Parkman murder case: irregularities cited

By Thomas J. Spioak

The case hinges on a recognition," Saul Benison, Professor of History at the University of Cincinnati, said opening his lecture on "The Parkman Murder: A Study in Criminal Medicine" here Friday afternoon.

Benison, who comes to MIT every year to tell stories for Hal loween, remarked that the Parkman case was a mirror of a city becoming urban. "This was an affair of the intelligentsia and the well to do," he stated. "Ordinary crime did not touch Harvard professors or merchants."

On the Thursday before Thanksgiving, 1849, Dr. Richard Littlefield, a junior at the Medical School and known "resurrectionist," or grave robber,

Partly burst and dissected parts of a human body were found beneath Webster's laboratory: a broken set of false teeth was discovered in his furnace. On the Tuesday after Thanksgiving Webster was arrested by the Boston police and charged with Parkman's murder.

Parkman's body was identified by his dentist from the denture fragments found in Webster's furnace and the appearance of the limbs found in his basement.

Although Parkman may have been seen on Washington Street at 5pm the day he disappeared and on Cape Cod later, the existence of a 'corpus delicti' was not proven under the laws of Massachusetts at the time, Webster was convicted and sentenced to hang.

Case a watershed

The Parkman case marks a watershed in American law, setting the precedent that the existence of a 'corpus delicti,' or the existence of a body, could be proven by circumstantial rather than substantive evidence. Before this case, a corpse was needed to prove that a murder had been committed.

The case also established the principle that there is a murder by implied malice in cases where there is no accident or suicide, even if express malice is not proven.

Chief Justice Lemuel Shaw's charge to the jury in the Parkman case was less than universally praised in the legal press of the day. Stephen H. Phillips, the Governor, wrote in the Massachusetts Monthly Law Reporter that Shaw's charge shifted the burden of proof from the state to the jury.

Phillips wrote, "The whole case hinges on a recognition of the existence of a 'corpus delicti' was not proven under the laws of Massachusetts at the time, Webster was convicted and sentenced to hang."

The newly formed Supreme Judicial Court held that any unusual leniency would be easy to raise a cry against the Court if any unusual leniency should be shown him. This evidently forced the Court into the opposite extreme," Phillips wrote.

"In the next place, the excitement had become so intense that a proper regard for the peace of the community required that the whole procedure should be closed at the earliest practicable period," he added. "The Court evidently thought it necessary to secure an unanimous verdict and such a verdict as would correspond with public opinion."