

# The Examiner.

A WEEKLY JOURNAL OF POLITICS, LITERATURE AND NEWS.

EDWARD WHELAN

This is true Liberty, when Free-born Men, having to advise the Public, may speak free.—EURIPIDES.

[EDITOR AND PUBLISHER.]

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MOON'S PHASES.—AUGUST, 1856.

First Quarter 8th day, 7h. 43m. evening. S.W.  
Full Moon 16th day, 1h. 15m. morning. S.  
Last Quarter 22d day, 4h. 28m. evening. E.  
New Moon 30th day, 6h. 34m. morning. E.

## Literature.

### SLEEP, LITTLE BABY, SLEEP.

Not in the cradle-bed,  
Not on thy mother's breast,  
Henceforth shall be thy rest,  
But with the quiet dead.

I've seen thee in thy beauty,  
A thing all health and glee,  
But never then wert thou  
So beautiful as now,  
Darling! thou seem'st to me.

Mount up, immortal essence!  
Young spirit, haste, depart;  
And is this death? Dread thing!  
If such thy visiting,  
How beautiful thou art!

Oh, I could gaze forever,  
Upon that waxen face!  
So passionless, so pure,  
The little shrine was sure,  
An angel's dwelling-place.

God took thee in his mercy,  
A lamb untasked, untried,  
He fought the fight for thee,  
And won the victory!  
And thou art sanctified!

I look around and see  
The sinful ways of men;  
And O, beloved child!  
I'm more than reconciled  
To thy departure then.

Now, like a dew-drop shrined  
Within a crystal stone,  
Thou'rt safe in heaven, my dove,  
Safe with the source of love,  
The Everlasting One!

(From Dickens's Household Words.)

### FISHER'S GHOST.

AN AUSTRALIAN STORY.

In the colony of New South Wales, at a place called Penrith, distant from Sydney about thirty-seven miles, lived a farmer named Fisher. He had been originally transported but had become free by servitude. Unceasing toil and great steadiness of character had acquired for him a considerable property, for a person in his station of life. His lands and stock were not worth less than four thousand pounds. He was unmarried, and was about forty-five years old.

Suddenly Fisher disappeared; and one of his neighbours—a man named Smith—gave out that he had gone to England, but would return in two or three years. Smith produced a document, purporting to be executed by Fisher; and according to this document, Fisher had appointed Smith to act as his agent during his absence. Fisher was a man of very singular habits and eccentric character, and his silence about his departure, instead of creating surprise, was declared to be exactly like him.

About six months after Fisher's disappearance, an old man called Ben Wier, who had a small farm near Penrith, and who always drove his own cart to market, was returning from Sydney, one night, when he beheld, seated on a rail which bounded the road—Fisher. The night was very dark, and the distance of the fence from the middle of the road was, at least, twelve yards. Wier, nevertheless, saw Fisher's figure seated on the rail. He pulled his old mare up, and called out, "Fisher, is that you?" No answer was returned; but there, still on the rail, sat the form of the man with whom he had been on the most intimate terms. Wier—who was not drunk, though he had taken several glasses of strong liquor on the road—jumped off his cart, and approached the rail. To his surprise the form vanished.

"Well," exclaimed old Wier, "this is very curious, anyhow," and, breaking several branches of a sapling so as to mark the exact spot, here mounted his cart, put his old mare into a jog trot, and soon reached his home.

Ben was not likely to keep this vision a secret from his old woman. All that he had seen he faithfully related to her.

"Hold your nonsense, Ben!" was old Betty's reply. "You know that you have been a drinking and disturbing of your imagination. Ain't Fisher gone to England? And if he had a come back, do you think we shouldn't have heard on it?"

"Ay, Betty!" said old Ben, "but he'd a cruel gash in his forehead, and the blood was all fresh like. Faith, it makes one shudder to think on't. It were his ghost."

"How can you talk so foolish, Ben?" said the old woman. "You must be drunk surely to get on about ghostesses."

"I tell thee I am not drunk," rejoined old Ben angrily. "There's been foul play, Betty; I'm sure on't. There sat Fisher on a rail—not more than a matter of two miles from this. Egad, it were on his own fence that he sat. There he was, in his shirt-sleeves, with his arms a folded; just as he used to sit when he was waiting for anybody coming up the road. Bless you, Betty, I seed 'im till I was as close as I am to thee; when all on a sudden, he vanished like smoke."

"Nonsense, Ben; don't talk of it," said old Betty, "or the neighbours will only laugh at you. Come to bed, and you'll forget all about it before to-morrow morning."

Old Ben went to bed; but he did not next morning forget all about what he had seen on the previous night; on the contrary, he was more positive than before. However, at the earnest, and oft repeated request of the old woman, he promised not to mention having seen Fisher's ghost, for fear it might expose him to ridicule.

On the following Thursday night, when old Ben was returning from market—again in his cart—he saw, seated on the same rail, the identical apparition. He had purposely abstained from drinking that day, and was in the full possession of all his senses. On this occasion old Ben was too much alarmed to stop. He urged the old mare on, and got home as speedily as possible. As soon as he had unharnessed and fed the mare, and taken his purchases out of the cart, he entered his cottage, lighted his pipe, sat over the fire with his better half, and gave her an account of how he had dis-

posed of his produce, and what he had brought back from Sydney in return. After this he said to her, "Well, Betty, I'm not drunk to-night, anyhow, am I?"

"No," said Betty. "You are quite sober, sensible like, to-night, Ben; and therefore you have come home without any ghost in your head. Ghost! Don't believe there is any such things."

"Well, you are satisfied that I am not drunk; but perfectly sober," said the old man.

"Yes, Ben," said Betty.

"Well, then," said Ben, "I tell thee what, Betty. I saw Fisher again to-night."

"Stuff!" cried old Betty.

"You may say stuff," said the old farmer; "but I tell you what—I saw him as plainly as I did last Thursday night. Smith is a bad 'un! Do you think that Fisher would ever have left this country without coming to bid you and me good bye?"

"It's all fancy!" said old Betty. "Now drink your grog and smoke your pipe, and think no more about the ghost. I won't hear on't."

"I'm as fond of my grog and pipe as most men," said old Ben; "but I'm not going to drink anything to-night. It may be all fancy, as you call it, but I'm now going to tell Mr. Grafton all I saw, and what I think; and with these words he got up, and left the house."

Mr. Grafton was a gentleman who lived about a mile from old Wier's farm. He had been formerly a lieutenant in the navy, but was now on half-pay, and was a settler in the new colony; he was, moreover, in the commission of the peace.

When old Ben arrived at Mr. Grafton's house, Mr. Grafton was about to retire to bed; but he requested old Ben might be shewn in. He desired the farmer to take a seat by the fire, and then inquired what was the latest news in Sydney.

"The news in Sydney, sir, is very small," said old Ben; "wheat is falling, but maize still keeps its price—seven and sixpence a bushel; but I want to tell you, sir, something that will astonish you."

"What is it, Ben?" asked Mr. Grafton, eagerly.

"Why, sir," resumed old Ben, "you know I am not a weak-minded man, nor a fool exactly; for I was born and bred in Yorkshire."

"No, Ben, I don't believe you to be weak-minded, nor do I think you a fool," said Mr. Grafton; "but what can you have to say that you come at this late hour, and that you require such a preface?"

"That I have seen the ghost of Fisher, sir," said the old man; and he detailed the particulars of which the reader is already in possession.

Mr. Grafton was at first disposed to think with old Betty, that Ben had seen Fisher's ghost through an extra glass or two of rum on the first night, and that on the second night, when perfectly sober, he was unable to divest himself of the idea previously entertained. But after a little consideration the words "How very singular!" involuntarily escaped him.

"Go home, Ben," said Mr. Grafton, "and let me see you to-morrow at sunrise. We will go together to the place where you say you saw the ghost."

Mr. Grafton used to encourage the aboriginal natives of New South Wales (the race which has been very aptly described "the last link in the human chain") to remain about his premises. At the head of a little tribe then encamped on Mr. Grafton's estate, was a sharp young man named Johnny Crook. The peculiar faculty of the aboriginal natives of New South Wales, of tracking the human foot, not only over grass but over the hardest rock; and of tracking the whereabouts of runaways by signs imperceptible to civilised eyes, is well known; and this man, Johnny Crook, was famous for his skill in this particular art of tracking. He had recently been instrumental in the apprehension of several bushrangers whom he had tracked over twenty-seven miles of rocky country and fields, which they had crossed barefooted, in the hope of checking the black fellow in the progress of his keen pursuit with the horse police.

When old Ben Wier made his appearance in the morning at Mr. Grafton's house, the black chief Johnny Crook, was summoned to attend. He came and brought with him several of his subjects. The party set out, old Wier showing the way. The leaves on the branches of the saplings which he had broken on the first night of seeing the ghost, were withered, and sufficiently pointed out the exact rail on which the phantom was represented to have sat. There were stains upon the rail. Johnny Crook who had then no idea of what he was required for, pronounced these stains to be "White man's blood;" and after searching about for some time, he pointed to a spot whereon a human body had been laid.

In New South Wales long droughts are not very uncommon; and not a single shower of rain had fallen for seven months previously—not sufficient even to lay the dust upon the roads.

In consequence of the time that had elapsed, Crook had no small difficulty to contend with; but in about two hours he succeeded in tracking the footsteps of one man to the unfrequented side of the pond at some distance. He gave it as his opinion that another man had been dragged thither. The savage walked round the pond, eagerly examining its borders and the sedges and weeds springing up round it.—At first he seemed baffled. No clue had been washed ashore to show that anything unusual had been sunk in the pond; but having finished his examination, he laid himself down on his face and looked keenly along the surface of the smooth and stagnant water. Presently he jumped up, uttered a cry peculiar to the natives when gratified by finding some long sought object, clapped his hands, and pointing to the middle of the pond to where the decomposition of some sunken substance had produced a slimy coating streaked with prismatic colors, he exclaimed, "White man's fat!" The pond was immediately searched; and, below the spot indicated, the remains of a body were discovered. A large stone and a rotted silk handkerchief were found near the body; these had been used to sink it.

That it was the body of Fisher there could be no question. It might have been identified by the teeth; but on the waistcoat there were some large brass buttons which were immediately recognised, both by Mr. Grafton and old Ben Wier, as Fisher's property. He had worn these buttons on his waistcoat for several years.

Leaving the body by the side of the pond, and old Ben and the blacks to guard it, Mr. Grafton cantered up to Fisher's house. Smith was now in possession of all the missing man's property, but had removed to Fisher's house.—It was about a mile and a half distant. He inquired for Mr. Smith, who was at breakfast, came out, and invited Mr. Grafton to alight; Mr. Grafton accepted the invitation and after a few desultory observations said,

"Mr. Smith, I am anxious to purchase a piece of land on the other side of the road, belonging to this estate, and I would give a fair price for it. Have you the power to sell?"

"Oh, yes, sir," replied Smith. "The power which I hold from Fisher is a general power; and he forthwith produced a document, purporting to be signed by Fisher, but which was not witnessed."

"If you are not very busy, I should like to show you the piece of land I allude to," said Mr. Grafton.

"Oh, certainly, sir. I am quite at your service," said Smith; and he then ordered his horse to be saddled.

It was necessary to pass the pond where the remains of Fisher's body were then exposed. When they came near the spot, Mr. Grafton, looking Smith full in the face, said, "Mr. Smith, I want to show you something. Look here!" He pointed to the decomposed body, and narrowly watching Mr. Smith's countenance, he remarked:—"These are the remains of Fisher. How do you account for their being found in this pond?"

Smith, with the greatest coolness, got off his horse, minutely examined the remains, and then admitted that there was no doubt they were Fisher's. He confessed himself at a loss to account for their discovery, unless it could be (he said) that somebody had waylaid him on the road when he left his home for Sydney; had murdered him for the gold and bank-notes which he had about his person, and then thrown him into the pond. "My hands, thank Heaven!" he concluded, "are clean. If my old friend could come to life again, he would tell you that I had no hand in his horrible murder."

Mr. Grafton knew not what to think. He was not a believer in ghosts. Could it be possible, he began to ask himself, that old Wier had committed this crime, and—finding it weigh heavily on his conscience, and fearing that he might be detected—had trumped up the story about the ghost—had pretended that he was led to the spot by supernatural agency—and thus by bringing the murder voluntarily to light, hoped to stifle all suspicion? But then he considered Wier's excellent character, his kind disposition and good nature. These at once put to flight his suspicion of Wier; but still he was by no means satisfied of Smith's guilt, much as appearance were against him.

Fisher's servants were examined, and stated that their master had often talked of going to England on a visit to his friends, and of leaving Mr. Smith to manage his farm; and that though they were surprised when Mr. Smith came, and said he had "gone at last," they did not think it at all unlikely that he had done so. An inquest was held, and a verdict of wilful murder found against Thomas Smith. He was thereupon committed to Sydney for trial, at the ensuing sessions, in the supreme court. The case naturally excited great interest in the colony; and public opinion respecting Smith's guilt was evenly balanced.

The day of trial came; and the court was crowded almost to suffocation. The Attorney General very truly remarked that there were circumstances connected with the case which were without any precedent in the annals of jurisprudence. The only witnesses were old Wier and Mr. Grafton. Smith, who defended himself with great composure and ability, cross-examined them at considerable length, and with consummate skill. The prosecution having closed, Smith addressed the jury, which consisted of military officers, in his defence. He admitted that the circumstances were strong against him; but he most ingeniously proceeded to explain them.

The power of attorney, which he produced, he contended had been regularly drafted by Fisher, and he called several witnesses, who swore that they believed the signature to be that of the deceased. He, further, produced a will, which had been drawn up by Fisher's attorney, and by that will Fisher had appointed Smith his sole executor, in the event of his death. He declined, he said, to throw any suspicion on Wier; but he would appeal to the common sense of the jury whether the ghost story was entitled to any credit, and, if it were not, to ask themselves why it had been invented? He alluded to the fact—which on cross-examination Mr. Grafton swore to—that when the remains were first shown to him, he did not conduct himself as a guilty man would have been likely to do, although he was horror-stricken on beholding the hideous spectacle. He concluded by invoking the Almighty to bear witness that he was innocent of the diabolical crime for which he had been arraigned. The judge (the late Sir Francis Forbes) recapitulated the evidence. It was no easy matter to deal with that part of it which had reference to the apparition; and if the charge of the judge had any leaning one way or the other, it was decidedly in favor of an acquittal. The jury retired; but after deliberation for seven hours, they returned to the court with a verdict of Guilty.

The judge then sentenced the prisoner to be hanged on the following Monday. It was on a Thursday night he was convicted. On the Sunday, Smith expressed a wish to see the clergyman. His wish was instantly attended to, when he confessed that he, and he alone, committed the murder; and that it was upon the very rail where Wier swore that he had seen Fisher's ghost sitting, that he had knocked out Fisher's brains with a tomahawk. The power of attorney he likewise confessed was a forgery, but declared that the will was genuine.

This is very extraordinary, but is, nevertheless, true in substance, if not in every particular. Most persons who have visited Sydney for any length of time, will no doubt have had it narrated to them.

### WHAT IS A GENTLEMAN?

The subject of this paper occurred to me in the following manner:—I had paid my Honsable cabman, who had brought me to the Paddington station, his precisely correct fare—it being a weakness of mine, contrary to the general custom, to give cabmen, in common with other honest folk, their dues, and not to present them with that sixpence in addition which is the silver medal awarded to ferocity by fear. I had paid him, I say, and he had held the money, as a matter of course, in the palm of his horny hand, and demanded "What was that for?" as though there was no such thing as a table of cab-fares in the world; and I had replied—there being plenty of time before the train started—by entering into the supply and demand question in general, and the charge and convenience of street locomotion in particular, just as Mr. Macculloch might have done, which I find to be a nice little annoying plan with cabmen, and better than the very strongest language, which indeed has no more effect on them than port-wine-and-water upon an opium-eater. When I had finished a rather elaborate treatise upon this subject, which I hope enlarged his mind, I showed him *Moggs on Distances*,

which convinced it. He clutched up slowly like some ungainly parrot into his perch, with his horny fingers itching for a personal assault on me, I know, and grunted out: "You a gentleman!" There was no doubt, by his tone and manner, that the expression was elliptical, and meant that I was not a gentleman. The words were so intensified and pregnant with emphasis, that he seemed to say: "Well, of all the fraudulent imitations and absurd parodies upon a gentleman that ever I saw, you are the most transparent and the least like life. You a gentleman!"

"My dear sir," said I, with a blandness, I flatter myself, scarcely exceeded by that of the present First Lord of the Treasury—"who ever said I was?"

The man drove rapidly away without reply. This circumstance afforded me food for reflection all the way down to Devonshire: it set me thinking upon what a gentleman is supposed by different classes of people to be and not to be; how almost everybody has a particular and private account of him to give; how, despising each other's definitions most profoundly as we do, we still don't like to be left out of our neighbour's catalogue: and, finally, how we are deterred, by various shibboleths and empty phrases, from doing what is natural and right, whereof "not gentlemanly" is perhaps the chief. The Honsable cabman had done wisely in concentrating his sarcastic feelings in that form of words he used; and had I not happened to be a philosopher—which my all-round collar and light-colored kid-gloves put him far from suspecting—I should have been aggrieved and imposed upon. But what did the insult amount to in other words? That I was not in the habit of throwing away my money upon undeserving objects; or that having it to spare, I did not use it to the detriment and discomfort of future travellers poorer than myself.

I am afraid that the term "gentleman" is mostly applied by the lower classes to those of their superiors who are most lavish and extravagant. When the last scions of the noble house of Fitzplantagenet, in the play, are compelled to remove from their ancestral hall into furnished apartments in the same neighbourhood, and that insolent ironmonger, Bodgkins, reigneth in their stead, it is customary for the villagers to deny him any title of respect, and to remain unchangeable in their devotion to the fallen race; but we don't find this all true upon the stage of the world. As long as Bodgkins scatters his coin broadcast, he need not fear any rivalry, but becoming prudent, it is natural enough that he should meet with unpleasant comparison. "He a gentleman! Noa, noa; there's nothing loike blood"—except money. When I heard from our parish clerk concerning the double marriage of the squire's two sons, the elder of whom had made what is called a good match, and the younger married the governess—that Master George was well enough, but that Master Henry was "twice the gentleman"—I had an immediate suspicion that the one had given him half a sovereign after the ceremony, and the other a whole one, which, indeed, was true.

The middle classes—by which everybody means the class that is below himself—are very tenacious of this title. "A gentleman of my acquaintance," they say, "was telling me," &c., instead of "A man I know," or "A friend of mine," as it is expressed by the higher ranks. The Chartist, almost without exception, begins his speech with "Gentlemen." Upwards in the social scale the word gets many a new meaning; but the leading idea is still that of pecuniary superiority. At the great public schools, it is not considered quite "gentlemanly" among the boys to be open "upon the foundation" at all, although the school was intended for such, and for such only; and the town boys who get their education a little cheaper, are called for that reason "clods." The "gentleman" commoners of the university are not better born than the rest of their college-companions; but they are richer; the countryman whose ancestors had come over with William the Conqueror, and who has fat beeves and bursting barns in plenty, is still denied this title in full, unless he has property independent of his farm. His gentlemanliness is mitigated; he is a "gentleman-farmer."

In cities, the term is considered somewhat fanciful, and is certainly less cared for; the "gent," is not indignant at being so designated; he thinks it short—he doesn't know how short for "gentleman." In society, a man who was otherwise unexceptionable, and possessed of all the virtues, and who could give most cogent and unanswerable reasons for preferring a cap to a hat, would certainly be not a gentleman if met in Regent Street with a cap on. He would also be deprived of that honorable name if he were seen eating fish by the help of a knife, and not, at the hazard of choking himself with an unpleasant piece of bread, that he does not know whether to eat or drop after each mouthful. A man of high title may do, however, pretty much as he likes. He certainly may commit an incredible amount of vicious actions without losing this designation; and, on the other hand, a man of humble fortunes, however worthy, scarcely ever has it bestowed upon him even by the wisest. One of the coldest-hearted and most profligate princes was denominated by this same "society" for years the first "gentleman" in Europe. When, therefore, we hear ourselves or others proclaimed to be "gentlemen" or "no gentlemen," we should consider, before being flattered or annoyed, who says it, and what he or she is likely to mean.

"He is not a gentleman, you know," says Lieutenant Chifney of the Heavies, who can't spell, and whose father keeps a livery-stable. "Why, bless you, he gives drawing lessons!" "A gentleman?—oh, dear no," says the rector's wife. "The man is a dissenter!"

"A worthy man—very much so," says the squire. "But did you never hear it? Ah! his father was a woodstapler!" "What is a pound?" was a question that puzzled the national wisdom, as discovered by franchise, a good deal.

"What is respectability?" remained unanswered until this present century, wherein it was described in a court of law to be the keeping a gig.

"What is a gentleman?" still stands unresolved. Like genius, it is in truth to be well discerned by rare and sympathising souls, but not to be defined. Johnson, with his dictionary account of it: "A man of birth," satisfies nobody, and least of all, perhaps, the men of birth.

The churl in spirit, up or down  
Along the scale of ranks, through all,  
To him who grasps a golden ball,  
By blood a king, at heart a clown—

The churl in spirit, how'er he veil  
His want in forms for fashion's sake,  
Will let his coltish nature break  
At seasons through the glided pale.

The bard sings truly; and indeed the poets, as it should be, seem to know most about this matter. How hard, how rare a thing it is, they understand, to hear