

Boston's Crime of the (19th) Century

Early on the afternoon of November 23, 1849 Dr. George Parkman said goodbye to his wife and left his Beacon Hill apartment for an appointment with his friend John Webster, an instructor at the Harvard Medical College. Several people remembered seeing the well-dressed Parkman as he strode purposely down the hill and made his way through Boston's West End to Webster's laboratory. Parkman entered the on North Grove Street building sometime around 2:30 in the afternoon.

He was never seen again.

A prominent man such as George Parkman doesn't just... disappear. People notice and they notice quickly. Within days his family printed and posted 28,000 copies of a \$3000 reward around the city, presenting a fabulous opportunity for someone to collect a small fortune. This was also an opportunity for the nascent Boston Police Department (authorized only eleven years earlier and to this point staffed by only a dozen or so officers) to prove its worth by solving this extraordinarily high-profile case. They quickly found a witness who saw Parkman go into the Harvard Medical School the day he disappeared, but find nothing to implicate Dr. Webster. The mystery continued. The people of Boston were gripped by the mystery. Where was Doctor Parkman?

Ephraim Littlefield, a janitor at the laboratory, believed he knew the horrifying answer. Just five days after Parkman's disappearance, he had seen Dr. Webster dumping a number of bulky items into the laboratory furnace. Later, Littlefield found the wall on the other side of the furnace hot to his touch. He chiseled away at the wall and saw, on top of a mound of dirt, a grisly sight; a human pelvis, a dismembered thigh, and the lower part of a leg. Now, while bones in a lab privy are to be expected (it is, after all, where remains from human dissections are tossed) the janitor had no recollection of disposing those particular remains.

He contacted the police, who brought in the city coroner, who determined the remains to be of Dr. Parkman. Webster was then visited by the police and told of the janitor's discovery. "That villain," he is reported to have exclaimed, "I am a ruined man." It got worse a few days later when investigators, tracing the source of a particularly foul odor in the lab, opened a large tea chest. Out tumbled an armless and partially burned male torso whose head had been sawed off. Then they found the saw. Police brought in Mrs. Parkman who, it was reported, confirmed the torso was her husband's (no details were provided on what features of the torso she recognized.) The evidence against Webster appeared overwhelming.

The story then took on a distinctly Boston accent. The Brahmins were loathe to believe that one of their own had done the deed. Longfellow's second wife, the former Frances Appleton, wrote, "Of course we cannot believe Dr. Webster guilty, bad as the evidence looks.... many suspect the janitor, who is known to be a bad man and to have wished for the reward offered for Dr. Parkman's body." Harvard librarian John Langdon Sibley wrote in his journal that: "The professors pooh! at the mere suspicion he is guilty..."

Despite private expressions of support by Webster's peers, no lawyers among them volunteered to defend him. Experienced criminal lawyers Daniel Webster and Rufus Choate claimed busy schedules or conflicts of interest. Other attorneys gave similar excuses. Faced with an empty chair at the defense table, Webster turned to the lawyer who was already handling his financial matters, Edward Sohier. utterly inexperienced in criminal matters. (One might also suggest, given Webster's desperate financial state, which led to Webster's alleged murder of Parkman, that Sohier wasn't a financial whiz, either.)

The doctor's choice of counsel would ultimately be a fatal one.

Judge Lemuel Shaw gavelled the proceedings to order in January 1850. Over 60,000 people, including reporters from newspapers around the world, made their way to Court Street in Boston. Those who could not squeeze into the courtroom could choose from one of over one 100 newspapers – some costing as little as a penny – for daily coverage of all the salacious details. And there were plenty. The public was riveted.

As the trial began, the public learned of a friendship between two scions of Yankee society with two very different temperaments. George Parkman, the victim, was described by fellow Brahmin Oliver Wendell Holmes as “the perfect Yankee” who “...abstained while others indulged... walked while others rode... worked while others slept.” Through parsimony and adept business acumen Parkman had managed the family's real estate holdings into a fortune estimated to be around half a million dollars. Conversely, his friend Dr. John White Webster, also a Harvard-educated doctor, lacked Parkman's fiscal restraint, and was constantly in debt.

After describing the long friendship shared by the two, very different, scions of Yankee society, the prosecutor then detailed the how their relationship soured over the most pedestrian of all motives, money. In 1842 George Parkman had lent John Webster \$400. It was the first of several outlays of cash which, over the next five years, rose to almost \$2500 – a serious amount of money in those days. For the most recent loan the desperate Webster used his valuable mineral collection as collateral. A year later, Webster, unable to dig himself out of debt, arranged for another loan. Apparently too embarrassed to put the bite on George Parkman, he instead got money from Robert Gould Shaw, Sr. (The name should be familiar to us; Shaw's son would distinguish himself during the Civil War as leader of the 54th “Glory” brigade.)

When Parkman learned Webster had used the same mineral collection from his loan as collateral for the Shaw loan, he was furious. Mutual friends described how Parkman then began to hound Webster for his money. The beleaguered Webster finally agreed to meet Parkman at the Harvard Medical College on that fateful November day.

The witness whose testimony set the penny press on fire was Ephraim Littlefield. The medical lab's janitor described arguments he heard between the defendant and the deceased and, after Parkman's disappearance, of Webster's sudden interest in the operation of the privy. Littlefield calmly walked the court through his actions which led to his discovery of dismembered and burnt body parts. In his cross-examination of the janitor Sohier had the perfect opportunity to deflect suspicion to the janitor by reminding the jury Littlefield was the only other person with access to the lab. Instead, Sohier lamely accused the janitor of falsifying his testimony to collect the reward.

But Sohier was not bereft of criminal trial skills. In spite of the pile of body parts found in Webster's lab (which had been helpfully re-assembled for the jury) the prosecution had a problem, known as the *corpus delicti rule*; no conclusive proof the headless body was *conclusively* Parkman's. The prosecution attempted to eliminate such doubt by bringing in Dr. Nathan Keep. The Boston dentist burst into tears as he showed the jury how loose teeth found in the privy fit into a plate he had made for Parkman. Keep's testimony was not only moving, it was groundbreaking – the first time dental evidence was used in a trial. But Sohier, flashing more legal guile, counterattacked by putting Dr. William Morton on the stand, and having him place his own false teeth into the same mold Keep had made for Parkman. Brilliant.

In his summing up, Sohier asked the jury a series of questions. First, had a homicide taken place at all? If they concluded a murder had occurred, were the body parts found in the privy of George Parkman? This was, perhaps, the most interesting question, as the state of mid-19th century forensics allowed Sohier to argue the prosecution could not prove they were Parkman. If somehow the all-male jury concluded Webster had murdered Parkman did he do so with *malice aforethought*. In other words, had he had planned the crime? All evidence, Sohier said, was circumstantial and they should vote *not guilty* on all counts. A confident defense rested.

But Judge Shaw, in his instructions to the jury, shattered Webster's hope of acquittal by making a precedent-setting ruling. He said the jury needed only to find *beyond a reasonable doubt* the *corpus delicti* was Parkman's. At the time, the standard in murder cases was proof *to an absolute certainty*, meaning the dead body was that of the victim (difficult without a head.) But Shaw said, in part, "It sometimes happens, however, that it cannot be found, where the proof of death is clear. Sometimes, in a case of murder at sea, the body is thrown overboard on a stormy night. Because the body is not found, can anybody deny that the author of that crime is a murderer?" Judge Shaw then defined alibi, circumstantial evidence and reasonable doubt. His speech, called the Webster Charge, is still quoted in courtrooms today.

The jury deliberated only three hours before returning a verdict of guilty. Shaw pronounced sentence: death by hanging.

Sohier, now aided by other lawyers, made several attempts to save his client's life, including a petition for a writ of error because, they claimed, Judge Shaw's instructions to the jury were biased towards the prosecution (an opinion still held, today, by many.) But, as the hearing was held before a panel which included Shaw, it should come as no surprise the writ was denied. Defense then appealed to the governor but, due to his actions on a recent, similar case (in which an execution was allowed to proceed) was unable to commute Webster's death sentence.

It was then Webster confessed to the murder of George Parkman, tearfully describing it as a spontaneous act of passion. Ironically, his confession contained the seeds of temporary insanity defense which, had it been used during the trial, might have saved his neck. Instead, he was hung by it on August 30, 1850, ending Boston's "Crime of the Century" and forever changing the legal standards for convictions in murder trials.