

know the day, because the day before, which was the 22nd November, my husband went on a journey, and on the evening of the day he went away my sister came up from Maine.

Cross examined—did not know where he went to, or whether he turned round; I was not his keeper.

William V Thompson—Am clerk in the registry of deeds, East Cambridge; was called on by an officer, on Sunday evening following the disappearance, to go with him to the house of Dr Webster to ascertain the date of the mortgage he had given Dr Parkman; saw Dr Webster in his study; asked him if he could recollect the time when the mortgage was given; he said if we would wait he would tell us; he looked into a trunk, and made the remark that it was strange he could not find the papers; he then took what seemed to be an account book; he read from it the date of a mortgage, but I told him that was not the one—that I wanted the date of the mortgage on which he had paid money the Friday before; he then gave the date of another mortgage, and took minutes of both. I then went to the clerk's office to see if the mortgage had been cancelled, and found that the latter was on personal property, and not on real estate; saw Dr Parkman last on the 23d November, in Causeway street, between Merrimac and Leverett street, going towards the latter. It was about twenty minutes past two.

Cross-ex.—Use spectacles; do not know that I am near sighted.

Samuel A Wentworth—reside in Vine st.; am a provision dealer; had known Dr George Parkman two years; last saw him on the 23d November in Court st., between half past two and half past three, in the afternoon; he was heading towards Bowdoin square.

Samuel Cleland—I was acquainted with Dr Parkman; had known him for a number of years; last saw him on Friday, 23d Nov, in Washington st; between Milk and Franklin streets; it was somewhere about a quarter past three in the afternoon; he was on the east side and going towards Roxbury.

Abby B Rhodes—knew Dr George Parkman for twenty five years, and saw him on the afternoon of Friday, November 23, at Green street, near the corner of Lyman place, in front of Souther's apothecary shop, about a quarter to five; it was very near dark, I recollect; there was a man along with him at the time; when he passed, my daughter only was between him and me. He was going towards Bowdoin square; we bowed as he passed, and he returned our recognition.

Miss Mary Rhodes, daughter of the last named witness, swore to the same effect.

Sarah Greenough—I reside in Cambridge, and have known Dr George Parkman from early life; last time I saw him was the Friday before Thanksgiving, between South Russell and Bennett streets; it was about ten minutes before three in the afternoon.

Mr Sohler here stated to the Court that all the testimony on the part of the defence had been put into the case; after which the court adjourned.

TENTH DAY.

After some rebutting evidence had been given on the side of the government, Mr Merrick, senior counsel for the defence, commenced the closing argument in behalf of the prisoner.

After reciting the disappearance of Dr Parkman, a remarkably well-known man, connected with great interests in the community, he said there was no direct evidence that George Parkman is not now in the land of the living. There is no direct evidence that the prisoner ever laid a hand upon him, or caused one to be so laid.

Admit that the parts of a body found in that building were the remains of Dr Parkman, and that he came to his death by violence; yet, if these parties separated once, and there is no proof that they came together again, there was no evidence that could convict the prisoner.

They had been able to produce more witnesses who saw Dr Parkman after the alleged time, than the Government had to show that he had been seen in the former part of the day. These witnesses were respectable, knew Dr P well, and most of them could fix the time positively. Dr Parkman did not return to his family—that was strange, but his friends then supposed that he might have wandered away under the influence of mental aberration. And if that might have been true then, why not now. The witnesses might possibly have been mistaken; but they judged from the face and appearance of the living man, and not from mutilated remains; and they said, not that there was nothing unlike Dr Parkman, but that it was he.

He should treat the testimony of the Government with all fairness. 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 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 it were admitted that that was the body of Dr Parkman, and that 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, but the smaller crime of murder. 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 if from the entire evidence that the homicide was upon sufficient provocation, or by sudden combat, they were to determine it to be manslaughter.

The facts were proved—that Dr Webster was the debtor of Dr Webster, 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 obtained the mortgage. 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, as was alleged.

If the prisoner had killed Dr Parkman, it must have been on great provocation: Dr P had become excited and pursued Dr W. with a bad feeling, and used expressions towards him peculiarly aggravating. Then there was the menace of Dr Parkman, the evening before the fatal 23d, when he left the house saying 'something would have to be done to-morrow'; every act and preliminary went to constitute provocation of a high degree. That same week Dr Parkman hunted Cambridge, enquiring for Dr Webster several times, and one day went to his house in an excited state. Next day they met under this feeling. It would not be strange that a wrangle ensued, nor that the debtor thus pursued should meet his creditor in personal collision. Passion has its sway: it was natural that men, under such feelings, should fall into altercation, have blows, and death ensue. It was very natural that word for word, and blow for blow, would be given; but that Professor Webster made a cold, calculating, deliberate scheme to seduce and destroy Dr Parkman, could not be considered, in imagination, for one moment. Supposing, then, it were admitted that the deceased came to his death by means of the prisoner, the Jury could not attach deliberation to an impulsive crime.

It might be said that one who committed a crime in passion would have confessed it, and depended on the representation of such facts as he might state for mitigation of his error. Before the propriety of this step could be taken into consideration (to carry the supposition further) the time had passed after which such confession would serve that purpose. The first false step of concealment had been taken, and there was no recalling it. The sending of the letters he must have been driven to adopt, not to conceal itself—but the first indiscretion of concealment.

He viewed the terms of the indictment; contended that Government were bound to define the manner of death; that no one of the counts was proved in every detail; and that the aggregate of proof did not establish the general charge. A reasonable doubt was left, and the accused had a right to the benefit of this.

The counsel stated his disbelief of the anonymous letters being in Dr Webster's handwriting—the jury should compare them and judge for themselves.

The tin box, the fish hooks, and the tan, he contended might be explained by prisoner, and the fitting the locks on the college doors was a matter of chance.

The knife in the tea-chest, the twine round the remains, and many other circumstances, might have been contrived by some one, with the design of throwing suspicion on Dr W.—No scrap of clothing was found—did not that favor the supposition that the murder was done elsewhere, and the naked body brought to the college, and so disposed of as to throw suspicion on the accused. He commented with some severity on Littlefield's testimony—he was backward about searching until the reward was offered for the discovery of the body, and then suddenly became very active. He took care to be alone when he found the remains.

The following morning, after the accused had become more calm, he exclaimed, as we are told, 'It cannot be that these remains are those of Dr Parkman: how came they there? I am sure I cannot tell!'

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

Mr Merrick's peroration was brilliant. The quality of mercy has seldom met with a more eloquent appeal to its saving power. The argument occupied six hours and a half, and was listened to with profound attention. At its close, the Court adjourned.

ELEVENTH DAY.

The court came in a few minutes past 9 o'clock, and the hon Mr Clifford, the Attorney General, made his closing argument, which is substantially as follows:—

Gentlemen of the jury—In contemplating the magnitude of the evidence now before us, I expected everything 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 nothing has been left undone.

But, gentlemen, I had another expectation and another hope. When nearly a fortnight ago I spoke of the 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.

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 counsel 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 which has not been submitted to him, by which he might prepare himself for his trial.

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 first 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.

Secondly, they attempt to show that 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 the murder.

The fourth proposition is an attempt to shew that Dr Parkman was actually seen abroad in the afternoon, after he is supposed to have been murdered. In a state of facts like this, there is one position 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 is 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 to 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, 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.

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 closes. 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 full life. What have we been doing? Have the solemn rights of religion been observed over unknown bones; and his great estate been administered on, 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 countenances, that you have no more doubt on this point, than I have that you are conscious of listening to my voice.

The government were not called to prove the hour of the murder. He might have been in Washington street or Green street that afternoon, and yet have been killed by Dr Webster. The case had been argued for the defence, as if there was but one time when the crime could have been committed. This was an entirely erroneous view of the case. The government were held to no such limit. They were held to the proof of the murder, and not the hour. Was there a murder? The remains answered. Though distributed under the vault, in the tea chest, in the furnace, the fragments were collected and arranged together, and ascertained to belong to one body, and precisely such a body as that of Dr Parkman; color, size, hair, figure—all corresponding. It was pronounced by his friends to be his body before Dr Keep had seen the teeth. So numerous were the points of agreement, and the absence of a single disagreement, that the conclusion was irresistible. But then came the demonstrative evidence of Dr Keep, in which he saw, with reverence, the finger of God; the counsel for the defence saw it, and that under the foundation of their main defence was crumbling away sand by sand. This testimony came from no volunteer witness; from no man who was anxious to inculpate the prisoner. How well he recollected the teeth upon which he had labored so long and faithfully, that the doctor might wear them at the opening of the college of which he had been the liberal benefactor. It had been sworn that he could know his work as a sculptor distinguishes the product of his chisel, or the painter recognises the work of his pencil on the canvass. Dr Keep knew the calcined block, as the natural hand of man may be identified by a scar, Dr Keep's emotion on the stand bore witness to the overwhelming certainty of his convictions. If science could be used in taking life, should we not rely on science in detecting the offender. Otherwise we might exclaim with Campbell—

'O, star eyed Science, hast thou wandered there,  
To wail us back the tidings of despair.'

The remains might have been put there by some one who intended to get the reward, it

was said. Why then were those parts destroyed by which the identity could have been established. Littlefield did not find all that had been discovered; he found none of the parts by which identity had been established. If any other than Professor Webster cut up and stowed away those remains, when was it done. The testimony of the members of his own family showed that he was in Boston at the hours testified to by Littlefield. Therefore, whoever mangled that body and endeavored to consume the parts, was liable to be broken in upon at any moment. He was in and out constantly. No stranger could have been there without being discovered by Dr Webster or by Littlefield. It was an operation which no one could expect to conceal from Dr Webster. It was impossible. Would he not have noticed all the changes made in the arrangements of his furnace, table, and even in his private room, to which no one but himself had a key. The disappearing tan, the diminishing kindlings, the heated furnace, the running water, the spilt acids, the tumbled drawers and shelves, the disarranged minerals, the removed knife, would certainly have been noticed by Dr Webster, if he did not drop in upon the marauder in the act. This is unanswerable. For it is not pretended that Littlefield is the assassin, and therefore had facilities for doing what had been done at times when Dr Webster was absent. But the jury were not to believe that, without being the murderer, Littlefield had some mysterious connection in getting that body into the premises. Never had a witness borne a searching examination better than Littlefield, and if he failed in stating any fact truly he could have been at once confounded. Who will believe he had anything to do with that body, and that the man in whose possession the property of the murdered man was found, had nothing to do with it. This is what the defence in reality asks for. It was a material circumstance for the consideration of the jury, the defence had not attempted to contradict in but one particular, and in that one they had utterly failed.

Though an educated man, the evidence showed that he was not a man of elevated character. The supposed necessity for the murder grew out of his want of high integrity, viz: the transaction with Mr Shaw about the minerals. Another feature in his character is not inconsistent with his crime. He was irritable and impulsive—not a man to resist the promptings of an evil purpose. Upon the prisoner's own statement and figures, he had in his possession at least one note, the 'large note,' which was the property of Dr Parkman, as the representative of other parties, who had joined him in making advances to the prisoner. He was in possession of that evidence of unextinguished indebtedness, which ought to have been in the possession of the murdered man. There was something over five hundred dollars unpaid on that note, and it had until 1851 to run. The whole amount unpaid, on the 22nd November, was nearly one thousand dollars, and in that blind fatuity which so generally follows the perpetration of great crimes, only pretended that he had paid \$483 64 cents. The concealed remains were then found under his private lock and key, the property of the murdered man was found in his possession at his home in Cambridge. It had rarely been deemed necessary to go further, and, by pointing out a miscalculation made by the prisoner, show that he had fabricated the statement about the \$483. On the 23d of November, Dr Parkman's share of the debt did not amount to that sum by something over \$25. The prisoner, in order to reach the \$483 64 cents, had inadvertently included the interest up to 1851. In the disturbed state of his mind he had forgotten that the interest should only have been calculated down to the 23d of November. Dr Parkman would never have made that mistake, nor would he ever have taken interest that was not due.

It was clear that the prisoner had, at some time, calculated the interest that would be due on the note at its maturity, and divided the interest correctly among the creditors; but when he sat down to frame his statement about having paid Dr Parkman's share, he forgot to make the deduction from the interest summed up, for the unexpired period of 14 months. The progress of this absurd invention could be traced in his own hand writing in the scraps of paper found in his wall—when arrested. There was the double version of the interview on 23d November, on which day Dr Parkman was sent from the land of the living. In noting the calls of Dr Parkman, he had omitted that most important one, when he charged him with fraud about the sale of the mortgaged minerals, and told him that something must be accomplished on the morrow. But in both versions the \$483 64 are noted; and on a small fragment of paper was simply \$483 64. Having these figures about him, wherever he went, he was prepared to tell the same story whenever he attempted an explanation of the interview, and he kept it in writing to guard against any variation in his story. It was an ingenious but fatal device. It was the short-sighted contrivance of a criminal whose resources were altogether inadequate to the emergencies of his situation.

If a motive was sought for it was at hand;—a much stronger motive than has induced many a criminal to stain his soul with blood. It was not merely gain. He had exhausted all his resources—even the charity and forbearance of his friends. His household furniture, he had just cause for fearing, would be taken from him. It was all the property he had left as security for his debts. Impending over him was the threatened exposure of his fraud, carrying with it shame and disgrace to himself, the loss of place, loss of position in respecta-