## CONFESSION

OF

## PROFESSOR JOHN W. WEBSTER!

*Application for commutation of Sentence of Death.*

The Governor and Council met on Tuesday morning, pursuant to adjournment, and after disposing of some other papers, Governor Briggs announced the reception of the following

### PETITION OF DR. WEBSTER:

*To his Excellency the Governor and to the Honorable Executive Council of the Commonwealth of Massachusetts.*

John White Webster, a convict, under sentence of death, in Boston jail, in behalf of himself and of his wife and his children, respectfully petitions, that the sentence awarded against him by the law may be commuted to such other less horrible and ignominious punishment as your honorable body may mercifully decree.

Your petitioner fully admits that he was tried before a fair and impartial tribunal, and that under the law as it exists, his jury, composed as it was of honorable and highminded men, could have returned no other verdict than they did. But he respectfully reminds your honorable body, that the two great moral ingredients of the crime of murder, malice and premeditation, have never been found against him by a jury, but have been necessarily inferred by the arbitrary rules of the law, from certain general facts which your petitioner will not deny, but the extenuating details of which no man in your petitioner's situation can ever possess legal evidence to prove. These details your petitioner has confided to the friend who presents his petition, with authority to state them to your honorable body, in the hope that you will find therein reason to extend to your petitioner and his family that mercy of which the law has made you the dispensers.

And your petitioner will ever pray.

J. W. WEBSTER.

Boston, June, 1850.

The petition was forthwith referred to the committee on pardons, of which Lieut. Gov. Reed is chairman, and 12 o'clock was assigned, at his request, for hearing the Rev. Dr. Putnam in explanation of and in support of the petition. At the hour named the committee met in the anti-chamber, and the Rev. Mr. Putnam appeared, and, having read the petition, proceeded to make the following

### PRELIMINARY REMARKS.

The grounds which I am authorized to take in aid of the petition of J. W. Webster, and which I take not as an advocate pledged to a side, but in good faith, as expressing my own personal belief, are as follows:

That the human remains found in the medical college in November last were those of the late Geo. Parkman, and that he came to his death by the hands of Dr. Webster, in a moment of passion under great provocation; that there was no premeditation, nor murderous intent: that there was a homicide, but not a murder,—or if it could be called a murder under the rigid interpretation of the rules of common law prevailing in this commonwealth,—yet that it was not murder according to the moral judgments of our people or of mankind, —not the crime to which the public sense of justice awards the punishment of death, or for which that punishment is inflicted under the usual and actual administration of the law in Massachusetts.

I am enabled to present from Dr. Webster's own lips a statement of the facts connected with the homicide. The credibility and value of this statement must depend partly on the date of it, and the circumstances under which it was made. Before reading it, therefore, I will relate those circumstances to the committee.

My acquaintance with Dr. Webster before his trial had been of the slightest and most casual kind. Soon after his sentence, I received from him a request, that I would visit him as a clergyman, during his imprisonment. It was a service not to be declined.

I had followed the reports of the trial, and acquiesced in the verdict as a righteous one, and had no thought but that the sentence was to be, and ought to be carried into execution. I did not make it my object to draw a confession from him early, or to lead him to commit himself one way or the other, on the question of his guilt or innocence. I carefully avoided every remark and inquiry that might tempt him to make any false declaration. He seemed to understand me, and neither denied nor declared his guilt. I expected he would finally be induced to communicate to me whatever he knew about the disappearance of Dr. Parkman, and about the remains found at the college. But I was in no hurry about this. I thought I should be more likely to obtain from him the exact truth, by waiting till a favorable time. Accordingly it was my object for the first weeks to become acquainted with him, to win his confidence and attachment, by attention and sympathy, and to endeavour to make those impressions of a moral and religious nature, which were suited to his situation as a more or less sinful and certainly dying man. As time passed, I seemed to myself to have succeeded in these objects, almost beyond my hopes.

At length, on the 23d day of May, I had made up my mind to address him in a wholly new strain, and to demand of him a full statement of facts. I then believed myself to be on such terms with him, that I could abruptly and authoritatively demand his confidence. I did so, and I was not disappointed in the result. On entering his cell that day, I told him that I was going to broach a new and important subject to him, and he must listen to me seriously, and not reply till I had done. I then said to him, that he must have felt all along that there was one barrier to our free communication; one point on which we did not understand one another; that the embarrassment which attended the avoiding of that point obviously went far to defeat the satisfaction and profit to himself which ought to result from our interviews. I said that he must certainly have some knowledge respecting the fate of Dr. Parkman, which I had not, and that the unshared secret must be to him an oppressive and intolerable burden; that the time had come when he ought to share it with some one, and under the circumstances with me; that I had scrupulously foreborne hitherto to press him on this point, and urged it now only because I believed it would be for his relief and peace of mind; that I thought he must feel by this time that he owed me the truth, and that he could trust me; that he need not fear to tell me the whole truth, for I was not there to reproach him, nor to judge him, but to comfort him in his distress, and to help him in making peace with God and his conscience, and to assist him, if I might, to live while he lived, and die when he should die, with the humility of a sinner, and the firmness of a man, and I trusted, the hope of a Christian; that in order to my being of any real service to him, there must be truth and true relations between us. I cautioned him not to answer me hastily, not to speak till he was prepared to tell the whole and absolute truth—that I would endeavour to put a favorable construction upon his silence; that I was in no hurry, and that he might take a day or two more to consider whether, my advice to him to make a full disclosure was not reasonable and good.

I spoke to him some time in a strain which I have thus indicated. He seemed to me much affected by what I said, and when I paused, he said immediately, "I am ready to tell you all. It will be a relief to me." He then proceeded to relate the facts which I have since embodied in the statement now to be presented, and put to him a great number of questions, all of which he answered promptly, and with every appearance it seemed to me of an honest purpose to tell the truth. Some of the minor facts and explanations were given by him on a subsequent day, but the outline of the whole narrative, and the more important details were given at the interview of May 23d.

It is important to observe that at that date the writ of error was pending, and also that Dr. Webster's petition for a full pardon, with strong declarations of entire innocence, was in the hands of the Governor. If the writ should fail, he considered every thing as staked upon that petition, the declarations it contained and the document and affidavits he believed would be obtained for its support. His immediate family firmly and sincerely believing him entirely innocent, were engaged in seeking facts and papers to sustain his petition. I am confident that at that time he had not the remotest idea of approaching the executive in any other way than according to the tenor of that petition, nor began to contemplate the question, whether commutation would be a practicable or even a desirable alternative. His whole thought, so far as he entertained any hope, was of pardon on the ground of innocence. He seemed to me to make his disclosures simply because he was unwilling to deny my earnest request, wished to manifest his confidence in me, and at the same time was glad to have the opportunity of relieving his mind of its dreadful secret.

I will add here, that I did not make my demand of Dr. Webster at the suggestion of any legal or other friend of his, nor did any person know of my intention to make it. And neither Dr. W.'s statement, nor the fact that he had made any, was communicated by me to any person until more than two weeks after it had been received by me. Since which time no steps have been taken by me without the concurrence of Dr. Webster and of his recognised legal adviser.

### DR. WEBSTER'S STATEMENT, AS REPORTED TO THE COMMITTEE OF THE COUNCIL, BY REV. DR. G. PUTNAM.

On Tuesday, the 20th of November, I sent the note to Dr. Parkman, which, it appears, was carried by the boy Maxwell. I handed it to Littlefield unsealed. It was to ask Dr. Parkman to call at my rooms on Friday, the 23d, after my lecture. He had become of late very importunate for his pay. He had threatened me with a suit, to put an officer into my house, and to drive me from my professorship if I did not pay him. The purport of my note was simply to ask the conference. I did not tell him in it what I could do or what I had to say about the payment. I wished to gain, for those few days, a release from his solicitations, to which I was liable every day, on occasions and in a manner very disagreeable and alarming to me, and also to avert, for so long a time at least, the fulfilment of recent threats of severe measures. I did not expect to be able to pay him when Friday should arrive. My purpose was, if he should accede to the proposed interview, to state to him my embarrassments and utter inability to pay him at present, to apologise for those things in my conduct which had offended him, to throw myself upon his mercy, to beg for further time and indulgence for the sake of my family, if not for my own, and to make as good promises to him as I could have any hope of keeping.

I did not hear from him on that day, nor the next, (Wednesday,) but I found that on Thursday he had been abroad in pursuit of me, though without finding me. I feared that he had forgotten the appointment, or else did not mean to wait for it. I feared he would come in upon me at my lecture hour, or while I was preparing my experiments for it.—Therefore I called at his house on that morning (Friday) between eight and nine, to remind him of my wish to see him at the college at half-past one, my lecture closing at one. I did not stop to talk with him then, for I expected the conversation would be a long one, and I had my lecture to prepare for. It was necessary for me to save my time, and also to keep my mind free from other exciting matters. Dr. Parkman agreed to call on me as I proposed.

He came, accordingly, between half past one and two. He came in at the lecture room door. I was engaged in removing some glasses from my lecture room table into the room in the rear, called the upper laboratory. He came rapidly down the steps, and followed me into the laboratory. He immediately addressed me with great energy, "Are you ready for me, sir? Have you got the money?" I replied, "No, Dr. Parkman," and was then beginning to state my condition and make my appeal to him. He would not listen to me, but interrupted me with much vehemence. He called me "scoundrel," and "liar," and went on heaping upon me the most bitter taunts and opprobrious epithets. While he was talking, he drew a handful of papers from his pocket, and took from among them my two notes, and also an old letter from Dr. Hosack, written many years ago, and congratulating him (Dr. P.) on his success in getting me appointed professor of chemistry. "You see," he said, "I got you into your office, and now I will get you out of it." He put back into his pocket all the papers except the letter and the notes. I cannot tell how long the torrent of threats and invectives continued, and I can now recall to memory but a small portion of what he said. At first I kept interposing, trying to pacify him, so that I might obtain the object for which I sought the interview. But I could not stop him, and soon my own temper was up. I forgot everything. I felt nothing but the sting of his words. I was excited to the highest degree of passion; and while he was speaking and gesticulating in the most violent and menacing manner, thrusting the letter and his fist into my face, in my fury I seized whatever thing was handiest. It was a stick of wood—and dealt him an instantaneous blow, with all the force that passion could give it. I did not know, nor think, nor care, where I should hit him; nor how hard, nor what the effect would be. It was on the side of his head, and there was nothing to break the force of the blow. He fell instantly upon the pavement. There was no second blow. He did not move. I stooped down over him, and he seemed to be lifeless. Blood flowed from his mouth, and I got a sponge and wiped it away. I got some ammonia and applied it to his nose, but without effect. Perhaps I spent ten minutes in attempts to resuscitate him; but I found that he was absolutely dead. In my horror and consternation, I ran instinctively to the doors and bolted them—the doors of the lecture room and of the laboratory below. And then what was I to do?

It never occurred to me to go out and declare what had been done, and obtain assistance. I saw nothing but the alternative of a successful removal and concealment of the body, on the one hand, and of infamy and destruction on the other. The first thing I did, as soon as I could do anything, was to drag the body into a private room adjoining. There I took off the clothes, and began putting them into the fire, which was burning in the upper laboratory. They were all consumed there that afternoon, with papers, pocket-book, or whatever else they may have contained. I did not examine the pockets, nor remove anything except the watch. I saw that, or the chain of it, hanging out, and I took it and threw it over the bridge, as I went to Cambridge.

My next move was to get the body into the sink which stands in the small private room. By setting the body partially erect against the corner, and getting up into the sink myself, I succeeded in drawing it up. There it was entirely dismembered. It was quickly done, as a work of terrible and desperate necessity. The only instrument used was the knife found by the officers in the tea-chest, which I kept for cutting corks. I made no use of the Turkish knife, as it was called at the trial. That had long been kept on my parlor mantlepiece in Cambridge as a curious ornament. My daughters frequently cleaned it—hence the marks of oil and whiting found on it. I had lately brought it into Boston to get the silver sheath repaired.

While dismembering the body, a stream of Cochituate was running through the sink, carrying off the blood in a pipe that passed down through the lower laboratory. There must have been a leak in the pipe, for the ceiling below was stained immediately round it.

There was a fire burning in the furnace of the lower laboratory. Littlefield was mistaken in thinking there had never been a fire there. He had probably never kindled one, but I had done it myself several times. I had done it that day for the purpose of making oxygen gas. The head and the viscera were put into that furnace that day, and the fuel heaped on. I did not examine at night to see to what degree they were consumed. Some of the extremities, I believe, were put in there on that day.

The pelvis and some of the limbs, perhaps all, were put under the lid of the lecture room table, in what is called the *well*—a deep sink lined with lead. A stream of Cochituate was turned into it, and kept running through all Friday night. The thorax was put into a similar well, in the lower laboratory, which I filled with water, and threw in a quantity of potash which I found there. This disposition of the remains was not changed till after the visit of the officers on Monday.

When the body had been thus disposed of, I cleared away all traces of what had been done. I took up the stick with which the fatal blow had been struck. It proved to be a piece of the stump of a large grape vine, say two inches in diameter, and two feet long. It was one of two or more pieces which I had carried in from Cambridge, long before, for the purpose of showing the effect of certain chemical fluids in colouring wood, by being absorbed into the pores. The grape vine being a very porous wood, was well suited to this purpose. Another longer stick had been used as intended, and exhibited to the students. This one had not been used. I put it into the fire.

I took up the two notes, either from the table or the floor, I think the table, close by where Dr. P. had fallen. I seized an old metallic pen lying on the table, dashed it across the face and through the signatures, and put them in my pocket. I do not know why I did this rather than put them into the fire; for I had not considered for a moment what effect either mode of disposing them would have on the mortgage or my indebtedness to Dr. P. and the other persons interested; and I had not yet given a single thought to the question as to what account I should give of the objects or results of my interview with Dr. Parkman.

I never saw the sledge hammer spoken of by Littlefield, and never knew of its existence—at least, I have no recollection of it.

I left the college to go home as late as 6 o'clock. I collected myself as well as I could, that I might meet my family and others with composure. On Saturday I visited my rooms at the college, but made no change in the disposition of the remains, and laid no plans as to my future course.

On Saturday evening I read the notice in the Transcript respecting the disappearance. I was then deeply impressed with the necessity of immediately taking some ground as to the character of my interview with Dr. P.; for I saw that it must become known that I had had such an interview, as I had appointed at first by an unsealed note on Tuesday, and on Friday had myself called at his house in open day and ratified the arrangement, and had there been seen and probably overheard by the man servant; and I knew not by how many persons Dr. P. might have been seen entering my rooms, or how many persons he might have told by the way where he was going. The interview would in all probability be known, and I must be ready to explain it. The question exercised me much, but on Sunday my course was taken. I would go into Boston and be the first to declare myself the person, as yet unknown, with whom Dr. P. had made the appointment. I would take the ground that I had invited him to the college to pay him money, and that I *had* paid him accordingly. I fixed upon the sum by taking the small note and adding interest, which it appears I cast erroneously.

If I had thought of this course earlier, I should not have deposited Pettee's check for $90 in the Charles River Bank on Saturday, but should have suppressed it as going so far towards making up the sum which I was to profess to have paid the day before, and which Pettee knew I had by me at the hour of the interview. It had not occurred to me that I should ever show the notes cancelled in proof of the payment; if it had, I should have destroyed the large note, and let it be inferred that it was gone with the missing man, and I should only have kept the small one, which was all that I could pretend to have paid. My single thought was concealment and safety. Everything else was incidental to that. I was in no state to consider my ulterior pecuniary interests. Money, though I needed it so much, was of no account with me in that condition of mind.

If I had designed and premeditated the homicide of Dr. P., in order to get possession of the notes and cancel my debt, I not only should not have deposited Pettee's check the next day, but I should have made some show of getting and having the money the morning before. I should have drawn my money from the bank, and taken occasion to mention to the cashier that I had a sum to make out the day for Dr. P., and the same to Henchman when borrowed the $10. I should have remarked that was so much short of a large sum I was to pay to Parkman. I borrowed the money of Henchman at mere pocket money for the day.

If I had intended the homicide of Dr. P., I should not have made the appointment with him twice, and each time in so open a manner, that other persons would almost certainly know of it. And I should not have invited him to my room at an hour when the college would be full of students and others—and an hour when I was most likely to receive calls from others,—for that was the hour—just after the lecture—at which persons having business with me or in my rooms, were always directed to call.

I looked into my room on Sunday afternoon, but did nothing.

After the first visit of the officers, I took the pelvis and some of the limbs from the upper well, and threw them into the vault under the privy. I took the thorax from the well below, and packed in the tea-chest as found. My own impression has been that this was not done till after the second visit of the officers, which was on Tuesday, but Kingsley's testimony shows that it must have been done sooner. The perforation of the thorax had been made by the knife at the time of removing the viscera.

On Wednesday I put on kindlings and made a fire in the furnace below, having first poked down the ashes. Some of the limbs—I cannot remember what ones or how many—were consumed at that time. This was the last I had to do with the remains.

The tin box was designed to receive the thorax, though I had not concluded where I should finally put the box. The fish hooks tied up as grapples, were to be used for drawing up the parts in the vault whenever I should determine how to dispose of them. And yet strange enough I had a confused double object in ordering the box and making the grapples. I had before intended to get such things to send to Fayal—the box to hold plants and other articles which I wished to protect from salt water and the sea air, and the hooks to be used there in obtaining coralline plants from the sea. It was this previously intended use of them that suggested and mixed itself up with the idea of the other application. I doubt even now to which use they would have been applied. I had not used the hooks at the time of the discovery.

The tan put into the tea-chest was taken from a barrel that had been in the laboratory for some time. The bag of tan brought in on Monday was not used, nor intended to be used. It belonged to a quantity obtained by me a long time ago for experiments in tanning, and was sent in by the family to get it out of the way. It being sent just at that time was accidental.

I was not aware that I had put the knife into the tea-chest.

The bunch of "filed" keys had been long ago picked up by me in Fruit-street, and thrown carelessly into a drawer. I never examined them, and do not know whether they would fit any of the locks in the college or not. If there were other keys fitting doors with which I had nothing to do, I suppose they must have been duplicates, or keys of former locks, left there by the mechanics or janitor. I know nothing about them, and should never be likely to notice them amongst the multitude of articles, large and small, of all kinds, collected in my rooms. The janitor had furnished me with a key to the dissecting room, for the admission of medical friends visiting the college, but I had never used it.

The nitric acid on the stairs was not used to remove blood, but dropped by accident.

When the officers called for me on Friday, 30th, I was in doubt whether I was under arrest, or whether a more strict search of my rooms was to be had, the latter hypothesis being hardly less appalling than the former. When I found that we went over Cragie's bridge, I thought the arrest most probable. When I found that the carriage was stopping at the jail, I was sure of my fate; and before leaving the carriage I took a dose of strychnine from my pocket and swallowed it. I had prepared it in the shape of a pill before I left my laboratory on the 23d. I thought I could not bear to survive detection. I thought it was a large dose. The state of my nervous system probably defeated its action partially. The effects of the poison were terrible beyond description. It was in operation at the college and before I went there, but more severely afterwards.

I wrote but one of the anonymous letters produced at the trial—the one mailed at East Cambridge.

After Dr. Webster had stated most of the facts recorded above, on the 23d May, the question, with all the earnestness, solemnity, and authority of tone that I was master of, I abruptly addressed him in substance thus: "Dr. Webster, in all probability your days are numbered. You cannot, you dare not speak falsely to me now. You must not die with a lie in your mouth, and so prove to yourself that your repentance for the sins of your life is insincere and ineffectual. Tell me the truth then, in a confidence to be kept sacred during your life-time, and as much longer as my regard for the happiness of your family shall seem to me to require, and the interest of truth and justice to permit. Search to the bottom of your heart for the history of your motives, and tell me, before God, did it never occur to you before the decease of Dr. Parkman, that his death, if you could bring it to pass, would be a great advantage to you, or at least, that personal injury to him might possibly be the result of your expected conference with him? As a dying man, I charge you to answer me truly and exactly, or else be silent. Had you not such a thought?" "No, never," said he, with energy and feeling. "As I live, and as God is my witness, never. I was no more capable of such a thought than one of my innocent children. I never had the remotest idea of injuring Dr. P. until the moment the blow was struck. Dr. P. was extremely severe and sharp-tongued, the most provoking of men; and I am irritable and passionate. A quickness and brief violence of temper has been the besetting sin of my life. I was an only child, much indulged, and I have never acquired the control over my passions that I ought to have acquired early, and the consequence is—all this." But you notified Dr. Parkman to meet you at a certain hour, and told him you would pay him, when you knew you had not the means of paying him. "No," he replied, "I did not tell him I should pay him; and there is no evidence that I told him so, except my own words, spoken after his disappearance, and after I had determined to take the ground that I *had* paid him. Those words were one of the miserable tissue of falsehoods to which I was committed, from the moment I began to conceal the homicide. I never had a thought of injuring Dr. Parkman."

Having finished reading his notes of the statement made by Dr. Webster on the 23d of May, Dr. Putnam referred generally to the supplementary statements made by Dr. Webster, viz: his reasons for inquiring of Littlefield about the defect in the vault attached to the dissecting department, from which a noxious effluvia escaped; his application to Littlefield to procure some blood for him, for experimental purposes; his letter to his family, requesting that a certain package should be preserved, which, he said, contained citric acid, and its preservation he supposed to be necessary to disprove a statement made in a newspaper, that it was oxalic acid; also a more particular account of the keys found in his room; and finally, an explanation about the tan and grape vines, with which he proposed to make some experiments, &c.

Dr. Putnam then followed in an argument to the Council on the truthfulness of the prisoner's statement, and in favour of granting a commutation of punishment, in which he stated his firm belief that Professor Webster had told the truth in the matter. —Dr. P. closed as follows "If it should be felt that the innocent and disconsolate family of the convict—the most distressed family, I think, on earth—had had their unequalled anguish increased one jot beyond the bounds of justice and the requisitions of the social welfare, the public heart could hardly pardon that. Let the punishment be graduated to the guilt proved and believed, and if the exact line of right cannot be certainly found, let the penalty fall a little short of it rather than go a hair's breadth beyond it. If the imperfect scales of public justice cannot be exactly poised, let that in which the prisoner's interests are placed be clearly seen to descend—though by the slightest degree of preponderance. Otherwise, the example is lost, and the public feeling and conscience come into a fearful antagonism against the administration of the law. Let compassion and charity follow the criminal in his punishment, however deserved; but take care to keep all rational sympathies fast bound on the side of law and justice.

The present question, interesting to multitudes, and unspeakably momentous to a few, is in the hands of a body to whose wisdom, rectitude, and clemency, the public and the prisoner look with equal confidence for a decision at once righteous, merciful; such a decision as shall leave him a debtor—though by ever so little, still a debtor—to the commonwealth whose peace he has violated, and at the same time shall uphold the law in its majesty, and make it a terror to evil doers."

Having concluded the reading of his address, Mr. Putnam expressed a wish, that if the council was prepared to grant the prayer of the petitioner, the favourable decision would be announced at an early day, but if they were not so prepared, he hoped they would delay an adverse decision until the friends of the petitioner should have had time to present such additional facts and considerations as further investigation and reflection might enable them to produce.

Although in point of form, the hearing was before the committee on pardons only, the governor and several members of the council, not of the committee, were present during the whole proceedings.

[From the Boston Journal, July 3.]

The documents which we publish to-day relating to the Parkman tragedy will command universal attention. It will be seen that Professor Webster confesses having caused the death of Dr. Parkman, and acknowledges that the *jury could have returned no verdict other than they did.* He asks for a commutation of sentence on the ground that the act of which he stands convicted was committed on the spur of the moment, and in the heat of passion, and was not for an instant premeditated. To substantiate this declaration he enters into a circumstantial statement of the incidents connected with the murder, and offers an explanation of the circumstances which were adduced at the trial, tending to shew that the murder was deliberately planned. How far he has succeeded in removing the fearful weight of evidence in support of this assumption, every reader will determine for himself. If it can be shewn to the satisfaction of the Governor and Council that the act was unpremeditated, the punishment of the unhappy prisoner will probably be commuted. A weighty responsibility rests upon those who are to decide this important question, and, having the utmost confidence in their wisdom, we trust they will be allowed to form their own opinions upon the merits of the case, without being biassed by any pressure from without.

The statement of the prisoner but confirms the hypothesis of the government in relation to the manner in which the murder was committed. It shows the wonderful accuracy with which the chain of evidence connecting the prisoner with the murder was perfected by the Attorney General. Not an important link in the chain has been shown to be weak. The inferences to be deduced from the circumstances which were developed on the trial, so far as relates to the manner in which the murder was committed, and to the disposal of the body, have now been satisfactorily ascertained to be correct. The trial will hereafter be universally acknowledged to be one of the greatest triumphs of justice over guilt—guilt wrapped in an apparently impenetrable veil of mystery—which is recorded in the annals of criminal jurisprudence.

The confession of Professor Webster takes away the sting which may have been left by the comments of the Southern press. It was a common remark, based upon the perusal of imperfect reports of the trial, that in no other State could a conviction have been attained; that no jury out of Massachusetts would have convicted upon the evidence brought forward by the government—or, in other words, that the prisoner would have gone "unwhipped of justice," although there remained upon the mind of almost every person who perused the testimony, a moral conviction of guilt. This reputed fact, instead of being a reproach to our judiciary, may well be regarded with just pride. We rejoice that in Massachusetts the murderer cannot, as is too often the case in some other States, escape on frivolous and merely technical grounds. We care not how widely it is known that Massachusetts Courts are unbiassed by the fickle breath of popular opinion, and that in Massachusetts justice surely overtakes the guilty.

## Communications.

### LITERATURE.

HARPER'S NEW MONTHLY MAGAZINE, No. II., July, 1850, price 25 cents.—At the Phœnix Bookstore.

We have received the second No. of the above GREAT Magazine, being the No. for July. The design and style of this Periodical are new and admirable, and the work is the greatest effort of the kind ever attempted. We have already called the attention of our readers to the plan and purpose of this new Monthly. The present number, for July, contains no less than 53 articles, embracing every variety of topic, being a judicious selection from all the British periodicals, whether Philosophical, Scientific, Political, or Religious. Specimens of English and Continental Literature are here placed beside others of American. In fact the public events, and the combined intellect of the World are thrown into the 144 pages of double-columned octavo before us—Public men—public measures—the discoveries of science—the reasonings of imagination —the deep and puzzling questions of political economy—the toils of intellect—and the tastes of the needle-women, are all concentrated and placed before the reader in this July number of Harper's Mammoth Magazine. R.

DR. SAMUEL JOHNSON, his Religious Life and his Death —Harper & Brothers, New-York, 1850, pp. 405.—Sold at the store of Messrs. J. & A. McMillan, St. John.

The above title attracted our attention in one of the recent British Reviews, and we longed on that account to see the volume, which has just issued in elegant style from the press of Messrs. Harper & Brothers. The elaborate work of Boswell, originally in 8 vols. 8vo., is, according to the highest authority, too elaborate, though the best specimen of Biographical Literature now extant. It is not the Book that every one cares for reading—Replete with anecdotes, ridiculous conversations, silly puns, and wicked and ill-natured remarks upon the most enlightened people. (the Americans excepted,) on the face of the earth—Boswell's Life of Johnson becomes irksome and heavy. The volume before us gives us a most correct idea of Johnson a religious character. Dr. Johnson was a high Tory of the first water. He understood theology well—we mean he was a *political* Churchman, and so far as that phrase may be used in its application to Theology, he was a Theologian. He read his Bible, and wrote volumes of Sermons for his acquaintances and friends who could not write them for themselves. In his Table Conversations, we meet with rather an amusing down-setting given by Johnson to a poor young Curate, who was complaining of the trouble of writing sermons. With all Johnson's faults he was a good man, we believe. He not only respected religion, but there is reason to believe that he died a Christian. This remark we base on the fact that a few days prior to his dissolution, the Rev. Mr. Strachan, who was his attending and spiritual adviser, found by his bedside a document of which the following is a copy:—"In the name of God, Amen. I, Samuel Johnson, being in full possession of my mental faculties, but *fearing this night may put an end to my life*, do ordain this my last will and testament. *I bequeath to God my soul, polluted by many sins, but I hope purified by Jesus Christ.*" Such a sentiment, so expressed, taken as the type of a mind like that of Dr. S. Johnson, is no twaddle.

The volume before us is full of interest, and will be read with enthusiasm by every literary and religious man, irrespective of his creed or his calling.

Dr. Johnson's folly was wisdom, his severity was mildness when his character was known, and his most frivolous conversations were philosophical, inasmuch as they were exponents of fact and observation.

The Life and Death of Doctor Samuel Johnson, as detailed in the 405 pages before us, deserves a place in every public and domestic Library on this Continent. R.

GIBBON'S HISTORY OF THE DECLINE AND FALL OF THE ROMAN EMPIRE; with Notes by the Rev. H. H. MILMAN, &c. &c., Vols. IV. V. and VI., 12m. cloth, lettered.—Boston: Phillips, Sampson & Co., 1850.

We have to apologise for some delay in noticing our receipt of the first two of the three volumes above mentioned; but peculiar circumstances having unavoidably prevented earlier attention, we now acknowledge the whole three at once. These volumes complete the present edition of this most valuable standard Work; the utility of which is much enhanced by a most copious and complete Index to the whole, specially compiled for this edition. The Work now completed forms part of a series of established Standard Literature, periodically publishing by Messrs. Phillips, Sampson & Co., under the general title of "*The Boston Historical Library*," of which fifteen volumes have already appeared; and while each work is distinct and complete in itself, the whole being uniform in size and binding, and elegant in style and workmanship, the series forms a truly desirable acquisition to every Library; while its extreme cheapness renders it easily attainable.—Messrs. McMillan are agents in this City for the Publishers.

☞ We have also received some numbers of CARLYLE'S eccentric "*Latter-day Pamphlets*," which pressure of time prevents us noticing immediately; but we will give them attention next week. B.

# The Observer.

SAINT JOHN, JULY 9, 1850.

RAILWAY MEETING.—On Saturday last a meeting of the Chamber of Commerce and Citizens was held at the Marine Assurance Office, for the purpose of taking into consideration the subject of establishing a line of Railway from the United States frontier through this Province to the Nova Scotia line, there to connect with a line from Halifax—the whole to form a Grand Trunk Line from Halifax to Boston, &c. The Hon. JOHN ROBERTSON was in the Chair, and Mr. R. JARDINE acted as Secretary. The following Resolutions, which elicited much interesting discussion, were unanimously adopted by the meeting:—

1st. *Resolved* that this meeting feel the most lively interest in the establishment of a Line of Railway from the Frontier of the United States to Halifax, through this Province by Calais, St. John, and Shediac; and *further resolved*, that as the only portion of the proposed Line from the United States, Eastwardly, now unsurveyed, is between Calais and this City; a Petition be presented to the Executive to cause a preliminary survey of this Line, to be made during the present season, upon the understanding that the State of Maine will survey the Line, Westwardly, from Calais to Bangor.

2nd. *Resolved* that a Committee be appointed to prepare the foregoing Petition and take such other steps as may be expedient for carrying out the subject matter of the same, and that the following Gentlemen be the Committee—R. Jardine, W. J. Ritchie, Wm. Jack, R. D. Wilmot, W. R. M. Burtis, D. J. McLaughlin, M. H. Perley, Otis Small, Robert Reed, Wm. Parks, and A. McL. Seely.

No. 3. *Resolved* that the Committee be authorised to obtain subscriptions for shares in the St. John and Shediac Railway Company, and take other measures for the immediate organization of that Company, as also for the commencement of that most useful undertaking, it being the opinion of this meeting the most paying portion of the proposed Line, as a section, and the most certain means of ensuring the speedy completion of the whole.

No. 4. *Resolved* that the Committee be authorised to appoint Delegates to attend the Convention in Portland on the 31st inst., for the purpose of conveying to the Citizens of the United States, engaged in the undertaking, the determination of this meeting, to use its utmost endeavours to complete a Line of Railway through the Province of New Brunswick, to connect Halifax with the United States.

No. 5. *Resolved* that His Worship the Mayor, John Kerr, Adam Jack, and John Duncan, be a Committee to raise subscriptions to defray preliminary expenses.

At a meeting of the Railway Committee, held yesterday, Mr. R. Jardine was appointed Chairman, and Mr. W. R. M. Burtis, Secretary. A Petition to the Government to commence a Survey of the line from St. John towards Calais, was drawn up, and a Committee appointed to obtain signatures. The Hon. L. A. Wilmot, Attorney General, and Messrs. William Jack and R. Jardine, were nominated as delegates to attend the Railway Convention to meet at Portland, Maine, on the 31st July; and W. J. Ritchie, Esquire, was nominated as delegate to Halifax, to further the objects of the Committee. A sub-Committee was also appointed to draw up a Report and Prospectus.

The Halifax *Sun* has published the following copy of a despatch from Earl Grey to Sir John Harvey, which, in very few words, extinguishes the flattering hopes so recently excited respecting the Government guarantee of three million pounds sterling for the construction of the Halifax and Quebec Railway:—

*Downing Street, 19th June, 1850.*

SIR—I have to acknowledge your Despatch, No. 168, of the 2d ult. enclosing a Resolution of the Legislative Council, that an address be presented to yourself requesting you again to call the attention of Her Majesty's Government to the subject of the proposed Railway from Halifax to Quebec.

Her Majesty's Government have not failed to give their best attention to a subject in which so deep an interest is taken by the inhabitants of Nova-Scotia. But I am bound to state, that they are not prepared to submit to Parliament any measure for raising the funds necessary for its construction, considering the great amount and pressure of the exigencies which continue to weigh on the Imperial Treasury.

I have, &c., &c. GREY.

Lt. Governor Sir John Harvey, &c. &c. &c.

THE ELECTIONS are now completed in all the Counties, and the official returns have nearly all been received. In our next paper we will give a complete list of the members returned. In Queen's County, Mr. Earle and Mr. Ferris are stated to be the highest on the poll, Mr. Gilbert being 9 below Mr. F.—In Albert, W. H. Steves and R. Styles have been returned.—In Gloucester, Mr. Reed and Dr. Gordon have been chosen. Mr. End losing his election.—Restigouche and Victoria Counties are yet to be heard from; though there is a rumor prevalent in the City to-day that Mr. Partelow and Mr. Rice have been elected in the latter County.

It will be seen by an advertisement in another column, that a line of Electric Telegraph is about to be established between St. John and Frederic ton. The stock is all subscribed, and the Company will soon be organized.

An Electric Telegraph line from Truro to Pictou, connecting with the Halifax line, has been completed, and will soon be in operation.

The Jamaica Journal of the 8th ult. announces the death of Mr. William Gray, son of the Rev. I. W. D. Gray, D. D., Rector of St. John, New-Brunswick, aged 25 years.

Mr. Gray left this city last autumn with his lately married bride. She, we regret to say, died in about six weeks after, and now we have the additional melancholy intelligence of the death of the husband. Surely "in the midst of life we are in death."

SUNDAY PLEASURE TRIPS.—We understand that, on Sunday last, the steamer St. John conveyed a large number of passengers of both sexes from this City and vicinity to Bellisle, ostensibly for the purpose of affording accommodation to persons desirous of attending the Baptist Association at that place. It appears, however, that the Ministers and leading members of the Baptist communion not only disclaim all knowledge of or connexion with any such arrangement, but also very properly denounce the idea of connecting religious observances with steamboat excursions or pleasure trips of any kind on the Lord's day. However well-intentioned the matter might have been, on the part of those connected with the steamer, yet, as it is obvious that such excursions on the Sabbath day would afford temptation and opportunity for idle enjoyment to many, who would be actuated by no desire merely to avail themselves of a convenience for religious objects; and would thus present an unnecessary inducement to an improper use of that day of sacred rest, which its Divine author requires to be kept holy; we would express a hope that the novel example thus thoughtlessly set will in future not be imitated.

H. M. Brig *Sappho*, Hon. Captain Cochrane, sailed from this port on Sunday evening for Cape Sable, taking with her some plate iron, &c., to be used in temporarily repairing the damage to the steamer *Viceroy*, ashore near the Cape, although some of the Halifax papers say it is very doubtful whether she will be got off. It is said that the Sappho will not again return to this port, but will be succeeded by the screw steamer *Plumper*.

The steamship Cambria, from New York for Liverpool, arrived at Halifax on Saturday evening, having run about 30 miles Eastward of the harbour in the fog. She had 96 passengers for Europe, and $35,000 specie on freight. She left again shortly after for Liverpool.

NEW BRUNSWICK MARINE ASSURANCE COMPANY.—This Company has now recovered from the heavy losses sustained in the great gale of Sept. 1846, and has declared a dividend of five per cent. or £1250. It has now been in operation thirteen years, and during that time has divided *two hundred and ninety per cent.* For seven years, from 1839 to 1846, a dividend was declared every half year, with one single exception; and but for the unprecedented gale of the 19th September, 1846, in which the Company lost about £10,000, the dividends would have continued to be regularly made up to the present time. We congratulate the Stockholders upon the fair prospect now before them of a further continuance of prosperity.—*Courier.*

We have in our possession a specimen of Black Lead found in the vicinity of this City. It is of a superior description, and arrangements are being made to commence operations for digging without delay. We have no doubt it will prove a profitable speculation.—*New-Bruns.*

ACCIDENT.—On Wednesday afternoon an accident of an unusual nature occurred on board the Carleton Steam Ferry boat, and by which the lives of many passengers were for a moment in imminent danger. The steamer had just left the floats on the Carleton side, having besides the ordinary travellers, about one hundred and fifty children, attached to the Baptist Sabbath School, one of whom incidentally lifted her parasol when passing near the head of a valuable horse attached to a waggon, belonging to Mr. Jewett, of South Bay Mills, himself and a person in his employ being in the carriage. The animal became instantly frightened and terrified, and bounding amidst the children and others along the deck of the boat, he leaped overboard.—In their efforts to control the horse, both men were carried with him, and were now in further danger of being run over by the steamer; but by the promptness of Captain Smith in giving the necessary directions, and of the other persons attached to the steamer, they were happily rescued from their perilous situation. The horse and fore-carriage went immediately to the bottom and did not rise again,—the body of the waggon became detached and was saved.—It is a mercy indeed that more serious consequences had not proceeded from this casualty, as the frantic animal traversed nearly the whole length of the steamer's deck, which contained a living mass of human beings.—*Chronicle.*

We understand that the Orange Hall, at Milkish, (King's County,) was maliciously fired and burnt to the ground on the night of Tuesday last. The paraphernalia was likewise destroyed.—*Ib.*

NEW VESSELS.—Amongst the new vessels at present in our harbour, we have to notice the barque "Midas," a substantially built and fine looking ship, measuring 741 tons, which was built at the Kennebeckasis, by Mr. B. Appleby, who is also her owner, and who is well known