

it in this case. If these are the teeth of Dr. Parkman, and if, as was stated to you by Dr. Keep, their condition proves that they were put into the furnace in the head, and the whole body, no part of it being dissimilar to Dr. Parkman's, and if the supposition of suicide and accidental death are excluded, the *corpus delicti* is established. I shall pass over the testimony of Littlefield; it has been somewhat called in question. But whether much or little weight be given it, it does not materially affect this case. It may be remarked, that, as far as it does affect the case, it is confirmed by other witnesses—particularly the officers of the police. From about Sunday or Monday, pretty strict watch was kept of the medical college until Friday. Nothing important could be transacted there without the knowledge of the police, of Littlefield, or Webster. To some of these parties the existence and condition of these remains, found partly under the privy, in the tea chest, and partly in the furnace, must have been known. You will judge from the evidence by whom. We do not think much can be argued by the conduct of the defendant after his arrest. We have no experience here to guide us. We do not know how we should act in such a case, or how we ought to have acted.

To come to the main proof of this case there are two theories in regard to it. The Government takes the one, which supposes that he invited Dr. Parkman to the medical college and there slew him, in order to get possession of two notes which he owed to Dr. Parkman, and that he got possession of them. Dr. Parkman had loaned to Prof. Webster \$400 in 1841. In 1846 several parties contributed to another loan, to relieve him to the amount of two thousand four hundred and thirty dollars; to this Dr. Parkman contributed five hundred, and the three hundred and thirty-two dollars on the old note; and other parties the balance. Dr. Parkman held the large notes and the mortgage on personal property, for its security for the benefit of himself and other parties, and also the old note, which was to be given up whenever his share was paid. It appears that the defendant was in possession of both notes, and the Government contends that he never paid either; that he invited Dr. Parkman to his lecture room and slew him to get possession of these notes. If this be proved, it is express malice. The other theory is that of the defence; that, being together, the one to pay and the other to receive money, they quarreled, and Dr. Webster killed Dr. Parkman in sudden heat, and then concealed him to avoid detection. If this be proved, it may be manslaughter. If Dr. Webster did entice Dr. Parkman to the medical college to get possession of the notes, we can see no difference between it and murder. The Government, to strengthen its theory, brings proof that he could not have had money to pay either of the notes; and he has never pretended that he had money to take up the larger one of them. You will judge one very significant fact is that the \$90, which was that morning paid to him by Mr. Pette—a check on the Freeman's Bank—was not a part of the money paid, but was on that afternoon or the next day deposited in the Charles River Bank to his credit. He also told Mr. Pette that morning that he had settled with Dr. Parkman, although Dr. Parkman had not yet called on him. You must judge how far these circumstances go to prove intention to get hold of the notes as a motive of the homicide; and if that was the motive, it is a very strong case of murder by express malice.

If, in the hypothesis of this defence, the concealment of the remains was made by another hand, it was of no interest to Dr. Webster, and his reluctance towards the search is to be accounted for, as well as the fact that he did not himself make the discovery which lay directly in his way. Any concealment of evidence going to implicate him, to which a party under suspicion resorts, must go as far as it goes at all, against him. He has mentioned that the package to which he referred in his letter to his daughter was one of nitric acid, and not those notes which have been brought as evidence to prove the intention of the homicide.

If so, as far as that goes, it goes to obliterate the effect of attempted concealment of evidence. But it does not at all affect the case or the bearing of these notes when found, or the animus or intention of the act. The circumstances of the twine used and many others, which it is needless to mention, go to show, that whoever did any part in the concealment of these remains did the whole. We think it of much consequence that he waived an examination in the police court. As to the anonymous letters, you must judge of their bearing if proved. But we must remark that we consider the proof of them exceedingly slight. Character may be of consequence in a minor case, as of larceny; but when a prisoner is charged with a crime so atrocious, all sink to the same level; and we must rest on the proof of the facts; yet in such a case the prisoner has a right to put in his character, and the testimony is competent evidence. Many other things press upon my mind, but the time reminds me I ought to close. You have been selected by lot, mostly concerned in the active business of life, so as to secure the greatest impartiality. Take sufficient time to deliberate upon your verdict. Use your good judgment and sound conscience, and we are sure the verdict will be a true one.

THE BOSTON MURDER.

We cannot undertake to endorse all the opinions expressed in the following communication. It appears to be a prudent and generous defence of Prof. Webster, and we give it as a result of the impressions formed by one of his classmates in College upon an examination of the evidence:

TO THE EDITORS.

I find myself, for the first time, quite interested in a case of probable murder; having been always satisfied with leaving such matters to the Tribunals of Justice. But, in Prof. Webster's case, where private character has reached an advanced maturity without reproach, where social habits and a timid disposition are likely to soften and to hold the criminal passions in subjection, with enlightened intellect and high standing in society, every reflecting mind must feel a deep solicitude. If Webster be guilty, then no character, and no course of apparent innocence, will be above suspicion. Many will be apt to return to the ancient and heartless doctrine that we should not form an opinion of the virtue or the merits of a man till he is dead. It was not enough that envy should stand at the threshold of fame. The case of Webster, therefore, becomes one in which all who value an irreproachable reputation should extend, at least, the protection of charity. Nay more; they should strive to arrest the current of prejudice, and stand firmly till conviction of guilt becomes irresistible.

I am disappointed at the decision of the Coroner's inquest, for I had formed the opinion that Webster was the victim of a conspiracy. But, I have a great respect for the solemn verdict of six disinterested and intelligent men, and feel obliged, as one of the community, for their honest opinions. I must suppose, too, that some new and important proof has been disclosed, while, at the same time, we should carefully consider that the inquiry has been, thus far, of an ex-parte nature. I have seen, however, no reliable statements that have raised a suspicion with me of Prof. Webster's guilt. On the contrary, every fact appears to force itself in behalf of his innocence, nor can I interpret the facts upon any other hypothesis. I leave out of consideration all that might be derived in his favor from a spotless reputation, a cultivated mind, social and friendly habits, intercourse with pure and enlightened society, great timidity of disposition, and a refined and dependent wife and family, and all the endearments which bound the Professor to them.

Eugene Aram could invoke, alone, his education and his unsuspected character. He was solitary and a misanthrope, and yet his case has stung the world. Although, therefore, there be so much more in the history of Webster's life to quiet the tumult of suspicion, I cast it all aside, and would try him by the strength of facts alone.

In this aspect of the matter, there are two leading events which would render demonstrative proof necessary to satisfy my mind fully of his guilt. New circumstantial evidence might awaken a strong suspicion, and that is about as bad as hanging. There is scarcely a difference between the mark upon Cain and the gibbet. The two leading proofs of innocence, to which I refer, are the following; and each consists of two parts, which must be taken in connection:

1st. The first grows out of the constitution of human nature, and relates to Professor Webster's deportment after the arrival of the Police at his house in Cambridge, on the night of the arrest. This was a week after the disappearance of Dr. Webster, and after the entire Medical edifice had been searched, with the exception of Professor Webster's rooms. Now, I say, if Webster were guilty, he knew, of course, of the existence of a frightful amount of proof at his laboratory in Boston, and the arrival of the Police at his house, at the dead of night, at the end of a week, and the College having been already searched with the exception of his own apartments, and with information that they were not satisfied with the first examination, but desired to make another that night, and in his presence,

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