyond all scruple and reasonable doubt, that, if death occurred in these circumstances, it must have been the result of sudden conflict.

Should the jury think it necessary to go beyond, and inquire what happened afterwards, let us consider the case. We should suppose, that in such a case the party surviving would have rushed out, and said, "God have mercy on me; in a passion I have killed my brother!"

But we must remember that all persons would not act alike. He was tempted by his position in society and his family around him, to conceal the crime. This done—the first false step taken—and he could not retreat; all hope of salvation from public retribution was lost.

If, then, gentlemen of the jury, he did write these anonymous letters to the police, it would only be the result of that first false step, for the purpose of covering up the false step taken. I appeal to you, gentlemen, to say whether you do not see that subsequent acts have nothing to do in determining this question. The jury are

judge of the probabilities in the case, and I appeal to you, gentlemen, if under such circumstances you discover that crime has been committed at all, it could not have been that of murder, but manslaughter.

I would now ask your attention to that defence which my associate has suggested to you. The first and second indictments are substantially the same. The first charges the death to be caused with a knife, and the second with a hammer; any evidence sufficient to sustain the first would also the second, and that which would sustain the second would also the first; but in either case the third would not be sustained. The fourth charges the death by an indefinite manner. We claim that the government is bound to set forth the charges of murder in a plain and formal manner; that the murder shall be distinctly declared. We have referred the Court to such authorities as we think sustain our positions. They must do this, or the indictment fails, and the defendant is not bound to answer. To the fourth count we contend it is not competent for the government to offer evidence under it. The fire, water, poison, or whatever other conceivable way in which it might have been done, the government is bound to set forth.

I submit then, gentlemen, it is for you to determine whether you consider it beyond all reasonable doubt that death was produced by the knife or hammer. Do you believe it? The only evidence to show it is that of Dr Wyman, that a knife might have produced death. Will you say that he did not strangle him? are you sure that he did not use the lasso? are you prepared to say of this case that the cause of death was in a particular form? Will you say that he was not held and liquid poison poured down his throat? Will you say that he did not throw himself down those steps over which he hurried so rapidly, and receive his death in that manner?

The Attorney General did say in his opening that if left to his own choice, he would rather rely on the 4th count, or than any other. If the case would not be sustained on this, then he considered it a reproach upon the law. But if the law requires certain specified forms, what would be the greatest reproach to go beyond the law to convict or follow closely its requirements, if acquittal should be the result?

If the government proofs does not come up to the requisitions of the law, you are bound to acquit him, even though he be guilty. The maxim of the law is, that it is better that ninety-nine guilty persons escape, than that one innocent one should suffer. I say then, that the acquittal of even a guilty man is a nobler triumph, under such circumstances, than the glorious of a guilty man on the scaffold.

Gentlemen of the Jury, I shall proceed now to the consideration of the evidence which the government has brought to show that the murder was committed. The government contends that Dr Parkman went into the College, and that he never left it; the defendant admits that he was there at half past 1 o'clock. But if the government takes the admission, it must also take the time stated—it cannot take any other time. The government then claims the death was produced by Dr. Webster; Dr. W. denies it; the government claims that these are

the remains of Dr. Parkman; Dr. Webster denies his also, and says he knew nothing of them. On the morning of the 3d of December, he utters the expression—I do not think these remains are those of Dr Parkman. I cannot tell how they came there. He cannot explain the matter, and yet he says I am guilty in this matter.

I wish to trace the evidence of the government which bears on these two points. But before doing so there are certain things I can better dispose of now than at any other time.

I will call your attention to auxiliary circumstances. Three letters are brought in here which are I relied on to show that Dr Webster wished to direct the attention of inquiry from himself. We must first inquire, is it so? He utterly denies it. I am sorry it happened that these letters so recently came into my hands, they were put in as the last of the evidence, when my attention was directed to other matters; yet I trust we shall be able to make it clear that there is no evidence to show that they are the letters of Dr Webster. In the evidence of Mr Gould, his knowledge is based on the ground that he has effectual skill in ascertaining these things. It is on the "Civis" letter that Mr Gould has given most of his attention. He has undertaken to point out certain letters in which the resemblance is so great that it is impossible for him to escape the conclusion that the letters were written by Dr Webster.

This Mr Gould is one of the merest visionaries that ever was called on the stand to testify. You are to take these letters to your room and decide for yourself whether these are the handwriting of Dr Webster or not; you are to judge of Mr Gould's testimony as you will all other testimony which has been offered.

Believing most confidently that the Civis letter, which is the most relied on, and in which Mr Gould is sustained by Mr Smith, is not in the handwriting of Dr Webster, I ask that you will exercise the most careful scrutiny of it, and compare it with others which have been offered in the case. You will consider whether this evidence is worthy to be relied upon at all.

The government has in reduced evidence in relation to certain articles found in possession of the defendant; a certain box is alluded to on the supposition that the remains might be put in it. The box was to be sent to Cambridge; the remains were at the College. Dr Webster orders a box, he tells what it is to be used for and where it is to be sent; the government says that it is a lie.

Gentlemen, you are to be convinced beyond a reasonable doubt, that the box was to be used for the remains, before you can so decide. It may be the life of the defendant depends entirely on this one thing. He says small things were to be put in it; the government asserts that it was to be used for the remains. They are to prove beyond reasonable doubt this fact, as much so as they are bound to prove the fact of murder.

The same remarks are applicable to the fish-hooks. They pretend that their object was to grapple with the remains. This is guessing. The government is bound to show the actual application, or the intent to make the application for that purpose. So also in relation to the bag of tan. This was sent in from Dr Webster's house. Part of these remains were found

in this tan. The tan was sent in on Monday, and the remains were in it on Friday. The tea chest was seen in the room on Tuesday with the tan in it, and the bag was seen in the entry on Friday. The fact is, the tan was there for purposes which Dr Webster could explain. If you were to go into such a place as his laboratory, the use of many things which you would be surprised to see might be explained to you. I did not know at one time but that the bunches of keys might be used to some purpose. These keys were found by Dr Webster and thrown in to his room, and it turns out that some of them will fit rooms in the College, but none into which he was at liberty to go. If Dr Webster were on trial for burglary, the keys would be considered of some consequence. I submit, then, that the finding of these keys is a matter of no importance.

Something has also been said of a sledge, which Mr Littlefield said he saw, and one witness has testified to finding twine, which was tied round the thigh found in the tea chest.— Taking Dr Webster's expression in relation to the finding of them, and we can account for the missing of the sledge, and the use of the twine. Taking the theory that the government's testimony does not exclude the idea that another hand was there, and all these things would be explained by the agency of a third person.

Something has been said about a \$20 bill.— Mr Trenholm says Dr Webster inquired of him about this bill, but stated at the time that he knew nothing about it.

Mrs. Bent has said that Dr Webster called on her to ascertain if she did not see Dr Parkman on Friday. At this time, everybody was inquiring about Dr Parkman, and it is not strange that Dr Webster should make similar inquiries. From her conversation it would appear that she was very positive she told him it was on Thursday; yet it does not prove that he understood her so, for it appears that on the same evening, while in the carriage with the officers, he was anxious that they should call on her and make inquiries. It must be evident from this that he did not desire that she should make a false statement.

In respect to blood, Dr Webster was entirely open in his inquiries for that article, and nothing has been offered to show the use intended to be made by it. Prof. Horsford, however, says it is no unusual thing to use blood in laboratories. Unless it can be shown that the use of it in his lecture was not required, the fact will avail nothing to the government.

Then in regard to the dissecting room vault, about which Dr Webster inquired of Littlefield. After inquiring if it had been fixed, something was said about its generating gas. Soon as Mr Littlefield said it did generate gas, Dr Webster spoke of getting some for the purpose of making experiments. Thus the conversation ended. The evidence in relation to this matter, I submit is immaterial. If the vault had been wanted for the purpose supposed, it must be clear from the answer received, that a body placed in it would have been fully concealed.

I now come to the proposition that Dr Parkman never left the building, that the remains found there were his remains, and that they were placed by the defendant where they were found. I contend that in the reference to time the gov-

ernment is incorrect, and that these premises were invaded by some unknown person, by whom the remains were placed there. The alibi we shall show commences at twenty minutes past 2. We shall not only prove it, but shall show that the government's witnesses fully establish it. We shall prove that the time when the government's witnesses saw Dr Parkman was after his business was complete and he was going away from the College.

You will remember the proposition which was so clearly explained by my associate that the government is bound to sustain clearly the hypothesis set forth, and no other. Now if the government fails to establish its theory in one point it will be conclusive that it fails to show beyond a reasonable doubt the guilt of the defendant.

Dr Webster says the time was not beyond half-past 1 o'clock. Several government witnesses say that the time when they saw Doctor Parkman was not more than ten minutes before two. We contend that he had been to the College, finished his business and was then going away when he was seen. Mr Littlefield fixes the time indefinitely. Now, then, when was the hour of the appointment? Here we have the testimony of one of the witnesses of the government, the servant of Dr Parkman. He heard the appointment fixed at half-past 1 o'clock.

Then, gentlemen, on the assertion that that was the time, it is likely Dr Parkman was there at the time fixed, because, on the testimony of his friends, he was one of the most punctual of men; then he was pursuing Dr Webster under circumstances that it was not likely that one of the most punctual of men would give a debtor like Dr Webster an opportunity for an excuse. Now, as to the testimony of Dr Bosworth. Littlefield said he was standing at the door of the College while Dr Parkman was approaching it; the door was then wide open; Littlefield then goes into the room of Dr Ware and lies down, but does not see Dr Bosworth, who was going out at the time Dr Parkman was going in; Dr Bosworth comes up, does not find the door as Littlefield speaks of it, wide open, but only a little ajar; and when he goes out he met Dr Parkman on the stairs.

From this it must be concluded that Dr Parkman must have gone to the College, or towards it, the second time. Now I put it to you, gentlemen, whether such a punctual man as Dr Parkman did not have the interview at 1 1/2 o'clock. Mrs Hatch says she saw him at 15 minutes before 2, when he was going up Cambridge street. I ask you, then, to say whether he had not come away from the College, subsequently returned, and was next seen by Mr Thompson in Causeway street.

In relation his having been in the store of Mr Holland; is it probable that under the circumstances, having the appointment he had, that he stopped into Mr. Holland's store and talked about butter and sugar; it is not likely he was there after going to the college; when he left the store he was met by Mrs. Hatch, and subsequently for some reason, returned to the College, and was there met by Dr. Bosworth. Suppose that in a state of excitement, he was under an aberration of mind—and his conduct that afternoon would be explained.

Now let us turn to Dr. Webster. At half-past six o'clock he was at home to tea; in the evening he went to a neighbor's; was at home between 10 and 11 o'clock, and there also in the morning. A medical student says he saw Dr. Webster about six o'clock at the College; Mr. Kidder says he saw him before 5; he was at home early, as we have seen, that night; Littlefield says he was careful to fasten up the rooms of the College, and in the morning he found the outside door open; somebody was there, certainly, and this while Dr. Webster was at home.

On Monday and Tuesday Dr. Webster's rooms were passed through, and nothing was found there; Mr. Kingsley on Tuesday saw the tea chest, with the top slightly covered with minerals. Between Tuesday and Friday a change had taken place, and the chest was found covered with minerals; this building had been accessible as before shown, and somebody had been there. In this chest was found a knife; this knife was found clean. No secret had been made of having the knife. Why was it placed there, unless for the purpose of fixing the crime upon Dr. Webster? If another man had committed the crime there was reason enough.—Wherefore was the wine put upon the thorax? You cannot account for it, except on supposition that some mysterious being had been in the building and put it there for the purpose of fixing the crime on Dr. Webster.

On Tuesday Mr. Kingsley said he saw a bright fire in the furnace; on Wednesday Mr. Littlefield saw one, but on that day Dr. Webster went home early, and did not return until Friday.—Meantime the building remained accessible, and the same person who had the means of putting the body in the building and disposing of it as he did, might have conceived of the idea of burning portions of the body. But where were the remains of the clothing, and why were they not discovered, as among the remains found in the furnace was that of tea chest lead, so minute had the examination been? Does not the failure to find some portion of the clothing sustain the supposition that he was stricken down somewhere else, and the naked body was then carried in there, disposed of as it was until suspicion was fastened upon the defendant, and then the discovery was made known?

Upon these facts and probabilities, you, gentlemen, must judge; and if you cannot under them make it clear that the facts are proved beyond the possibility of a doubt, you are bound to acquit the prisoner.

Far be it from me to charge Mr. Littlefield with this offence in the remarks I now make; it is not my intention so to do. In examining his testimony, should it appear that any thing contributes to invalidate it, it is your duty to judge of it. We would not charge crime on others, but would save others from the charges made upon them.

Let us examine Littlefield's testimony, and see if there are any circumstances which have a tendency to cast discredit upon it. To some extent Littlefield is corroborated by Mr. Sawin, in the matter of having the articles in the entry. So far simply as that the doors were locked at certain times, Mr. Littlefield is confirmed by his wife. But it is not so much his testimony in re-

lation to the closing of the doors, as it is in his saying that Dr. Webster entirely changed at this time his ordinary habits in so closing his doors.

The belief of such a statement as this must depend on the credibility of the witness. Without attempting to impeach his testimony in respect to general character, it would not be too much to say that he had made some contradictions and some mistakes. Wide berth should not be given to witnesses upon whom depends the fragile tenure of a human life.

Mr. Littlefield occupied as much time as was given to several other government witnesses, and yet his testimony is narrowed down to a few points.

On Sunday Littlefield told Dr. Webster that the last time he saw Dr. Parkman was on Friday; this did not agree with his statement to Mr. Trenholm the same day, that he had not seen him for three or four days.

Up to this time it is clear that the relations between Dr. Webster and Littlefield were of the most friendly character. On hearing the remark of Dr. Webster, that Dr. Parkman was at his rooms on Friday, he communicated his suspicions to his wife, and could hardly be prevented from making them public. If his suspicions were first excited there, how are we to account for his conduct on the preceding nights?

On Friday night he says he went to a party, and on his return he tried all the doors of the rooms of Dr. Webster. The examination of the doors of Dr. Webster's rooms on Friday night, Saturday and Sunday, was not compatible with any suspicion he might have entertained.

Monday was the first time he entered the laboratory after suspicion entered his mind that Dr. Webster was a murderer. He passed through this laboratory three times during that day. He passed through when Dr. Samuel Parkman was present, and he knew that he had an opportunity to make a search while Dr. Webster was engaged with that gentleman. In this conduct compatible with suspicion. So also when Mr. Blake was present, and when Mr. Kingsley and Mr. Starkweather went through the rooms, he did not act as a man would who had suspicions; if he had the conviction that Dr. Webster was a murderer, why did he not direct the attention of the party to every place where it was necessary to search. So also it was on Tuesday, when Mr. Clapp made the search: Mr. Littlefield still entertained the belief that Dr. Webster was a murderer and yet Mr. Clapp was allowed to go away after but a casual examination, without the slightest intimation of his suspicions.—And then again he accepted the order for the Thanksgiving dinner, from the red right hand of a murderer. Can this be compatible with his belief that he was a murderer?

They went out together on that evening in friendly conversation, and passed down the street together.—Mr. Littlefield to the lodge. On his way back he says he stopped an hour with Dr. Hanford, to whom he breathed his suspicions. And then, on Wednesday, he says in passing through the entry he felt the heat upon the wall, and thought the building on fire. He got into the room, and found the strange fire burnt nearly down. Here he had an opportunity to satisfy himself as to the nature of his suspicions; yet

he would not take the trouble to remove one of the minerals from the furnace, which he might replace; neither did he examine the privy, of which he says he had suspicions.

On Thursday his conduct changed; the plan adopted by him began to change, and he obtained tools to break through the walls. He says his suspicions related to the privy; if so, why did he not take some means to open the privy? it might prove on breaking through the walls that the remains had not been thrown down, and thus his labor would be lost.

It will be seen that his labors commenced coincident with the offering of the last reward; and yet he now disclaims any desire or intentions of obtaining the reward. If he is an honest man why should he refuse to receive it; the persons who offered it were able to pay it. On that night he went to a ball and says he danced eighteen or twenty times, when he had his suspicions that the remains of Dr. Parkman were almost directly under his own apartments.

On Friday morning, Dr. Webster came in while he was at breakfast, and talked as calmly about Dr. Parkman with him as he talked with others. And yet he says he had his suspicions against Dr. Webster. With the exception of his wife and Dr. Hanford, up to Friday noon, he revealed his suspicion to no one. Then he mentioned it to Drs. Bigelow and Jackson.

Remember, he said, to Mr. Starkweather on Friday afternoon, that every place had been searched but the privy, and he said he could not go any where without finding that suspicions were entertained that the body of Dr. Parkman must be found there. Mr. Starkweather proposed then to search the privy; why did he not; he said Dr. Webster had gone home and carried away the key. Here was a good opportunity, then, to make the matter certain, but he replied, not then; and Mr. Starkweather proposed to come again in the morning. He might then have taken these men down to the already perforated walls and used them as his exculpators. But he wished them to go away, and he was unwilling to have his friend Trenholm remain, and be a witness to the finding of the remains.

These were strange facts, and it was for the jury to determine whether they did not discredit the testimony of the witnesses; and did they not tend to overthrow the the hypothesis of the government, that the defendant had done all that had been charged upon him.

Then in relation to the marks of the blood. With the exception of a few drops on the pantaloons and shoes, no traces can be discovered of the great quantity of blood which is contained in the human body. Can it be that two muscular men should meet in combat in the open day, and a blow should be given and life destroyed without leaving a trace of blood! It is not probable that Prof. Webster, a chemist that he was, having the most effectual means of destroying a human body in a few hours, would have hacked and mangled and left exposed the remains in a privy and a tea-chest? The unskilful manner in which this work was done, shows that it was done by an unskilful hand, which was interposed by some one who had access to this building.

The improbabilities of the commission of this act by the defendant, you will consider. See him go home to his family; he goes out in the evening, visits the family of Prof. Treadwell; he does not here exhibit fits of abstraction; he is undisturbed, calm. Is this conduct consistent with his guilt? Look at the most trifling things which ruffle men in the ordinary intercourse of society; can such things be and not attract the observing eyes of the endearing wife and the affectionate children; it cannot be that such little things can attract attention and yet Dr Webster can commit murder and not exhibit such signs of wandering as will lead to suspicions that all was not right. He must be something more or less than human so to act.

Then his conduct on the following day, when the notice of the disappearance took place. He might have forever concealed the fact that he was the unknown person who made the engagement with Dr. Parkman; still he went to his friends and told the story.

On Friday night he was with his family.— Then came the officers and ministers of the law. They doubtless thought they had a right to make his arrest. He was told that further search was to be made at the Medical College. Very well, said he, I will go—this he said without suspicion. He talks freely and calmly without suspicion on various subjects. Now, suppose he knew that they were about to search again that College, and he was conscious that he had committed the crime charged, can it be that he would be calm under such circumstances. He continued calm, and conversed freely until he reached the inner room of the jail.

Then it was that Mr Clapp told him that no further search would be made; the body of Dr. Parkman had been found and he was arrested as the murderer. Then said Mr Clapp, the prisoner attempted to articulate, but he failed. He knew that he had been deceived, and began to speak of his condition. Clapp told him not to speak about his crime; he then in his agony asked that his friends might be permitted to speak for him. This also was denied him.— Subsequently we are told by Mr Starkweather that he took down the expressions used by him, while suffering under the effects of the charge of this crime.

Follow him down to the College. Here we are told that while he was in the upper laboratory, and the key of the privy was asked of him, he was the most calm. Can it be at this time, before he knew that the remains had been discovered or the wall broken through, he would have remained calm, when he knew that by opening the privy his secret would be revealed? Subsequently we are told that he exhibited great agitation, and was unable to use his limbs when he was carried to jail.

Then, upon the following morning, after he subsided to a more calm feeling, he exclaimed, as we are told, "It cannot be that these remains are those of Dr. Parkman; how they came there I am sure I cannot tell!"

He now comes to you, gentlemen, with the testimonials of his character, from the President of the University to the mechanic at his bench. The testimonials are wholly inconsistent with the charges brought against him as a man of violence.

Mr. Clifford's Closing Argument.

SATURDAY, March 30.

The Attorney General made his closing argument substantially as follows:

Gentlemen of the Jury—In contemplating the magnitude of the evidence now before us I expected that every thing in human power to exonerate the defendant from the charge against him would be done; all that eloquence and ingenuity could do would be done; and I have not been disappointed. Nothing has been left unsaid and no thing has been left undone.

But, gentlemen, I had another expectation, and another hope. When nearly a fortnight ago I spoke of the formidable evidence against him, I did hope that something might be done to exonerate him, but I grieve to say that hope has been utterly disappointed.

I call your minds back to the statement which the government expected to prove; I now ask you on your consciences to say whether that outline has not been filled up, and every thing proved, and I ask you to consider how that evidence has been met.

We have waited weeks and months to see how these statements would be met. This prisoner, though in jail, has not been the forlorn man his counsellers have represented. He has not been the victim of prejudice; I put it to you whether the opposite has not been the case; I put it to you whether a man against whom such prima facie proofs have been brought, has ever had so much forbearance shown to him.

Ever since the evidence was taken before the Coroner's jury, has the defence been in possession of all the grounds of evidence against him. I am not aware that there has been a single fact that has not been submitted to him, by which he might prepare himself for this trial. When the charge, that there has been a secret investigation before the Coroner and Grand Jury, is made, at which he was not present, it will be replied, that there was another occasion in which he might have repudiated, and yet he opened not his mouth, though represented by the ablest counsel. If he was an innocent man, why did he not on the preliminary investigation demand that the charges should be investigated? I put it to you, gentlemen, if in your case you had been so arrested, whether you would not have denounced the nature of the charges against you, whether counsel advised it or not. If you had been building up a good name for sixty years, should you not for the benefit of your family have demanded it.

The time has now come when he appears before a jury with the feeling that he can be secure—but what is the nature of the defence adduced here.

In the 1st place in answer to the evidence of government, he has called witnesses to show his good character. We grant he had a good outside character, with how good a pretence will be determined by an examination of the evidence in this case.

2d. They attempt to show that in being locked up in his laboratory was no new thing.

The third proposition is the explanation of where he was to be found on the week succeeding this murder.

The fourth proposition is an attempt to show that Dr Parkman was actually seen abroad in the afternoon, after he was supposed to have been murdered. In a state of facts like this, there is one proposition which cannot be denied. The State of Massachusetts has a provision in its constitution which guards and protects human life; and under this constitution are laws for that end. If there ever was a case where the ability of that system was to be tested, this is the one.

Gentlemen, we are now to know whether the law is or is not the respecter of persons, whether it is to hold the impotent and ignorant, and fail to hold in its grasp those who live in a higher state of society.

Is there any doubt that George Parkman, a man highly respected, and almost universally known citizen, has been murdered, and is there any doubt in your minds who is his murderer? Can it be doubted that he was murdered in a building erected by his munificence?

But, gentlemen, somebody has done this.—And I come to consider the improbability that a false accusation has been made. Thousands of eyes have been opened, not in this community alone; every man has been watched, and the vigilance of the police has been active in every direction.

It has been said here that there has been no direct evidence; how many murderers, think you, have ever been punished where the witness comes forward and testifies to seeing the deed completed? When men commit murder they do not take witnesses with them.

Let us examine the evidence in the case.

1st. I shall consider whether the act has been committed, and the motive of it. The evidence is circumstantial—so also is almost all evidence. We are not expecting absolute truth—that belongs to Omniscience alone. We are to arrive at the truth by human instrumentalities.

What is circumstantial evidence? Is it so much less strong than that of an eye witness? Let me give the exposition of this matter by an eminent Judge of a sister State. I refer to the charge of Chief Justice Gibson of Pa., in a case of the murder of a child by its mother.

[The counsel here read portions of the charge in question, in relation to circumstantial evidence.]

I shall now call attention to the law in this kind of evidence. I entirely concur with the counsel for the defence in the distinctions made between expressed malice and implied. If you shall find there was express malice, there is an end of the case, and the prisoner must be convicted; but, on the other hand, we contend that the prisoner may be proved equally guilty on the ground of implied malice.

Exception has been taken to this indictment. Perhaps I ought not to say exception; it has been said that the fourth count is not such a count as can be sustained in a court of law. If that was so, I think this learned court should have been informed where that authority can be found. Take the very supposition made by the defence—that the defendant is such a scientific man that he might have obliterated all evidence of the murder, if he had committed one—is he then to be acquitted because the mode cannot be accurately set forth?

It is laid down in Hawkins, that the nature of the charge must be set forth as specially as the nature of the fact will permit. The absurdity of the ground of the defence I will show by the counsel himself. Suppose he did commit murder any way in which it is said it could be done. After killing him, by the means of acid he may, in five hours obliterate all evidence of the human body; although his pocket book and clothes may be found in the possession of Dr. W. and though he may confess he did do it, he might escape under the ground assumed.

Now gentlemen, to come to the consideration of the evidence. The proof in this case must satisfy beyond a reasonable doubt, a reason which shall satisfy you and which you may give to others. Have you a doubt that Dr. Parkman has been killed? If you have, then my labor ceases. It is said there is no direct evidence that Dr. Parkman is not now living. It has been gravely put to you as a question, whether he is now in all life. What have we been doing? Have the solemn rights of religion been observed over unknown bones; and his great estate been administered upon, and he yet alive. Has not such a search been made as shall satisfy every one that these calcined bones are those of the murdered man.

I read it in your countenance that you have no more doubt on this point, than I have that you are conscious of listening to my voice.

What was the original purpose of the alibi that Dr. Parkman was seen in that street on the afternoon of Friday? It was to show that these remains were not those of Dr. Parkman. Why did they select the five or six witnesses to testify to seeing Dr. Parkman, but to throw doubt on these remains. The 1st testimony was that of Mrs. Hatch. But the time in which she saw Dr. Parkman might not be inconsistent with the time in which Dr. Parkman was on his way to the college.

There is another ground on which we may remark. I suppose it may be true, as a physiological fact, that two persons may so much resemble each other, that one may be taken for another. So in the case of Mr. Thompson. We have shown, in relation to his testimony, that the clock on which he relied to prove the time on which he left home, is unworthy of credit. He also may have been mistaken in the man. The testimony of Wentworth I consider so impeached and disproved as to be unworthy of credibility. In relation to Mr. Cleland's testimony, its reliability depends on two facts. The time when he went to see Rev. Geo. Wells, and the time on which he met Dr. Parkman. He may have been mistaken about the time of receiving the notes. And then, in regard to identity—there is a man who has been seen in this city, who so much resembles Dr. Parkman, that he might easily have been mistaken for him. Mr. Cleland says his attention was particularly directed to him from the fact that he was with a laboring man. Rather should he have thought it singular if he had not have walked with such a man, if he be honest, than with a College Professor whom he deemed dishonest.

In the case of Mrs Rhoades, she says she met Dr Parkman when it was near 5 o'clock.—It must then have been near dark; she does not say that she spoke to her first, and where is the gentleman who would not have spoken to a lady

who spoke to him first. There is nothing to show that she might not have been mistaken in the person.

The fact that Dr Parkman has not been seen since that day is as legitimate evidence as is the belief that these witnesses saw him on that day.

But, gentlemen, what was Dr Parkman doing, wandering about the city, now in one place and now in another. The city have made a computation of the number of persons passing through Court street in one day. I am told it is 30,000. Suppose he had been roaming about a whole afternoon, and but six persons saw him in all that time. Rather might it be said that 6000 would have seen him, and been ready to testify to that effect.

We offered to put in evidence that several persons went up to a person whom they thought was Dr Parkman. The Court thought it not necessary to do so, as it was a matter in which the experience of the jury might be relied on. Whose experience is there that does not corroborate the fact that persons often meet others whom they suppose they know, and yet prove to be mistaken. In my own case I have been mistaken for the District Attorney for the neighboring County.

[Here the counsel related a recent incident in which such a mistake took place. He also mentioned a late case in which a person in Middlesex County was tried on a charge of crime committed by another, on the ground of resemblance alone.]

Whether these people saw Dr Parkman or not is entirely immaterial, if the other parts of the evidence are correct. What matters it when the homicide was committed. I should do the counsel injustice should I believe he thought it material.

Where did Dr Webster dine on that day? Did the counsel answer that? Where was he all that interval, dinnerless and alone. If he did dine any where on that day, could he not have shown it? What is the difference whether he committed the murder in the first interview, or whether he enticed him back and did it at 4 o'clock.

How does the evidence prove the murder?—It shows first, beyond all question, that the parts of the remains found in various places constituted but one human body; this is shown by the medical testimony. In addition to that, it is evident that they were parts of a body not a subject for dissection. The testimony of Dr Ainsworth shows this conclusively. Take the fact that Dr Parkman was the only person missing at the time, with that of its not being a subject for dissection, and the correspondence in age, size and appearance, and there can be no doubt on the subject. Take the case of persons most resembling each other, and let their remains be placed in such positions as these were, and however strong the resemblance might be, there would be some little points by which the eye of friendship might detect the identity. Aside from the testimony of Dr Keep, the friends of Dr Parkman had no doubt on the subject before he was called to examine the teeth found in the furnace.

I come now to the positive question, upon which you must be as entirely convinced as

though the body of Dr Parkman had been brought in here unmutated. I refer now to the testimony of Drs Keep, Noble and Wyman. When this evidence was given the learned counsel must have felt, and did feel that their foundation was crumbling like sand and wasting away.

That Dr Keep could tell the teeth made by him, and that beyond a doubt, you have the testimony of the experts put upon the stand yesterday. The peculiarities of the jaw were manifest to Dr Keep, and the remains of a portion of it were picked out of the ashes, put together by a pure lover of science, in such a manner as to make it clear that the jaw to which they belonged, was of the same peculiar character assigned to the jaw of Dr Parkman.

But gentlemen, I come to consider another proposition that there were found in the premises of Dr. Webster the remains of Dr. Parkman. This proposition was met by the opposition on the part of the defence, that the deceased might have come to his death in a natural way, or might have come to his death by his own hands.

The circumstances under which the body was found, go to show that violence must have been used in connection with its death.

I now come to consider the hypothesis set up in behalf of the defendant. You must have been struck with the manifest contradictions into which the case of the counsel for the defence led him. He said first that Dr Webster admitted that he had an interview with Dr Parkman.— On this the counsel contend for their hypothesis. They in the first place disclaim all imputation upon Mr Littlefield in relation to being the perpetrator of this crime.

In the first proposition, the doubt is expressed that these are the remains of Dr Parkman; and if so, it is contended that he might have died by suicide, or in some other manner, or that he was killed in some other place, and then placed by some means in this building.

If Dr Parkman was killed elsewhere, the proposition involves another absurdity. On this hypothesis we must suppose either that the remains were carried there for the purpose of destroying them, or else with the expectation of obtaining the reward.

The preposterous story is, that Dr Parkman went out of the College in a state of excitement, with the money in his hands, went to Mr Holland's store, returned to the College, was afterwards waylaid and killed.

You are to remember, gentlemen, that whoever the murderer was, he was no unskilful anatomist, and had some knowledge of chemistry.

But, then, we are told, that suspicions were whispered against Dr Webster. I ask you to consider whether, in the case of such a man, suspicion should ripen into accusation, accusation into indictment, and a conviction should settle down into the public mind, that Dr Webster was guilty, when there was no ground for such a belief.

[In this connexion the Counsel remarked upon Dr Webster's having been seen by a student going out of the College, and the fact that neither of his daughters recollected of seeing him at breakfast the next morning; also with the fact of the door of the College being found open in the morning.]

I understand by the defence that he connects the finding of the remains by Littlefield, with the offering of the reward. This is out of the case, as Littlefield did not find more than a portion of the body. It is a remarkable fact, that the daughters of Dr Webster confirm the evidence of Littlefield in his absence from home at the time when Littlefield says he was at the College.

Look at the absurdity of the proposition that some one else placed the remains in Dr W's premises, and a portion of them burnt without the knowledge of Dr Webster. How could there be such a fire as would be required, and yet Dr Webster not know it? If the murder was committed in the building it must have been either within the knowledge of Dr Webster or Mr Littlefield. No less absurd is it to suppose that the body was carried there for the purpose of concealment or burning.

The burning of the fire so long, consuming of the kindlings, running of water, breaking into the private room, and also the fact of obtaining twine to tie on the thorax; how absurd is it to suppose that a stranger would have done all these things, and yet they could be kept from the knowledge of Dr. Webster; or suppose the object was to fix the suspicion on Dr. Webster, is it not probable that the body would have been carried there and left unmutated? Why would the person in such a case have taken such pains to place the remains in so many places?

The defence have not attempted to impeach the testimony of Mr Littlefield. Why should he not be believed? And here I have something to say of Mr Littlefield. Why is not his reputation as dear to him and to his family as is that of a College Professor?

[The Attorney General now called attention to the rigid examination to which Mr Littlefield was subject, the search made in his rooms, the watch over him, and the confidence still reposed in him by the faculty of the Medical College, all as tending to show that his testimony was worthy of confidence.]

Mr Littlefield remains entirely uncontradicted, unimpeached. If this be so, gentlemen, than are you bound to believe it. In answer to the obligations of the defence why he did not act upon the suspicions he entertained, it is sufficient to say, that these suspicions were entertained against his superior, one from whom he was in a measure indebted for his bread; that these suspicions were not ripened into convictions, and that when he did commence his digging through the wall, it was when there was danger that the building might be torn down by a mob, if something was not done. That he did not break into the privy, it was enough to say, he didn't know he should find any thing there, and he was unwilling to risk his being detected in the act by Dr Webster, whose appearance there at any time might have surprised him.

If Littlefield is to be denounced for entertaining suspicions, why should not also Drs Bigelow and Jackson, who encouraged him to break through the wall.

Suppose it were true, as Dr Webster subsequently asserted, that Littlefield could explain how those remains came in the College, why did

not Dr Webster say this when they were confronted at the College, on the evening when the remains were found.

Mr Littlefield was at the door of the College within five minutes of the time when Dr Parkman went into the building. After Dr Holmes' lecture was over, at a quarter past 2, he went down stairs; he was seen by Dr Bosworth at 3, in his working dress, laid down afterwards, was called by a niece to see Mr Pettee subsequently, and went to Mr Grant's dancing academy in the evening. Thus we account for Mr Littlefield, but where was Dr Webster on that afternoon?

The counsel on the other side have made various suggestions as to the probable course which Dr. Webster would have pursued, if he had committed the murder. The reason that he did not throw the body into the dissecting vault—may have been because he did not know where to find the key. As to the question why he did not destroy the body by certain chemical solutions, of which he had an adequate knowledge, it is enough to urge the common observation that men who commit crimes, do not always act with the greatest wisdom in regard to their own safety.

The innocence of the defendant has been argued from the fact that he spent the evening with Prof. Treadwell without exhibiting any marks of emotion. Is it remarkable that he should have done so, when he has set in limbo for two weeks, and yet not for one moment has he exhibited any emotion, even when the greatest solemnity prevailed, and the most affecting testimony has been offered. The only instance in which he has shown any feeling, was when borne down by fear on the night of his arrest.

[The Attorney General here commenced the argument that the character, social position and education of the defendant precluded the idea of his having committed such a crime, and argued that the fact of his having been considered respectable and moral was no evidence that he was so. He also cited several instances in England and in this country to show that men of as high standing as the defendant had been left to commit as great crimes as that charged upon him.]

I have already shown that Dr Parkman never left that building, that he never could have been slain by a third person, and now propose to show the reasons for believing that Dr Webster committed the murder. But what were the relations between these parties?

I will adopt the language of the defence, that the relations between them were not of an amicable character, that Dr. Webster was the debtor of Dr Parkman; that Dr Parkman was pursuing him for the payment of that debt; and that the money received for lectures, which he promised to pay to him, was devoted to other purposes.

We are told that Dr Parkman was following him up; he had no money to meet the payment of the debt; his minerals had been disposed of; his furniture was all that was left him; he was thus stripped of all that he had; and when we come to motive, I contend that no starving vagrant, prowling about the community, had great

er inducements to commit such a crime than had the defendant.

Dr Parkman had had two mortgages—one for \$400, and the other for \$2432. In April 1849, the actual indebtedness of Dr Webster to Dr Parkman, was \$456.27. There was on the other note an indebtedness of \$512.50 due to other parties. I ask you now, gentlemen, if you suppose that Dr Parkman would cancel the mortgage on that note on which so much was due to others, even if he had received all his own due upon it. Having got these notes into his possession, he had two things to do; he had first to dispose of the remains of Dr Parkman. This he would be most likely to do by fire, as least likely to excite suspicion. Having done this he sits down to fix upon the sum he says he paid to Dr Parkman.

On his person was found the most remarkable document ever found in the pocket of an innocent person.

[Mr Clifford now proposed to show that Dr Webster did not owe Dr Parkman so much as he said he paid him, and read the memorandum of which he had spoken, and which has been published.]

This sum he contended was a fiction; not only told to the friends of Dr Parkman, and the figures placed upon a small slip of paper and put in his wallet, lest he should forget the amount. In his further relation of his interview with Dr Parkman, Dr Webster said Dr Parkman dashed his pen through the note, and rushed out of the building.

Now it will be seen by an inspection of the note that it would have been necessary to dash the pen through six signatures. But this was not done, and the means by which the dash was made had been proved to be with an instrument of a different character from that of a pen.

AFTERNOON SESSION.

Mr. Clifford resumed his argument for the Government, by saying he hoped he should soon get through with it.

I proceed now to consider the conduct of Dr. Webster, in his declarations to Mr. Blake, Dr. Parkman and others, involving inconsistencies and contradictions. Dr. Parkman, as I have already said, never could have cancelled the mortgage, if he had said he would, so long as other persons had an interest in it.

I now come to a serious matter, that of the declaration of Dr. Webster, that he paid the money to Dr. Parkman. Taking the account of Mr Pettee and that of the Charles River Bank, there is no evidence to show that he had so much money.

The prisoner and his counsel have never for a moment been unmindful of the fact that they were unable to show how this money was obtained. He has had the whole treasury of the state at his command, to bring the witnesses to show this important fact, and yet he has failed to do so. Every student who attended his lectures might have been summoned here at the expense of the State, and testified to their having paid this money, if he had been so paid. Taking the statement of his counsel, as furnished by Dr. Webster, and you will see how transparent is the falsehood that is relied on to show

that he had funds sufficient to meet this note, which he asserts he paid.

If he had the money in the morning at 9 o'clock when he called at Dr. Parkman's house, why did he not pay it then? He could as well have paid it then as at half-past 1 o'clock. And there is no evidence to show that he received the money during that forenoon. I am reminded, gentlemen, that on that morning, he did receive \$90 from Mr. Pettee, but the Bank account shows that this amount was deposited there on the next day.

Here, gentlemen, we come to a serious point. If he did not pay these notes—and it is very evident he did not—how came they in his possession, and what would become of the stories that Dr. Parkman was murdered elsewhere?

I propose now to consider the condition of things in the laboratory where the remains were found. With the remains were found towels nearly new. Dr. Webster was not in the habit of throwing such things needlessly away. On the very Friday morning in question, one of these towels was seen in Dr. Webster's room. Take the case also of the knife. The government overlook the fact that the knife was at Dr. Webster's own house on the 17th of November. This knife, they say, was put into the tea chest to excite suspicion towards Dr. Webster. It is enough for me to say in relation to the knife and the hammer, that here were the instruments by which death might be produced; and in relation to the bag of tan, why was it left in the entry by Mr. Sawin at the request of Dr. Webster; when, as he testified, he had been there two hundred times, and no such request was ever made to him before?

What was the conduct of Dr. Webster during the week of the murder? We find the extraordinary occurrence of his having been locked in his rooms, when he had no occasion to prepare for lectures, and that fires were burning in his rooms, and the water was left running.

It is not alone by Mr. Littlefield that we show that his doors were locked. Even the daughters of Dr. Webster confirm Mr. Littlefield's account of his absence. What evidence is there to show that he did not come into the city on Saturday morning after his daughters left him up at home. Mr. Littlefield tells us he did not want any fires made in his rooms, and on Saturday, when he proposed to go down through the laboratory, he was told to go out the other way.

In coming into the city on Sunday he had only two facts to communicate to the Rev. Dr. Parkman, the fact that he paid his brother some money, this was very important to himself—and that after he received the money he rushed out of the room with the money in his hand, in a state of great excitement.

The counsel for the defence have stated that the complaint has been made that his interview with Rev. Dr. Parkman was too formal, while in that with Mr. Blake he was too warm. There was another interview with S. Parkman Blake, on Monday, when Dr. Webster appeared to brace himself to reply to the questions put to him. In this interview he told Mr. Blake that Dr. Parkman on going away said he would go and see the mortgage cancelled; and yet the mortgage had been found in his possession.

On Tuesday, Dr. Webster tells Mr. Littlefield

that the articles for his lecture would not bear a fire. If this was so, it would have been easy for his counsel to have shown it. On the same day, Mr. Kingsley noticed the tea-chest, the tan, and a fire in the furnace. On the next day the heat of the fire in this furnace was felt through the wall; he had built the fire, covered up the furnace with minerals, and then left it to smoulder, while he went home to make his alibi.

In relation to the tin box—his daughter has testified that he had been in the habit of sending plants in air tight boxes, yet she admits she did not know of any such plants then in a state of preparation to be sent away. We have it from Mr. Waterman that he never before made such a box for him, and that he spoke of putting books in it. While at Mr. Waterman's he told the story of a mesmerizing woman who in a mesmeric state saw some one carried off in a cab, and when the cab was found, it proved to be all bloody. What a story this is for a Professor in a college to be telling to a mechanic!

Then in relation to the anonymous letters, we have it on the authority of the experts that the "Civis" letter has a resemblance to the handwriting of Dr. Webster. Whoever the writer was, he evidently was a man of education. Can it be deemed consistent with the innocence of a man to be writing such anonymous letters to the city authorities. The testimony in relation to the other letters was not quite so positive, yet it is very evident, that the Sanctript [E. Cambridge] letter is written on paper that an ignorant man would not have been likely to have had in his possession.

I have already spoken of the interview of Dr. Webster with Littlefield at the College, and will now speak of the conversation of Starkweather at the jail office, which was of an extraordinary character. I will first remark upon a sentence in the Civis letter about cutting up the body and the necessity of searching in necessaries and cellars. On the supposition that this was the letter of Dr. Webster, we have an explanation of his conduct after his arrest.

Now look at the conduct of Dr. Webster on his way from his home to the College. Here was a man who knew that his rooms had been twice examined, going in a carriage with three police officers. Mr. Clapp gets out at the jail office, and invites them into the office. Here was a Professor of Harvard University going into the jail office with three police officers and no objection or inquiry was made until he was taken into the inner office. Now let me call your attention to the conversation with Mr. Clapp and Mr. Starkweather. Mr. Clapp did not say that the body had been found—he only said, we have done searching for Dr. Parkman, and have arrested you as his murderer. Then when with Mr. Starkweather, Dr. Webster asked several questions. Have they found the whole of the body? Why should he have asked this question, unless he knew something of the manner in which the remains were disposed of? Subsequently he said to the officer who attended him, I expected this. Here out-spoke the guilty man.

It is represented that at the time he was not in a rational state of mind. Yet he knew enough to attempt to implicate Littlefield. When Mr. Starkweather asked if any body had access to his apartments but himself, he replied, no one but the porter who builds the fires. After wait-

ing a moment he says, That villain, he has ruined me! Is this consistent with his innocence, when up to this time he had not been informed that the remains of Dr. Parkman had been found? After he had been to the College, and was returning in the carriage, he said, Why did they not ask Littlefield to explain. They wanted me to, but they asked me no questions. It was then noticed that his clothes were wet with the sweat which profusely came from him. This sweat was caused by the agony of fear produced by his guilt.

On Saturday, after recovering his composure he said, Those remains are no more Dr. Parkman's than they are mine, but how they came here, I cannot tell. Here, gentlemen, we have gone over the defence, and this is all of it.

Then take his conduct after this time. He appears before the Police Court, asks no examination into the charges preferred against him, preferring that his hitherto fair fame should be blasted, and that his family should suffer in suspense. Immediately afterwards he wrote to his daughter, and in that letter is the extraordinary sentence, "Tell mamma not to open the little bundle I gave her." What an extraordinary letter is this! Not a word is there in it of his reliance on Divine Providence to release him from the position in which he had been placed. He says nothing about his innocence; he speaks only of his physical wants.

The jury had been asked to consider the act, if committed, as committed in the heat of blood. His conduct repelled this supposition. It was, however, immaterial how long he had premeditated this act, whether one day or one minute; the malice was evident in the hacking of the body and limbs, if not in premeditation.

Gentlemen, have you any doubt in all this evidence, that Dr. Parkman came to his death by the hands of Dr. Webster. It is not merely a possible doubt that will justify you in acquitting the prisoner, but it must be a reasonable doubt. You have been asked, gentlemen, to remember the family of Dr. Webster. We do remember them, even though he did not. We remember them better than he did the family of Mr. Littlefield, upon whom he sought to cast unjust suspicions. There is another family whom we must remember—the invalid daughter, the son in a foreign land, prematurely called to assume the management of a large estate.

Mr. Clifford here adverted to the fact that throughout all communities the innocent must suffer from the crimes of the guilty, and addressed the jury upon the nature of the responsibilities resting upon them. He felt, he said, that in no case ever tried in this Commonwealth, was so great a responsibility devolved upon twelve men, and he trusted that they would exercise their responsibility that they would never have occasion to regret, that they had done their duty.

ADDRESS OF THE PRISONER.

Upon the conclusion of the argument of the Attorney General, Judge Shaw said to the prisoner that he could then have an opportunity of addressing the Jury if he was desirous of saying anything that had not been said by his counsel.

Dr Webster then arose and said that various circumstances had combined to weave a network

which had by perversion been used against him. In nine-tenths of these cases, if he was allowed time, he could give the most satisfactory explanations of the circumstances. In some of them he had put the evidence of solving them at the disposal of his counsel, but they had not seen fit to use it, and by their advice his lips had been sealed.

It had been stated for instance, that the letter to his daughter produced in Court was the first written to his family; this was not so, for several had been written previous to this. While in jail he recollected seeing it stated in one of the public prints that about the time of his arrest he purchased a quantity of oxalic acid. This reminded him of a circumstance which occurred before his arrest, and which was the occasion of a sentence which had been read from that letter. Mrs Webster had asked him to procure nitric acid. He had forgotten it on several occasions, but happening to think of it on the day of his arrest, he stepped into Mr Thayer's, under the Revere House, purchased the article, stopped and talked about the disappearance of Dr Parkman, and took the omnibus from that store. The parcel he gave to Mrs Webster upon his entering his house. It was this parcel that he wrote not to have opened, as it might be important that it should be used as evidence on his trial.

Another circumstance had been made use of against him, which was very easy of explanation. Mr Cunningham was present at his house when the first search was made. The officer states that he looked over the trunk spoken of and could not find the papers he searched for; yet on the next time he went there he found the papers in the upper part of the trunk. This is explained by the fact that after the officer went away the first time, Mr Cunningham found the papers and put them where they were found, and took a memorandum of them.

In relation to the interview with Rev Dr Parkman, he must say that he thought he had in his testimony done him great injustice. He did in conversation with him, speak of his brother as having labored under an aberration of mind. He also asked him about the lettuce his brother bought, and whether he brought it into the College with him, and asked whether it was a common man with whom he was seen going over the bridge.

In relation to the nitrate of copper, he would say that he had occasion to use it in his laboratory for the purpose of making nitrous oxide gas to be used in his lectures.

The fact that he had been calm, had also been used against him. His counsel had advised him to that course, and he had trusted in his God and his conscience for reliance in this case.

The money to pay Dr Parkman he had hoarded in the same little trunk that had been spoken of, but he could not produce evidence to prove that he took the money from the trunk.

In regard to his laboratory, he would say that he had formerly been in the practice of allowing students to visit it at times, but in consequence of their having broken many things he had locked his doors.

He could prove that he had never been absent from his house a whole evening during the week of the disappearance, except on Wednesday. On that evening he came to town with his daughters.

On Friday afternoon of the interview with Dr Parkman he went to the omnibus office, and on his way he stepped into Brigham's, at Concert Hall, about 3 o'clock, and took a mutton chop for his dinner.

On Wednesday evening, when he was in the city, he happened to think of a book he was to purchase for a relative, when he stepped into Mr Munroe's bookstore and obtained it. He then went into Brigham's and got a cup of tea, and afterwards went to Mr Cunningham's, where his daughters were. This book was subsequently found at Brigham's, where he left it.

The prisoner here sat down, but almost immediately rose again, and said he had been more distressed by the anonymous letters produced in Court than by any thing else. He called his God to witness he knew nothing whatever of those letters. Since his trial commenced his counsel had received

a note from the author of the "Civis" letter, and had endeavored, without success, to ascertain who he was. He would now call upon him, if he was in Court, and had a spark of humanity about him, to come forward and avow himself.

These remarks of Dr Webster were made with great distinctness and earnestness, yet exhibited far less emotion than his counsel did for him, and showed that he had profited by their advice to him to keep calm.

JUDGE SHAW'S CHARGE TO THE JURY.

Judge Shaw then proceeded to charge the Jury. He spoke of the deep sense of responsibility that rested upon him, and with much emotion. The trial had been brought to such a state, that they had concluded, notwithstanding the lateness of the hour, they should proceed to present the case to the Jury.

It was mainly a question of fact. The principles upon which the Jury were to act, it was for the Court to give.

Some appeals had been made to them as to their duty. He thought the solemn investigation had impressed them more deeply than he could upon the solemnity of their responsibility. This was a case where a man was charged with a high crime. We lived under a government of law; and its administration was committed to different departments. We were not to consider the character of the laws, but to carry them into execution.

That was the proper and appropriate province of jurisprudence. When any particular person was brought before us, we were to consider what was the law, what the facts, and what their application to the individual. And here again was a division of duties. It belonged to the Court to state the law; and it was the province of the Jury to take into consideration the facts.

With these preliminary remarks, he would proceed to the case.

This was an indictment charging the prisoner at the bar with the crime of murder. Homicide was of various degrees, according to circumstances—embracing every species by which the life of a man was voluntarily taken.

The indictment charged that the defendant, on the 23d day of November last, of malice aforethought, in various ways, did deprive Dr. George Parkman of life. This was the charge. The charge must be made in various terms.

To determine what was murder or manslaughter, we must go to the common law. The statute made no provision. But the common law was the law of our land, as well as of England. Referring them to these principles, he should state them from a former memorandum, which he had revised for this purpose—that criminal homicide was divided into two kinds—murder and manslaughter. Murder was killing with malice aforethought. This was designed to include killing for any wicked purpose. Manslaughter was killing under the violence of sudden passion, and sufficient provocation, or death resulting from some other cause, with no intention to kill. The difference between the two consisted therefore of malice. The implication of malice was to be made where the fact of killing was proved, and nothing appeared to

afford any justification or excuse for the killing of the party. Therefore the assailing of one with a deadly weapon, was sufficient to show that there was malice aforethought. On the other hand, if death occurred immediately after the blow, where there was nothing more than provoking language, it was unquestionably murder.

This was a case in which a person suddenly disappeared, in which evidence had been laid before them to show that he was deceased, and the strong implication that he had come to his death by violence. The question, who did it? was to be determined by circumstantial evidence. The distinction between circumstantial and direct evidence was, that, in the one case, the testimony was given by some person who saw the deed. But, if we were confined to this, almost all crimes would go unpunished. Circumstantial evidence might be even stronger than the other, and yet this was hardly a just comparison, because they were entirely different.

Most crimes were committed in secret, and they could never be brought to light unless they could be proved by other than positive testimony. Both these kinds of testimony had their advantages. The advantage of positive testimony was, that you heard a man who testified to the fact itself. But if the witness was not to be credited, it was even of less value than the other.

Certain rules must be acted upon in judging of circumstantial evidence. First, That the facts on which the conclusion depends must be proved. These facts must be consistent with each other. The circumstances must all be consistent with each other. As in a case where it was supposed that a woman had committed suicide, there was the print of a bloody hand, of the left hand, upon the right side, which could not be made by herself. Second, That all the facts must be consistent with each other, which was what he had just stated. Of this character was an *alibi*; which was, that he was somewhere else at the same time. That had been the source of a vast deal of inquiry, because an *alibi* might easily be attempted. But if it was clearly proved, it settled the question. But where this was attempted, it must be clearly proved. Of this character was also the case of a man who was accused of stealing timber. It was proved that he was alone, and the timber was larger than he could move.

The facts should be to a moral certainty, excluding every other reasonable hypothesis. They have a tendency to show that the crime must have been committed by the individual, and also that it excludes any other reasonable hypothesis. Now we were to apply these rules to the present case. In the first place it was proper to refer to the indictment. The Court had taken the subject into consideration.

The rule was, that no man should be convicted of a crime, unless the crime had been clearly and formally set out. It therefore becomes often necessary to set out several things. This was because the party drawing it did not know which he should be able to prove. But the Court thought it was not necessary to prove that death was caused by any particular mode by which death had been inflicted. There might be new modes of inflicting death. For instance, in a chemical laboratory or a physi-

cian's room, a man might hold a sponge filled with chloroform over another's mouth. Therefore, if death was proved, that was sufficient to sustain the indictment.

The Judge read from the authority to show that where death was inflicted by any means upon the body, it was to be regarded as murder. In a case of this description, if it were shown that life was extinguished by any of the means here stated, this would be sufficient; for the body was left in such a position that it might be impossible to prove either.

In regard to the last count, the Court were of opinion that this was a good count in the indictment, because it was necessary to secure the ends of justice. For there might be cases where it was impossible to determine in what particular mode death was caused. It must be some physical force applied to the person, and this was charged in this count of the indictment, for an assault was charged. The Court were therefore of the opinion that this was a sufficient indictment to produce conviction.

Then what was necessary to be established? In the first place, the facts established must exclude the idea of suicide. It was proved that he was about on Friday forenoon, in his usual health and spirits—that he went into the Medical College and was never seen to come out. In the afternoon he was missing; and search was instituted and continued through the week, when parts of the body were found under the Medical College, and the defendant was arrested; after which other parts were found.

In the first place, was the crime proved? He supposed that the party, going to the College in his usual health, and not coming out, the presumption was that he came to his death by violence. Then there was the fact to be established, whether these were the remains of Dr. Parkman, and that the circumstances were such as to exclude the idea that he came to his death by suicide, or by any other hand.

The fact was established, that he disappeared on Friday afternoon—this was proved beyond a doubt. And the question was, whether the death could have been produced in any other way. As to the *alibi*—when they were called to consider the evidence of a fact, if there was a vast overwhelming evidence against the conclusion attempted to be established, they were not to come to that conclusion.

Notwithstanding this proof of his moving through the streets, it is proper to inquire if hundreds or thousands might not have seen him. This, though negative evidence, is of importance as a means of comparison. It is possible, too, in such case, that a person might have been mistaken.

It is true, it is not important about the time, if the other circumstances tend to show that the crime was committed at the College.

On that day, it appears that Dr W. lectured, met Dr P. there and paid him the money. It appears, then, that at 5 he was at Mr Kidder's, and it is testified that Mr Preston met him about 6 at the College. Then, if there was no appearance afterwards, and the evidence shows that his remains were found, then the jury are to judge whether there was evidence of concealment, whether they were parts of the same body, and then whether the parts were those of sub-

jects of dissection. The manner of determining this is stated by the medical gentlemen.

Judge Shaw now proceeded to comment upon the subject of the notes. If, said he, it can be proved beyond reasonable doubt that Dr Webster's object was to get possession of these notes, and that in doing so death was produced, it is clear that express malice is shown.

The fact if it be so, that there was money due on the large note not yet payable, and the note was found in his possession, would make a still stronger case. The fact that the object was to get possession of this, the Jury will judge.

In relation to the means of identification of the teeth, Judge Shaw said that the subject was one of interesting inquiry not dissimilar to the means of investigating fossil remains. He then would but barely refer to the testimony of the gentlemen on the subject. The jury would then judge whether the identification was complete, then whether the other remains were part of the same body—if so, whether the death was produced by violence.

It is proper to refer to one subject of evidence which is given only by Mr Littlefield. It had been asked why it was, if the murder was committed, the remains were not consigned to the dissecting vault. It would appear from his evidence that the vault was secured by a double lock, and the key was kept in a dark corner out the way.

The fact of the remains being found in his rooms, and were there in accordance with his knowledge would go to strengthen the evidence of motive, as also would the fact that if he told the friends of Dr. Parkman that he paid one note, and two were found in his possession.

After stating that he should pass over many things which the Jury would consider, the Judge said he would allude to one thing that had been used against the prisoner, which should not have weight, and that was the fact that he waived an examination at the Police Court.

The anonymous letters were considered as having weight when corroborated by other circumstances, and in relation to the character of a man, as evidence, it is competent to use it in cases of circumstantial evidence; but of not so much weight in higher crimes as in lesser ones. It is true, that in the case of a man whose character has stood fair until an advanced period of life, the evidence against him should be clear, strong, and beyond a reasonable doubt.

The charge was concluded about 8 o'clock, having been about three hours in its delivery.

THE VERDICT.

At 10 minutes before 11, an officer came in and whispered to the Sheriff, that a verdict had been agreed upon, and during the most perfect stillness of the audience the Jury entered and took their seats. At nearly the same time the Court entered by the other door, and took their places on the bench.

The Clerk then rose, and addressed to the Jury the inquiry—

"Mr Foreman, and Gentlemen of the Jury, have you agreed on your verdict?"

Mr Byran, foreman of the Jury, bowed assent.

Clerk (turning to the prisoner)—"John W. Webster, hold up your right hand!"

The prisoner rose and looked steadily and intently upon the foreman of the jury. The Clerk then continued—"Mr Foreman, look upon the prisoner; prisoner look upon the jurors!"

The gaze of the prisoner upon the jury men, who stood in a line, each with his face turned toward him, was at this moment terribly fixed and sear-ing, as if to anticipate the single word upon which his fate hung suspended.

The next and final interrogatory of the Clerk was then put—"What say you, Mr Foreman; is the prisoner at the bar Guilty or not Guilty?"

Foreman—"GUILTY!" The word was spoken in a distinct tone, and broke upon the awful stillness which preceded it, with a solemnity which we shall never forget. Each member of the Jury was evidently very much affected.

Up to this moment the prisoner had stood erect, his right arm raised, and his head thrown back, as he gazed fixedly at the Jury. As the awful import of the verdict reached his ear, the raised arm fell with a dead sound upon the bar

of the dock, his frame was violently agitated as with spasms, his head fell forward, the chin resting upon his breast, and the unhappy man sunk, apparently helpless, into his seat.

The Sentence.

MONDAY, APRIL 1, 1850.

Prof. John W. Webster was placed at the bar for sentence, at 9 o'clock this morning. The crowd in and about the court room was immense. The prisoner appeared quite calm.

The extreme sentence of the law was pronounced by Chief Justice Shaw. Closing an affecting appeal to the conscience and feelings of the prisoner, he said, "And now the sentence of the law is, that you, JOHN W. WEBSTER, be removed from hence to the county jail, there to be kept in safe custody, until such day as the Executive shall appoint, when you are to be hanged by the neck until you are dead; and may God have mercy on your soul."

Thus ends this most extraordinary and exciting trial.



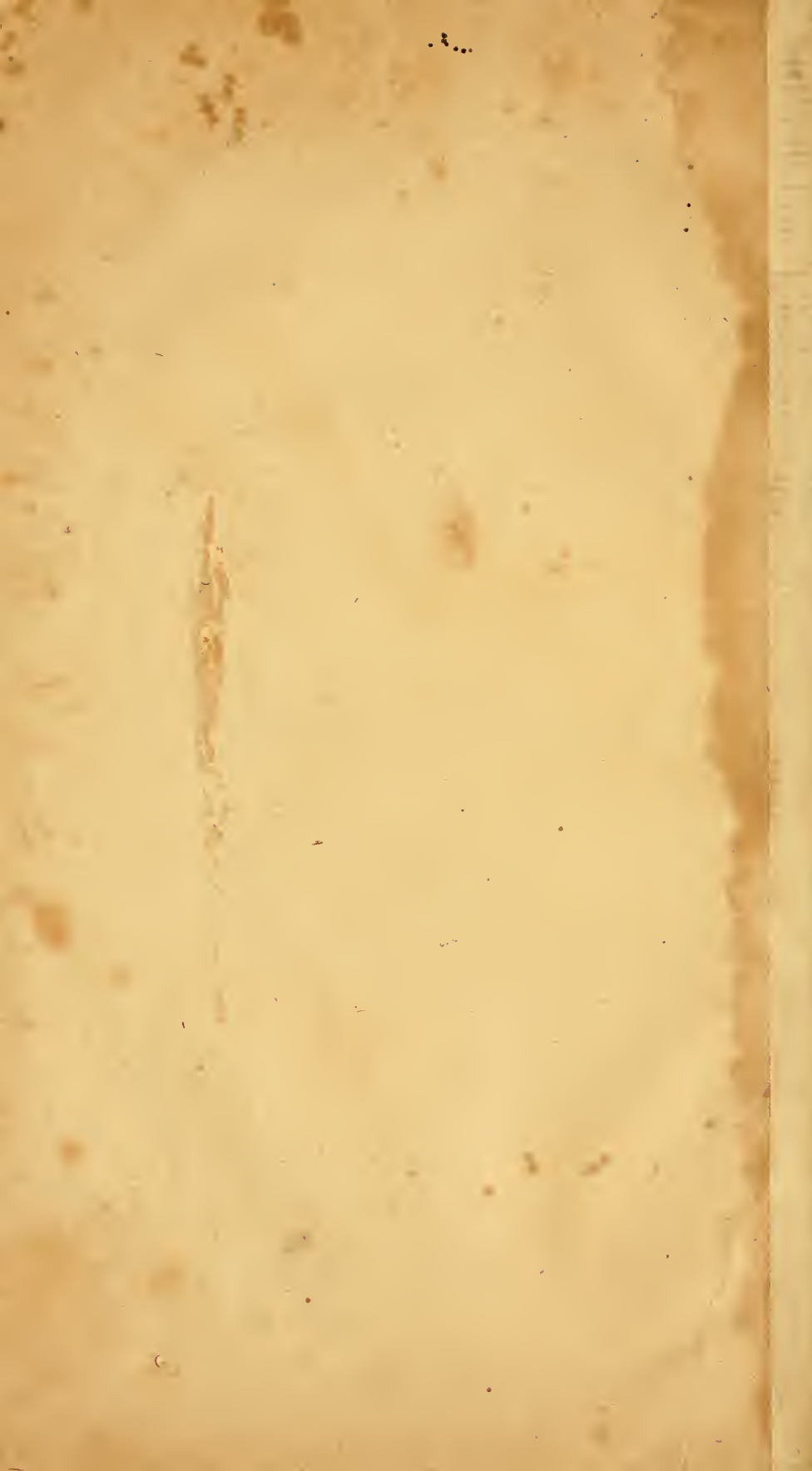
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