

Trial of Professor Webster, FOR **THE MURDER OF** **DR. GEORGE PARKMAN,** NOVEMBER 22, 1849.

SIXTH DAY.

Boston, March 26.

Dr. Francis Parkman examined.—I am a brother of the late George Parkman, and have known Dr Webster for a great many years. When he resided in the North End, in his father's house, he attended—I was his pastor. When he removed to Cambridge I was often in his house, and knew him as being connected with the college. I performed certain pastoral offices in Dr Webster's house, two months before the death of my brother. I was called on by the son-in-law and daughter of Dr Webster—now in Faval—to come and baptise their child, a grandchild of Dr Webster—as I baptised all the children of Dr W.'s family. On the Sunday after the disappearance of my brother we were in great perplexity and distress. We were none of us at Church. I passed the whole day in my brother's family. About four o'clock in the afternoon, as the people were passing from Church, Dr Webster came to my house, and was let into the parlor. Immediately on entering the room—almost without customary salutation, he said, 'I came to tell you I saw your brother on Friday afternoon, and paid him some money.' I think I or Mrs Parkman said to him, 'Then you are the gentleman who called at George's house at half past nine, on Friday, and made the appointment?' He answered he was; and that he should have come before, but that he had seen the notice on Saturday evening, but had waited till now, thinking the family would be at Church. I said to Dr Webster, 'I am glad to see you; for it is a relief to us to know who called on him; for we were afraid it was some one who wished him ill, and had led him to East Cambridge.' It had been so reported. Dr Webster said, 'It was I; and your brother came to me to the College, where I paid him four hundred and eighty three dollars and some cents.' I asked him if he was certain as to the hour; for two persons had come to my house, and said they had seen my brother, who was some distance from the College, at about one o'clock—not so far, however, as to preclude his being there at half past. He said it was that time, for his lecture was nearly over. I asked him if my brother had any papers in his hand, and he replied he had one, which he dashed his pen through—evidently meaning that the act was one of suddenness and violence. He spoke of my brother cancelling the mortgage, and said that he expressed the words, 'I'll see to that,' and went out very rapidly from the room in the college where the interview took place. I asked Dr Webster if he could tell me whether my brother actually went to Cambridge? He said he did not know, but would go himself and see whether he had gone or no. I followed him to the door, half way to the gate, when he stated his intention of going to Cambridge. I have omitted nothing, or added nothing to what was passed, so far as my memory serves me. Dr Webster took out a paper while he talked. His manner I could not observe to be hasty. There seemed great earnestness of manner—something approaching nervousness. He commenced in a business manner when he came into the room. He expressed no surprise at the disappearance, or sympathy in our grief. I should describe it as a business visit. I have observed such a suddenness and quickness of manner in Dr Webster before, and therefore was not so much surprised at his motions. There was a certain flurry of manner—I had not observed in him before, but not so great as to attract my staid attention. What particularly struck me was the absence of that tenderness which would characterise the approach of a friend to those who were in such perplexity as we were. He was not, I should be perfectly safe in saying, any more than ten or fifteen minutes in my house. I cannot distinctly say—but my impression is that he did not wear an overcoat at the time he called. I stood on the steps of the door when he left. I should not undertake to declare, but I should think, he went down Green street towards the College. My brother's domestic habits were very remarkable: he was among the most punctual of mankind in his habits—in his way. He lived much at home in the city—seldom departing from it—and always was at home regularly to his meals. He has left a wife, a son, and a daughter—two children. His daughter had been a great invalid—had a delicate frame, and one for whom he was affectionately interested. He was much with her. His son was in Europe at the time, but has since returned. I believe I may say with confidence, that I never heard my brother use profane language. When he was moved, and he was not an irritable man—he could utter very strong language—but I never heard him utter a profane word on any occasion.

Cross examined.—The parties' names who said they saw my brother at one o'clock were Fessenden and Hollis. I cannot say what paper Dr Webster took out of his pocket. I regretted I did not ask him, but I concluded it was a mortgage. I passed the whole morning in my sister's family, along with part of my own, but came home to dinner, and did not go out afterwards.

The court here adjourned until to-morrow at 9 o'clock.

SEVENTH DAY.

Samuel Lano, junior, called and sworn. Am in the hardware business at No 9, Dock Square. Knew Dr Webster since 1835. After I heard that Dr Parkman was missing, I saw Dr Webster in my place of business—do not recollect exactly what time, but should think it was in the after part of the day; I think it must have been Monday or Tuesday after I heard of the disappearance of Dr Parkman. He came in and enquired for fish hooks; we did not keep them.

James W. Ederly called and sworn. My place of business is in Union Street; remember the time of Dr Parkman's disappearance; a person came in into my store to purchase fish hooks—the largest hooks we had; I showed him the largest we had; he purchased them and went away.

(The hooks were here shown to the witness, and he said he should say those were the hooks.)

There is a peculiar mark on them, and they are an unusual size; we had them on hand a number of years, and had seen them frequently; have since seen the man who purchased them; did not know Professor Webster then; have since seen him in jail and in Court, and recognise him as the man.

William M. Mead, sworn. Am in the hardware business in Union street. Have only seen Dr Webster lately; he called at our store on Friday, the day after thanksgiving week, and enquired for fish hooks—said he wanted some hooks to form a grapple. I showed him some, and showed him how they might be put together to form a grapple; they were considerably smaller than those shown to the Court. I was called upon by officer Spurr to go down to the jail and look at him, which I did, and was satisfied that he was the same person. It was near a quarter of one on Friday when he came to the store.

By the Court—I sold him three.

William M. Tyler, sworn. Is a rope and twine manufacturer; examined the twine found on the remains, that on the fish-hooks and on the ball—had no doubt they were from the same piece. They were made of Russia green hemp, and it is not usual to put up such for common purposes, rotted hemp being used, which is cheaper.

Samuel N. Brown, sworn. Takes toll on the Cambridge bridge. On Friday, November 20, took a twenty dollar bill on the Freeman's bank, of an Irishman, who gave it in payment for one cent toll. Showing the Bill to Dr Webster, on that day, to see if he could recognise it as one of the notes he paid to Dr Parkman—he could not. I saw Dr Parkman on Wednesday before his disappearance. I am pretty positive it was Thursday between eleven and one o'clock. He asked me if I had seen Dr Webster. I told him I had not. He then drove his horse over the bridge. He had been down twice at the counting house, within four and six days, enquiring for Dr Webster.

Mrs Betsy Bent Coleman, sworn. I live at East Cambridge; have known Dr Webster for a number of years; I remember the time of his arrest, and saw him that day at my home, at four o'clock as near as I can recollect. He called and enquired when I had last seen Dr Parkman; told him on Thursday before thanksgiving; he asked if it was not on Friday; told him it was not; he asked me twice or three times if I was sure. Dr Webster then told me about the twenty dollar bill, and that a cloak or coat, thought to be his, had been fished up.

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 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 Dr Webster's handwriting, and then compare them with those papers already in the case known to be in the handwriting of Dr Webster.

The court adjourned at twenty minutes before seven.

EIGHTH DAY.

The Judges were occupied an hour this morning in considering the question in relation to the admission of evidence as to the hand writing of the anonymous letters received by Marshal Tukey. It was decided to admit it, and the witnesses were then examined, who gave it as their opinion that the letters were written by Professor Webster.

Dr F. Bosworth, sworn. Knew Dr Parkman by sight. Had occasion to go to the medical college on the 23d November, between half past one and two—nearly two. As I went up, the front door of the lecture room was ajar, and I concluded from the position it was in that the lecture was not out, and I went down by the dissecting room. As I passed the foot of the stairs round the corner, I met Dr Parkman. He was going up towards the stairs. Heard of the disappearance of Dr Parkman on Saturday afternoon, at the depot, and then spoke of having met him.

The Attorney General said that he was not aware that the Government would have any further testimony; but there might be some circumstances over-looked, which he should have to ask the indulgence of the court to introduce hereafter.

The court adjourned till half past 8 o'clock.

THE DEFENCE.

At 20 minutes before 4 o'clock, E. D. Sohier, Jr., counsel opened for the defence. He said it was the custom of counsel to call attention to the unfortunate situation of their client in such cases—thus exciting sympathy—but he would not do so; he would not wander from the cause to the dock, and lose the view of the merits of the case in the situation of the man. 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 antagonist 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 everything that would operate in his favor. He then laid down the law relating to murders, and that to manslaughter, and proceeded 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.) 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. 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. 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.

The uncertainty of circumstantial evidence, was then dwelt on, and some cases stated in illustration.

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 com-

mit such an act. Again, they should endeavor to show what Professor 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. They should show that Professor 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 Sohier spoke for about two hours and a quarter, and was listened to with deep attention.]

Joseph T. Buckingham—I reside in Cambridge, and have known Professor Webster for nearly 30 years—17 of which I have lived in Cambridge. His reputation is a good one. I never knew any act of violence, inhumanity or intemperance charged against him. I have been on familiar terms with him and have met him very often.

John Gorham Palfrey—I am acquainted with Professor Webster since 1831, as a neighbour at Cambridge. I never heard his character as a humane man discussed. I have formed my own opinion of it. In reference to the general estimation in which he is held as a humane and peaceable man, I never heard any imputation on his character as such. I have heard him considered petulant—entertaining a passion that would exhaust itself in words. I never heard of any act of violence of his; and I have been in the circle of his acquaintances, among which I would likely have heard of any such.

John H. Blake, Rev James Walker, Prof. Francis Bowen, Prof. Joseph Lowering, Geo. P. Sanger, Rev Converse Francis, Abel Willard, John Chamberlain, Joel Giles, Edmund T. Hastings, John A. Fulton, Jas. D. Greené, C. M. Hovey, Prof. Daniel Treadwell—gentlemen of highly respectable standing, gave similar testimony.

The Court adjourned to Thursday morning.

NINTH DAY.

N. J. Bowditch, J. D. Hedge, James Cavanaugh, Abraham Edwards, P. W. Chandler, and Dr M. Wyman, severally testified to Dr Webster's reputation as a peaceable and humane man, though excitable.

Judge Fay, of Cambridge sworn. Am well acquainted with Professor Webster; for fifteen years lived near him; I have been in the same circle of society; have always understood him to be an amiable man, somewhat subject to nervous excitement, but have generally understood him to be a man of kindness; recollect the Friday of Dr Parkman's disappearance. Saw Professor Webster on that evening; saw him at Mr Tyler's, a little south of Dr Webster's. I came in about nine o'clock. Professor Webster and his wife, and Dr Morris Wyman and his wife were there. Professor Webster appeared as usual; had a good deal of conversation; did nothing but engage in conversation; were talking about the topics of the day; saw him during the week following, several times; I was at his house on two evenings.

Miss Marianna Webster, sworn. Am the daughter of Professor Webster; have endeavored to call to mind the circumstances he was in, and his conduct during the week before his arrest; my father was at home at tea the Friday of Dr Parkman's disappearance, a little before six o'clock. Took tea at home; until eight o'clock; he went to a neighbor's house with us; we got home about half past 12 o'clock, and he let us in—he retired to his room about one o'clock—am positive; we all went up together. Where he was while I was at the party, I don't know of my own knowledge.

Witness then went on to state that her father was regular at his meals, &c., during the week.

Harriett P. Webster, and Catherine Webster, daughters of Professor Webster, corroborated the testimony of their sister.

Dr W. T. G. Morton sworn. I practise dentistry; have done so about eight years. I am acquainted with Dr Keep's work. (The teeth found in the furnace were exhibited to witness.) There is no peculiarity about the material or make of these. It is not an unusual thing to grind teeth on the inside, to give room for the tongue. It is done with wheels from the size of a fourpence to a dollar; there is nothing peculiar about the spring fastening of these teeth, or the number of blocks; if this impression of a lower jaw was put among a dozen others, it would be difficult to pick it out; I think the lower jaw of Dr Parkman was not more projecting than many I have met with in my practice; I have one model considerably more projecting.

Cross examined.—I knew Dr Parkman; cannot say his jaw was peculiar, as I never saw two jaws alike, although there is a general resemblance in all jaws; should not know this jaw when mixed with other jaws; should not be able to identify Dr Keep's work after it had been on the fire; could not tell my own in a great many instances; a plate made for one person will often fit another; if I took an impression of a jaw and made a model, I think I should know it again if it came under my observation in a few months; but not if a great while elapsed.

Philena B. D. Hatch.—I used to know Dr George Parkman; knew him fourteen years; saw him on Friday, November 23, in Cambridge street, between Blossom and North Russell streets; was going towards Cambridge bridge, and he was going towards Court street; upon going into my house, I noticed it wanted twelve or thirteen minutes to two o'clock; looked at the clock for the purpose of seeing how long I had been gone from the house;