

CHAPTER I

5 IT was a winter's night – an Australian winter's night – in the middle of July, when two wealthy farmers in the district of Penrith, New South Wales, sat over the fire of a public house, which was about a mile distant from their homes. The name of the one was John Fisher, and of the other Edward Smith. Both of these farmers had been transported to the colony, had served their time, bought land, cultivated it, and prospered. Fisher had the reputation of being possessed of a considerable sum in ready money; and it was well known that he was the mortgagee of several houses in 10 the town of Sydney, besides being the owner of a farm and three hundred acres, which was very productive, and on which he lived. Smith also was in good circumstances, arising out of his own exertions on his farm; but, unlike his neighbour, he had not put by much money.

15 “Why don't you go home, John, and see your friends and relations?” asked Smith; “you be now very warm in the pocket; and, mark my words, they would be very glad to see you.”

“I don't know about that, friend,” replied Fisher. “When I got into trouble it was the breaking of the heart of my old father and mother; and none of my brothers and 20 sisters – in all, seven of 'em – have ever answered one of my letters.”

“You did not tell 'em you were a rich man, did you?”

“No; but I don't think they would heed that much, lad; for though they are far from wealthy, as small farmers, they are well to do in the world, and in a very respectable position in the country. I have often thought that if I was to go back they would be 25 sorry to see me, even if I carried with me £100,000 earned by one who had been a convict.”

“Bless your innocent heart! You don't know human natur' as I do. Money does a deal – depend on't. Besides, who is to know anything about you, except your own family? And they would never go and hint that you had been unfortunate. Why, how many 30 years ago is it?”

“Let me see. I was then eighteen, and I am now forty-six – twenty-eight years ago. When I threw that stone at that man I little thought it would hit him, much less kill him; and that I should be sent here for manslaughter. But so it was.”

“Why I recommend you, John, to go home is because you are always talking of home and your relations. As for the farm, I’d manage that for you while you are away.”

“Thank you, Ned. I’ll think about it.”

5 Presently, the landlord entered the room, and Smith, addressing him, said, “What think you, Mr. Dean? Here is Mr. Fisher going home to England, to have a look at his friends and relations.

“Is that true, Mr. Fisher?” said the landlord.

“Oh, yes,” was Fisher’s reply, after finishing his glass of punch and knocking the ashes out of his pipe.

10 “And when do you think of going?” said the landlord.

“That’ll depend,” replied Fisher, smiling. “When I’m gone you will hear of it, not before; and neighbour Smith here, who is to manage the farm during my absence, will come and pay you any little score I may leave behind.”

“But I hope you will come and say good-bye,” said the landlord.

15 “Oh, of course,” said Fisher, laughing. “If I don’t, depend upon it you will know the reason why.”

After a brief while the two farmers took their departure. Their farms adjoined each other and they were always on the very best of terms.

20 About six weeks after the conversation above given, Smith called one morning at the public house, informed the landlord that Fisher had gone, and offered to pay any little sum that he owed. There was a small score against him, and while taking the money the landlord remarked that he was sorry Mr. Fisher had not kept his word and come to bid him “good-bye.” Mr. Smith explained that Fisher had very good reasons for having his departure kept a secret until after he had left the colony; not that he
25 wanted to defraud anybody – far from it, he added; and then darkly hinted that one of Mr. Fisher’s principal reasons for going off so stealthily was to prevent being annoyed by a woman who wanted him to marry her.

“Ah! I see,” said the landlord; “and that’s what he must have meant that night when he said, ‘if I don’t, you’ll hear the reason why.’”

30 “I feel the loss of his society very much,” said Smith, “for when we did not come here together to spend our evening he would come to my house, or I would go to his, to

play cards, smoke a pipe and drink a glass of grog. Having taken charge of all his affairs under a power of attorney, I have gone to live at his place and left my overseer in charge of my own place. When he comes back in the course of a couple of years I am going home to England, and he will do for me what I am now doing for him.

5 Between ourselves, Mr. Dean, he has gone home to get a wife."

"Indeed!" said the landlord. Here the conversation ended and Mr. Smith went home.

Fisher's sudden departure occasioned some surprise throughout the district; but when the explanation afforded by Mr. Smith was spread abroad by Mr. Dean, the landlord, people ceased to think any more about the matter.

10 A year elapsed, and Mr. Smith gave out that he had received a letter from Fisher, in which he stated that it was not his intention to return to Sydney and that he wished the whole of his property to be sold and the proceeds remitted to him. This letter Mr. Smith showed to several of Fisher's most intimate acquaintances, who regretted extremely that they would see no more of so good a neighbour and so worthy a man.

15 Acting on the power of attorney which he held, Mr. Smith advertised the property for sale – the farm, the livestock, the farming implements, the furniture, etc., in the farmhouse; also some cottages and pieces of land in and near Sydney and Parramatta; with Fisher's mortgagors, also, he came to an agreement for the repayment, within a few months, of the sums due by them.

20 CHAPTER II

About a month previous to the day of sale, an old man, one David Weir, who farmed a small piece of land in the Penrith Road, and who took every week to the Sydney market, butter, eggs, fowls, and a few bushels of Indian maize, was returning to his home when he saw, seated on a rail, the well-known form of Mr. Fisher. It was very
25 dark, but the figure and the face were as plainly visible as possible. The old man, who was not drunk, though he had been drinking at Dean's public house, pulled up and called out, "Halloa, Mr. Fisher! I thought you were at home in England!" There was no reply, and the old man, who was impatient to get home, as was his horse, loosed the reins and proceeded on his journey.

30 "Mother," said old Weir to his wife, while she was helping him off with his old top-coat, "I've seen either Mr. Fisher or his ghost."

"Nonsense!" cried the old woman; "you could not have seen Mr. Fisher, for he is in Old England; and as for spirits, you never see any without drinking them; and you are full of 'em now."

“Do you mean to say I’m drunk, mother?”

“No, but you have your liquor on board.”

“Yes; but I can see, and hear, and understand, and know what I am about.”

5 “Well, then, have your supper and go to bed; and take my advice and say nothing to anybody about this ghost, or you will only get laughed at for your pains. Ghostesses, indeed! at your age to take on about such things; after swearing all your life you never believed in them.”

10 “But I tell you I saw him as plain as plain could be; just as we used to see him sitting sometimes when the day was warm and he had been round looking at his fences to see that they were all right.”

“Yes, very well; tell me all about it tomorrow,” said the old woman. “As I was up before daylight, and it is now nearly midnight, I feel too tired to listen to a story about a ghost. Have you sold everything well?”

15 “Yes, and brought back all the money safe. Here it is.” The old man handed over the bag to his partner and retired to his bed; not to rest, however, for the vision had made so great an impression upon his mind he could not help thinking of it, and lay awake till daylight, when he arose, as did his wife, to go through the ordinary avocations of the day. After he had milked the cows and brought the filled pails into the dairy, where the old woman was churning, she said to him:

20 “Well, David, what about the ghost?”

25 “I tell you I seed it,” said the old man. “And there’s no call for you to laugh at me. If Mr. Fisher be not gone away – and I don’t think he would have done so without coming to say goodbye to us – I’ll make a talk of this. I’ll go and tell Sir John, and Doctor MacKenzie, and Mr. Cox, and old parson Fulton, and everybody else in the commission of the peace. I will, as I’m a living man! What should take Fisher to England? England would be no home for him after being so many years in this country. And what’s more, he has told me as much many a time.”

“Well, and so he has told me, David. But then, you know, people will alter their minds, and you heard what Mr. Smith said about that woman?”

30 “Yes. But I don’t believe Smith. I never had a good opinion of that man, for he could never look me straight in the face, and he is too oily a character to please me. If, as I tell you, Mr. Fisher is not alive and in this country, then that was his ghost that I saw, and he has been murdered!”

5 “Be careful, David, what you say; and whatever you do, don’t offend Mr. Smith. Remember, he is a rich man and you are a poor one; and if you say a word to his discredit he may take the law of you, and make you pay for it; and that would be a pretty business for people who are striving to lay by just enough to keep them when they are no longer able to work.”

“There’s been foul play, I tell you, old woman. I am certain of it.”

10 “But that can’t be proved by your saying that you saw ‘a ghost sitting on a rail, when you were coming home from market none the better for what you drank upon the road. And if Mr. Fisher should still be alive in England – and you know that letters have been lately received from him – what a precious fool you would look!”

“Well, perhaps you are right. But when I tell you that I saw either Mr. Fisher or his ghost sitting on that rail, don’t laugh at me, because you will make me angry.”

“Well, I won’t laugh at you, though it must have been your fancy, old man. Whereabouts was it you saw, or thought you saw him?”

15 “You know the cross fence that divides Fisher’s land from Smith’s – near the old bridge at the bottom of Iron Gang Hill?”

“Yes.”

20 “Well, it was there. I’ll tell you what he was dressed in. You know that old fustian coat with the brass buttons, and the corduroy waistcoat and trousers, and that red silk bandanna handkerchief that he used to tie round his neck?”

“Yes.”

“Well, that’s how he was dressed. His straw hat he held in his left hand, and his right arm was resting on one of the posts. I was about ten or eleven yards from him, for the road is broad just there and the fence stands well back.”

25 “And you called him, you say?”

“Yes; but he did not answer. If the horse had not been so fidgety I’d have got down and gone up to him.”

“And then you would have found out that it was all smoke.”

“Say that again and you will put me into a passion.”

The old woman held her tongue, and suffered old David to talk all that day and the next about the ghost, without making any remark whatever.

CHAPTER III

5 On the following Wednesday – Thursday being the market day in Sydney – old David Weir loaded his cart and made his way to the Australian metropolis. True to his word with his wife, he did not mention to a soul one syllable, touching the ghost. Having disposed of his butter, eggs, poultry and maize, the old man left Sydney at 4 p.m., and at half-past ten arrived at Dean’s public house.

10 He had travelled in that space of time thirty miles, and was now about eight or nine from home. As was his wont, he here baited his horse, but declined taking any refreshment himself, though pressed to do so by several travellers who wanted to “treat” him. During the whole day he had been remarkably abstemious.

At a quarter to twelve the old man re-harnessed his jaded horse and was about to resume his journey when two men, who were going to Penrith, asked him for “a lift.”

15 “Jump up, my lads,” said old David; and off they were driven at a brisk walk. One of the men in the cart was a ticket-of-leave man in the employ of Mr. Cox, and had been to Sydney to attend “muster.” The other was a newly-appointed constable of the district. Both of these men had lived for several years in the vicinity of Penrith and knew by sight all of the inhabitants, male and female, free and bond.

20 When they neared the spot where the old man had seen the apparition, he walked the horse as slowly as possible and again beheld the figure of Mr. Fisher seated on the upper rail of the fence, and in precisely the same attitude and the same dress.

“Look there!” said old David to the two men, “what is that?”

25 “It is a man!” they both replied. “But how odd! It seems as if a light were shining through him!”

“Yes,” said old David; “but look at him; what man is it?”

“It is Mr. Fisher,” they said, simultaneously.

“Hold the reins, one of you,” said old David. “I’ll go and speak to him. They say he is at home in England, but I don’t believe it.”

30 Descending from the cart, the old man, who was as brave as a lion, approached the spectre and stood within a few feet of it. “Speak!” he cried. “Don’t you know me, sir?”

I am David Weir. How came you by that gash in your forehead? Are you alive or dead, Mr. Fisher?" To these questions no answer was returned. The old man then stretched forth his hand and placed it on what appeared to be Mr. Fisher's shoulder; but it was only empty air vacant space – that the intended touch rested upon!

5 "There has been foul play!" said the old man, addressing the spectre, but speaking sufficiently loud to be heard by both men in the cart. "And, by heaven, it shall be brought to light! Let me mark the spot." And with these words he broke off several boughs from a tree near the rail and placed them opposite to where the spectre remained sitting. Nay, further, he took out his clasp-knife and notched the very part
10 on which the right hand of the spectre rested.

Even after the old man returned to the cart the apparition of Mr. Fisher, exactly as he was in the flesh, was "palpable to the sight" of all three men. They sat gazing at it for full ten minutes, and then drove on in awe and wonderment.

CHAPTER IV

15 When old David Weir arrived home, his wife, who was delighted to see him so calm and collected, inquired, laughingly, if he had seen the ghost again. "Never mind about that," said the old man. "Here, take the money and lock it up, while I take the horse out of the cart. He is very tired, and no wonder, for the roads are nearly a foot deep in dust. This is the fifteenth month that has passed since we had the last shower of rain;
20 but never mind! If it holds off for a fortnight or three weeks longer our maize will be worth thirty shillings a bushel. It is wrong to grumble at the ways of Providence. In my belief it is very wicked."

"Well, I think so, too," said the old woman. "Thirty shillings a bushel! Why, Lord a'bless us, that ull set us up in the world, surely! What a mercy we did not sell when it
25 rose to nine and sixpence!"

"Get me some supper ready, for as soon as I have taken it I have some business to transact."

"Not out of the house?"

"Never you mind. Do as I tell you."

30 Having eaten his supper, the old man rose from his chair, put on his hat and left his abode. In reply to his wife's question, "Where are you going?" he said "To Mr. Cox's; I'll be home in an hour or so. I have business, as I told you, to transact."

The old woman suggested that he could surely wait till the morning; but he took no heed of her and walked away.

5 Mr. Cox was a gentleman of very large property in the district, and was one of the most zealous and active magistrates in the colony. At all times of the day or the night he was accessible to any person who considered they had business with him.

10 It was past two o'clock in the morning when David Weir arrived at Mr. Cox's house and informed the watchman that he desired to see the master. It was not the first time that the old man had visited Mr. Cox at such an hour. Two years previously he had been plundered by bushrangers, and as soon as they had gone he went to give the information.

Mr. Cox came out, received the old man very graciously and invited him to enter the house. Old David followed the magistrate and detailed all that the reader is in possession of touching the ghost of Mr. Fisher.

15 "And who were with you," said Mr. Cox, "on the second occasion of your seeing this ghost?"

"One is a ticket-of-leave man named Williams, a man in your own employ; and the other was a man named Hamilton, who lived for several years with Sir John Jamieson. They both rode with me in my cart," was the old man's answer.

"Has Williams returned?"

20 "Yes, sir."

"It is very late, and the man may be tired and have gone to bed; but, nevertheless, I will send for him." And Mr. Cox gave the order for Williams to be summoned.

Williams, in a few minutes, came and corroborated David Weir's statement in every particular.

25 "It is the most extraordinary thing I have ever heard in my life," said Mr. Cox. "But go home, Weir; and you, Williams, go to your rest. Tomorrow morning I will go with you to the spot and examine it. You say that you have marked it, Weir?"

"Yes, sir."

30 The old man then left Mr. Cox and Williams returned to his hut. Mr. Cox did not sleep again till a few minutes before the day dawned, and then, when he dropped off for a quarter of an hour he dreamt of nothing but the ghost sitting on the rail.

CHAPTER V

The next morning – or rather, on that morning – Mr. Cox, at eight o'clock, rode over to the township of Penrith and saw Hamilton, Weir's second witness. Hamilton, as did Williams, corroborated all that Weir had stated, so far as related to the second
5 time the spectre had been seen; and Hamilton further volunteered the assertion that no one of the party was in the slightest degree affected by drink.

There was a tribe of blacks in the vicinity, and Mr. Cox sent for the chief and several others. The European name of this chief was "Johnny Crook," and, like all his race, he was an adept in tracking. Accompanied by Weir, Hamilton, Williams and the
10 blacks, Mr. Cox proceeded to the spot. Weir had no difficulty in pointing out the exact rail. The broken boughs and the notches on the post were his unerring guides.

Johnny Crook, after examining the rail very minutely, pointed to some stains and exclaimed, "white man's blood!" Then, leaping over the fence, he examined the brushwood and the ground adjacent. Ere long he started off, beckoning Mr. Cox and
15 his attendants to follow. For more than three-quarters of a mile, over forest land, the savage tracked the footsteps of a man, and something trailed along the earth (fortunately, so far as the ends of justice were concerned, no rain had fallen during the period alluded to by old David, namely, fifteen months. One heavy shower would have obliterated all these tracks, most probably, and, curious enough, that very night
20 there was a frightful downfall – such a downfall as had not been known for many a long year) until they came to a pond, or water-hole, upon the surface of which was a bluish scum. This scum the blacks, after an examination of it, declared to be "white man's fat." The pond in question was not on Fisher's land, or Smith's. It was on Crown land in the rear of their properties. When full to the brink the depth of the
25 water was about ten feet in the centre, but at the time referred to there was not more than three feet and a half, and, badly as the cattle wanted water, it was very evident, from the absence of recent hock-prints, that they would not drink at this pond. The blacks walked into the water at the request of Mr. Cox and felt about the muddy bottom with their feet. They were not long employed thus when they came upon a
30 bag of bones – or, rather, the remains of a human body, kept together by clothing which had become so rotten it would scarcely bear the touch. The skull was still attached to the body, which the blacks raised to the surface and brought on shore, together with a big stone and the remains of a large silk handkerchief. The features were not recognisable, but the buttons on the clothes, and the boots, were those
35 which Mr. Fisher used to wear! And in the pocket of the trousers was found a buckhorn-handled knife which bore the initials "J.F." engraved on a small silver plate. This was also identified by Weir, who had seen Mr. Fisher use the knife scores of times. It was one of those knives which contained a large blade, two small ones, a corkscrew, gimlet, horse-shoe picker, tweezers, screwdriver, etc., etc. The

murderer, whoever it might be, had either forgotten to take away this knife or had purposely left it with the body, for all other pockets were turned inside out.

“Well, sir, what do you think of that?” said old Weir to Mr. Cox, who looked on in a state of amazement which almost amounted to bewilderment.

5 “I scarcely know what to think of it,” was Mr. Cox’s reply. “But it is lucky for you, David, that you are a man of such good character that you are beyond the pale of being suspected of so foul a deed.”

“I, sir?”

10 “Yes, you. If it were not that this dead man’s property is advertised for sale, it might have gone very hard with you, old man. It would have been suggested that your conscience had something to do with the information you gave me of the ghost. But stay here, all of you, with the body until I return. I shall not be absent for more than an hour. Have you a pair of handcuffs about you, Hamilton?”

“Several pair, sir,” replied the constable.

15 CHAPTER VI

After leaving the dead body, Mr. Cox rode to Fisher’s house, in which Mr. Smith was living. Mr. Smith, on being informed of the approach of so exalted a person as Mr. Cox, one of the proudest men in the colony, came out to receive him with all respect and honour. Mr. Cox – who would not have given his hand to an “ex-piree” (under
20 any circumstances), no matter how wealthy he might be – answered Mr. Smith’s greeting with a bow, and then asked if he could speak with him for a few minutes. Mr. Smith replied, “Most certainly, sir,” and, ordering a servant to take the magistrate’s horse to the stables, he conducted his visitor into the best room of the weatherboarded and comfortable tenement. The furniture was plain and homely, but
25 serviceable, nevertheless, and remarkably clean. The pictures on the walls formed a rather motley collection, having been picked up at various times by Mr. Fisher at sales by public auction of the effects of deceased officials. Amongst others were two valuable oil paintings which had originally belonged to Major Ovens, an eccentric officer who was buried on Garden Island, in the harbour of Port Jackson. These had
30 been bought for less money than the frames were worth. There were also some Dutch paintings, of which neither Mr. Fisher nor those who had not bid against him little knew the real value when they were knocked down for forty-two shillings the set – six in number!

“I have come to speak to you on a matter of business,” said the magistrate. “Is the sale of this farm and the stock to be a peremptory sale? That is to say, will it be knocked down, bonÃƒ fide, to the highest bidder?”

“Yes, sir.”

5 “And the terms are cash?”

“Yes, sir.”

“Sales for cash are not very common in this country. The terms are usually ten per cent. deposit, and the residue at three, six, nine and twelve months, in equal payments.”

10 “Very true, sir, but these are Mr. Fisher’s instructions, by which I must be guided.”

“What do you imagine the farm will realise, including the stock and all that is upon it?”

“Well, sir, it ought to fetch £1,500 ready money.”

15 “I hear that the whole of Mr. Fisher’s property is to be sold, either by auction or private contract.”

“Yes, sir.”

“What will it realise, think you, in cash?”

“Not under £12,000 I should say, sir.”

“One of my brothers has an idea of bidding for this farm; what about the title?”

20 “As good as can be, sir. It was originally granted to Colonel Foucaux, who sold it and conveyed it to Mr. Thomas Blaxsell, who sold it and conveyed it to Fisher. But as you know, sir, twenty years’ undisputed possession of itself makes a good title, and Fisher has been on this farm far longer than that. All the deeds are here; you may see them, if you please, sir.”

25 “There is no occasion for that; as Mr. Fisher’s constituted attorney, you will sign the deed of conveyance on his behalf.”

“Yes, sir.”

“What is the date of the power of attorney?”

“I will tell you, sir, in one moment”; and opening a bureau which stood in one corner of the room, Mr. Smith produced the deed and placed it in Mr. Cox’s hands.

5 With the signature of Fisher, Mr. Cox was not acquainted; or, at all events he could not swear to it. He had seen it – seen Fisher write his name, it is true; but then it was that sort of hand which all uneducated and out-door working men employ when they write their names – a sprawling round-hand. But as to the signatures of the attesting witnesses there could be no question whatever. They were those of two of the most eminent solicitors (partners) in Sydney – Mr. Cox’s own solicitors, in fact.

10 “And the letter of instructions authorising you to sell by auction, for cash; for it says in this power, ‘and to sell the same, or any part thereof, in accordance with such instructions as he may receive from me by letter after my arrival in England.’”

“Here is the letter, sir,” said Mr. Smith, producing it.

Mr. Cox read the letter attentively. It ran thus:

15 Dear Sir,

I got home all right, and found my friends and relations quite well and hearty, and very glad to see me again. I am so happy among ’em, I shan’t go out no more to the colony. So sell all off, by public auction or by private contract, but let it be for cash, as I want the money sharp; I am going to buy a share in a
20 brewery with it. I reckon it ought, altogether, to fetch about £17,000. But do your best, and let me have it quick, whatever it is.

Your faithful friend.

JOHN FISHER.

25 There was no post mark on this letter. In those days the postage on letters was very high, and nothing was more common for persons in all conditions of life to forward communications by private hands. As to the signature of the letter, it was identical with that of the power of attorney.

“All this is very satisfactory,” said Mr. Cox. “Is this letter, dated five months ago, the last you have received?”

30 “Yes, sir. It came by the last ship, and there has not been another in since.”

“Good morning, Mr. Smith.”

“Good morning, sir.”

CHAPTER VII

5 Riding away from Fisher’s late abode, Mr. Cox was somewhat perplexed. That power of attorney, drawn up so formally, and signed by Fisher in the presence of such credible witnesses, and then the letter written, signed in the same way by the same hand, were all in favour of the presumption that Fisher had gone to England, leaving his friend and neighbour, Smith, in charge of his property, real and personal. But then, there were the remains! And that they were the remains of Fisher, Mr. Cox
10 firmly believed. When he had returned to the pond, by a circuitous route, Mr. Cox ordered the blacks to strip from a bluegum tree, with their tomahawks, a large sheet of bark. Upon this the remains were placed, carried straightaway to Fisher’s house (Mr. Cox, upon horseback, heading the party) and placed on the verandah. While this proceeding was in progress Mr. Smith came out and wore upon his countenance
15 an expression of surprise, astonishment, wonder. But there was nothing in that. The most innocent man in the world would be surprised, astonished, and in wonderment on beholding such a spectacle.

“What is this, Mr. Cox?” he said.

“The last that I have heard and seen of Mr. Fisher,” was the reply.

20 “Of Mr. Fisher, sir!”

“Yes.”

“These were his old clothes,” said Mr. Smith, examining them carefully; “most certainly this was the old suit he used to wear. But as for the body, it can’t be his; for he is alive, as you have seen by his letter. These old clothes he must have given away,
25 as he did many other old things, the day before he left; and the man to whom he gave ’em must have been murdered.”

“Do you think he could have given away this knife?” said David Weir. “To my knowledge, he had it for better than twelve years, and often have I heard him say he would not part with it for £50.”

30 “Give it away? Yes!” said Smith. “Didn’t he give away his old saddle and bridle? Didn’t he give away his old spurs? Didn’t he give away a cow and a calf?”

“He was a good man, and an honest man, and a very fair dealing man, and in his latter days a very righteous and godly man, but he was not a giving away man by any manner of means,” returned old David.

5 “And if he gave away these boots,” said Hamilton, “they were a very good fit for the man who received them.”

“This man, whoever he is, was murdered, no doubt,” said Mr. Smith, with the most imperturbable countenance and the coolest manner. “Just look at this crack in his skull, Mr. Cox.”

“Yes, I have seen that,” said the magistrate.

10 “And that’s where poor Fisher’s ghost had it,” said old David.

“Fisher’s ghost!” said Mr. Smith. “What do you mean, Weir?”

“Why, the ghost that I have twice seen sitting on the rail not far from the old bridge at the bottom of the hill yonder.”

15 “Ghost! You have seen a ghost, have you?” returned Mr. Smith, giving Mr. Cox a very cunning and expressive look. “Well, I have heard that ghosts do visit those who have sent them out of this world, and I dare say Mr. Cox has heard heard the same. Now, if I had been you, I’d have held my tongue about a ghost (for ghosts are only the creatures of our consciences) for fear of being taken in charge.”

20 “I taken in charge!” said old Weir. “No, no! My conscience is clear, and what I’ve seen and said I’ll swear to. Wherever I go I’ll talk about it up to my dying hour. That was the ghost of Mr. Fisher that I saw, and these are the remains of his body.”

“If I were Mr. Cox, a magistrate,” said Mr. Smith, “I would give you in charge.”

“I will not do that, Mr. Smith,” replied Mr. Cox. “I feel that my duty compels me to give you in custody of this police officer.”

25 “For what, sir?”

“On a charge of wilful murder. Hamilton!”

“Yes, sir.”

“Manacle Mr. Smith and take him to Penrith.”

Mr. Smith held up his wrists with the air of an injured and pure minded man, who was so satisfied of his innocence that he was prepared for the strictest investigation into his conduct and had no dread as to the result.

CHAPTER VIII

5 A coroner's inquest was held on the remains found in the pond, and a verdict of "Wilful Murder" was returned against Edward Smith. The jury also found that the remains were those of John Fisher, albeit they were so frightfully decomposed that personal identification was out of all question.

10 The vessel in which Fisher was reported to have left Sydney happened to be in the harbour. The captain and officers were interrogated, and in reply to the question, "Did a man named John Fisher go home in your vessel?" the reply was "Yes, and on the Custom House officers coming on board, as usual, to look at the passengers and search the ship to see that no convicts were attempting to make their escape, he produced his parchment certificate of freedom, in which there was a description of
15 his person."

"And did the man answer exactly to that description?"

"Yes, making allowance for his years, on looking at the date of the certificate. If he had not, he would have been detained, as many convicts have been."

"And during the voyage did he talk of himself?"

20 "Frequently. He said that he was a farmer near Penrith; that after he had served his time he went to work, earned some money, rented a farm, then bought it, and by industry and perseverance had made a fortune."

"Did he ever mention a Mr. Smith – a friend of his?"

25 "Often. He said he had left everything in Mr. Smith's hands, and that he did not like to sell his property till he saw how he should like England after so long an absence. He further said that if he did not come back to the colony he would have all his property sold off, and join some trading firm in his own country."

30 The solicitor who had prepared the power of attorney, and witnessed it, said that a person representing himself as John Fisher, of Ruskdale, in the district of Penrith, came to them and gave instructions for the deed; and after it was duly executed, took it away with him and requested that a copy might be made and kept in their office, which was done accordingly. In payment of the bill, twenty dollars (£5 currency), he gave a cheque on the bank of New South Wales, which was cashed on presentation;

that the man who so represented himself as John Fisher was a man of about forty-six or forty-eight years of age, about five feet eight inches in height, and rather stout; had light blue eyes, sandy hair, and whiskers partially gray, a low but intelligent forehead, and a rather reddish nose.

- 5 This description answered exactly that of Mr. Fisher at the time of his departure from the colony.

The cashier of the bank showed the cheque for twenty dollars. Mr. Fisher had an account there, and drew out his balance, £200 – not in person, but by a cheque – two days previous to his alleged departure. He had written several letters to the bank, and
10 on comparing those letters with the letter Mr. Smith said he had received from England, they corresponded exactly.

Opinion was very much divided in the colony with respect to Mr. Smith's guilt. Numbers of persons who knew the man, and had dealings with him, thought him incapable of committing such a crime – or any heinous offence, in fact. The records
15 were looked into, to ascertain of what offence he had been convicted originally. It was for embezzling the sum of twenty-two shillings and fourpence, which had been entrusted to him when he was an apprentice for his master, who was a market gardener, seedsman and florist. As for the story about the ghost, very, very few put any trust in it. Bulwer was then a very young gentleman, and had never dreamt of
20 writing about Eugene Aram; nor had Thomas Hood contemplated his exquisite little poem on the same subject. Nor had the murder of the Red Barn been brought to light through the agency of a dream. The only instances of ghosts coming to give evidence of murder were those of Banquo and Hamlet's father – and Shakespeare was not considered an authority to be relied upon in such a case as that of Fisher.

25 Smith's house and premises, as well as those of Fisher, were searched in the hope of finding apparel, or some garment stained with blood, but in vain. Nor did the inspection of Smith's letters and papers disclose aught that strengthened the case against him. On the contrary, his accounts touching Fisher's property were kept entirely distinct from his own, and in memorandum books were found entries of the
30 following description:–

Sept. 9. Wrote to Fisher to say P. has paid the interest on his mortgage.

Sept. 27. Received £27 10s. from Wilson for year's rent of Fisher's house in Castlereagh Street.

Nov. 12. Paid Baxter £3 12s. due to him by Fisher for bullock chains.

No case had ever before created, and probably never will again create, so great a sensation. Very many were firmly impressed with the belief that Weir was the murderer of the man who wore Fisher's clothes, crediting Smith's assertion or suggestion that he had given them away. Many others were of the opinion that the
5 remains were those of Fisher, and the man who murdered him had robbed him of his certificate of freedom, as well as of the cash and papers he had about him, and then, representing Fisher, had got out of the colony and made Smith a dupe.

CHAPTER IX

10 The anxiously looked-for day of trial came. The court was crowded with persons in every grade of society, from the highest to the very lowest. Mr. Smith stood in the dock as firmly and as composedly as though he had been arraigned for a mere libel, or a common assault – the penalty of conviction not exceeding a fine and a few months' imprisonment.

15 The case was opened by the Attorney-General with the greatest fairness imaginable, and when the witnesses gave their evidence (Weir, Hamilton, Williams and Mr. Cox) everyone appeared to hold his breath. Smith, who defended himself, cross-examined them all with wonderful tact and ability; and, at the conclusion of the case for the prosecution, addressed the jury at considerable length and with no mean amount of eloquence.

20 The judge then summed up. His honour was the last man in the world to believe in supernatural appearances; but with the ability and fairness that characterised his career in the colony, he weighted the probabilities and improbabilities with the greatest nicety. To detail all the points taken by the judge would be tedious; but if his charge had any leaning one way or other it was in favour of the prisoner.

25 The jury in those days was not composed of the people, but of military officers belonging to the regiment quartered in the colony. These gentlemen, in ordinary cases, did not give much of their minds to the point at issue. Some of them usually threw themselves back and shut their eyes – not to think, but “nod.” Others
30 whispered to each other – not about the guilt or innocence of the prisoner at the bar, but about their own affairs; whilst those who had any talent for drawing exercised it by sketching the scene or taking the likeness of the prisoner, the witnesses, the counsel, the sheriff and the judge. But in this case they seemingly devoted all their energies, in order to enable them to arrive at the truth. To every word that fell from the judge during his charge, which lasted over two hours, they listened with
35 breathless attention, and when it was concluded they requested permission to retire to consider their verdict. This was at half-past five in the afternoon of Friday, and not

until a quarter to eleven did the jury return into court and retake their places in the box.

5 The excitement that prevailed was intense, and when the murmurs in the crowd, so common upon such occasions, had subsided, amidst awful stillness the prothonotary put that all momentous question, “Gentlemen of the jury, what say you? Is the prisoner at the bar guilty, or not guilty?”

With a firm, clear voice, the foreman – a captain in the army – uttered the word “GUILTY!”

10 Murmurs of applause from some, and of disapprobation from others, instantly resounded through the hall of Justice. From the reluctant manner in which the judge put the black cap upon his head, it was evident that he was not altogether satisfied with the finding of the jury. He had, however, no alternative; and in the usual formal manner he sentenced the prisoner to be hanged on the following Monday morning at eight o’clock.

15 Smith heard the sentence without moving a single muscle or betraying any species of emotion, and left the dock with as firm a step as that which he employed when entering it. His demeanour through the trial, and after he was sentenced, brought over many who previously thought him guilty to a belief in his innocence, and a petition to the Governor to spare his life was speedily drafted and numerous signed.
20 It was rumoured that the Chief justice who tried the case had also made a similar recommendation, and that the Governor, in deference thereto, had ordered a reprieve to be made out, but not to be delivered to the Sheriff until seven o’clock on Monday morning. It was further stated that the Governor was of opinion that the finding of the jury was a correct one. The press of the colony did not lead, but fell
25 into, the most popular opinion, that it would be tantamount to murder to take away the life of any human being upon such evidence as that given at the trial.

CHAPTER X

On the Monday morning, so early as half-past six, the rocks which overlooked the gaol yard in Sydney, and commanded a good view of the gallows, were crowded with
30 persons of the lower orders; and when, at a little before seven, the hangman came out to suspend the rope to the beam and make other preparations he was hailed with loud hisses and execrations; so emphatic was the demonstration of the multitude in favour of the condemned man. By seven o’clock the mob was doubled, and when the Under-Sheriff or any other functionary was seen in the courtyard, the yells with which he
35 was greeted were something terrific.

At five minutes to eight the culprit was led forth, and at the foot of the gallows, and near his coffin (according to the custom prevailing in the colony), was pinioned preparatory to ascending the ladder. Whilst this ceremony was being performed the shouts of the populace were deafening. “Shame! Shame! Shame! Hang Weir! He is the
5 guilty man! This is a murder! A horrid murder!” Such were the ejaculations that resounded from every quarter of that dense mob assembled to witness the execution; while the calm and submissive manner in which Smith listened to the reverend gentleman who attended him in his last moments, heightened rather than suppressed the popular clamour.

10 At one minute past eight the fatal bolt was drawn and Smith, after struggling for about half a minute, was dead! Whereupon the mob renewed their yells, execrations, hisses, and cries of “Shame! Shame! Shame! Murder! Murder! Murder!” These noises could not recall to life Mr. Smith. He had gone to his account, and after hanging an hour his body was cut down, the coffin containing it conveyed in an uncovered cart to
15 Slaughter-House Point (the last resting-place of all great criminals) and the grave filled in with quicklime.

There was a gloom over Sydney until the evening at half-past six o’clock. Almost everyone was now disposed to think that the blood of an innocent man had been shed. “The witnesses were all perjured, not excepting Mr. Cox”; “the jury were a
20 parcel of fools”; and “the Governor, who would not listen to the judge, a hard-hearted and cruel man.” Such were the opinions that were current from one end of Sydney to the other. But at the hour above mentioned – halfpast six in the evening – the public mind was disabused of its erroneous idea. At that hour it became generally known that on the previous night Mr. Smith had sent for the Rev. Mr. Cooper, and to that
25 gentleman had confessed that he deserved the fate that awaited him; that for more than two years he had contemplated the murder of John Fisher for the sake of his wealth, which was equal to £20,000; that the man who had personated Fisher and executed the power of attorney had gone to England and written thence the letter upon which he so much relied in his defence, was a convict who resembled the
30 deceased in person, and to whom he (Smith) gave Fisher’s certificate of freedom; that it was his (Smith’s) intention to have left the colony as soon as the proceeds of the sale came into his possession – partly because he longed to lead the last portion of his life in England, but chiefly because, from the day on which he committed the murder, he had been haunted by that ghost which old Weir had truly sworn he saw sitting on
35 the rail; that the deed was done by a single blow from a tomahawk, and that the deceased never spoke after it was inflicted. He protested that the man who had personated Fisher in respect to the execution of the power of attorney, and who had escaped from the colony, was ignorant of his (Smith’s) intention to murder Fisher; and that the letter which had been forwarded from England was only a copy of the
40 one which he (Smith) had told him to despatch a few months after he had arrived at

home. He concluded by saying that, since he struck Fisher that fatal blow his life had been a burden to him, much as he had struggled to disguise his feelings and put a bold front on the matter; and that he would much rather, since he had been convicted, suffer death than be reprieved – although he hoped that until after the breath had left
5 his body his confession would be kept a secret.