

# *Murder Will Out*

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## A Gold Digger's Adventure

*New York Star*

In the year 1858 I was one of a party of six miners who were engaged in digging for the gold in the gully known by the euphonious title of Peg Leg, in her majesty's colony of Victoria, a province of that third continent, Australia. Our "claim" was pretty well worked out and two of our men were out each day prospecting for new ground; but nothing payable could we strike, and we were getting tired of working for our food only, which was about all our claim had given us for several weeks, though it had paid well at first, and we were by no means "hard up." One evening as we sat around our fire, smoking and talking of our homes, and of big "finds" of gold, one of the two who had been prospecting that day spoke up: "Come, boys, let's get out o' this. Peg Leg's played out. I'm going to make a move for Black Jack's to-morrow morning. Who says go?"

The proposition was duly discussed, and resulted in our striking our tent the next morning, shouldering our "swags" (the diggers' term for any thing a man carried on his back), and all hands started across the country to Black Jack's, under the guidance of the mover of the expedition and a compass. Nothing occurred on the tramp worth mentioning; and the second day after leaving Peg Leg, at about ten o'clock in the forenoon, we sat down to have a rest and a smoke.

We were quite near the workings on Black Jack's, and had passed a number of "prospecting holes" within the last mile or two, but as yet had met with no parties at work, nor seen any indications of men having been actually engaged in working out gold.

"This is a likely looking place," said one of our number; "let's open a hole here somewhere."

"Oh, answered another, "It's no use prospecting to-day; we may as well go in among the shops. Jack, here, knows all the store-keepers, and perhaps some of them may lay us on to some payable ground."

So it was decided to keep on for the stores without stopping to prospect. Shouldering our swags, we again started on, expecting to shortly reach the township, which Jack assured us was not far off; but our leader suddenly stopped, looked keenly at his feet for a moment, and then asked, "Do you see any pegs around here, boys?"

No stakes (or pegs to mark the boundary of a claim) could be seen, and so he was told.

"But why do you ask that?" said another.

“Look here,” said the first speaker; “somebody has been prospecting here, and they’ve struck it heavy, (meaning that rich gold had been discovered); they’ve gone for their mates most likely, or perhaps for an extended claim. Right where I’m standing is where they put down the hole—you can see where they threw out the dirt on that side. Now, they never put that dirt back so carefully, and scattered these leaves and ferns over it to hide it, for nothing. So here goes to see what they got for a prospect. Peg out six men’s ground, boys; I’m going to dig at once.”

And suiting the action to the word, he threw down his swag and commenced to shovel out the gravel from the filled up hole.

We pegged out a claim, and then gathered about the hole. As our mate threw out the loose dirt, it became evident that the hole had been but recently filled up, for blades of grass and tree leaves, thrown out from a depth of several feet below the surface, were as fresh and green as those still growing in the vicinity.

“Tell you what, boys,” said the worker, as he rested on his shovel for a moment, “this hole was sunk this morning. Won’t the chaps look when they find us in it? But I’d have thought they’d have pegged out their claim, any way. But they didn’t expect any body to find it.”

“Get out o’ that hole and take a smoke,” said Jack; “let me have a go at that shovel.”

“Hold on a bit,” was the answer; “I’ll go down a foot or two yet, and then you can have a chance. We shan’t have to sink very deep here, anyway, not more’n ten or twelve feet. But what the deuce is that?”

His shovel had struck a piece of wood, and scraping off the loose dirt, he disclosed what we at once knew to be the handle of a pickax.

“That’s a pick-handle,” said he, replying to his own question. “What’s it doing here? By jingo, fellers, they must have got on something good, when they’ve buried their tools in the hole; we’re in luck this time, boys.”

As he had by this time uncovered the handle and one point of the pickax, he laid his shovel out of the hole, and took hold of the buried tool to remove it out of his way, but it did not come easily.

“It’s fast, some way,” said he, taking hold of it with both hands, and giving a heavy jerk, which brought it up. “I’ve got you, said he, apostrophizing the pickax. “Here, take this up out of the way, some of you,” at the same time holding its handle up to us who were on the surface.

His face suddenly changed its hopeful expression for one of perplexity and distrust, as he looked first at his hand and then at the pick; then he climbed hurriedly out of the hole.

“What’s the matter?” asked we, in chorus.

“*Something’s* the matter—I don’t know what. Look here!” at the same time extending his hand, on which appeared to be stains of grease and blood. “What’s that? That’s blood, I believe; I got it off that pick and the chisel point of it, the one that was stuck down in the hold, is *worn*. There’s something wrong, boys—there’s something here that won’t bear the light. But keep your eyes lifting; I’m going into that hold again to see what is there.”

We “kept our eyes lifting,” looking suspiciously through the trees and bushes, and our mate again descended into the hole and recommenced throwing out the dirt. In a few moments he ceased shoveling, and stood his shovel up in the corner of the hole, and, stooping down, scraped away the gravel with his hands.

“Look here, mates!” said he turning up a white face to us. “There been murder here, and no mistake! See this!”

There was a man’s body in the hole, and our mate had uncovered the upper part of his head, revealing a frightful wound, evidently made by the pick-axe, which must have been driven into his skull fairly up to the handle. His hair, and the sand nearest his head, were still wet with blood; and placing his hand on the horror which he had uncovered, our man continued: “And he’s warm yet, mates: the murderer was not gone long when we came here.” Then, suddenly rising, he reached up his hand, saying, “Give me a hand up out of this, boys; I feel sick.”

We gathered in a group, and discussed the matter. That we had discovered the corpse of a man, and a murdered man, we did not question; who he was, who had slain him, or why the deed had been done, we did not know, nor what we had best do.

At last we decided that it was of no use for us to try to unearth the corpse, but that three of our number should remain at the hole, and the other three try to find the township of Black Jack’s, where we should be pretty sure to find at least one police officer.

I was one of those who remained at the hole, and as soon as our companions had left we spread a sheet over the dead man’s head, threw in some dirt again, to cover the horrid object from sight, and then sat down to wait with what patience we might for the return of our mates.

About the middle of the afternoon they got back, accompanied by an uniformed policeman and a detective in plain clothes. They had said nothing of their errand to any one until they found the officers, who had cautioned them to maintain a similar discretion until they (the officers) were ready to accompany them on their return, which was in about an hour; so that our party, now increased to eight in number, were the only ones who knew of the discovery of the body.

As soon as they arrived we commenced digging up the corpse, the officers narrowly watching and noting everything. As we cleared away the sand and gravel it became plain that the man had been struck while engaged in digging, for his hands still held a short-handled shovel. He had been struck on the head with a pick by some one standing on the surface, and the dirt he had thrown out had been filled on top of him again. He had dug his own grave! We lifted him out and laid him on the grass.

The officers looked at each other as soon as they saw the man's features, and the detective observed to the other, "Tim Riley, by Jove! And I had a drink of coffee from him at his tent this morning; he told me he was going out to prospect to-day. See if his watch and money are gone. He carried that old silver bull's-eye that Jake Wilson raffled off Sunday before last—Tim won it; and he carried that and his money in a chamois-leather bag in his shirt-jacket. See if it's gone."

Neither money nor "bull's-eye" watch could be found; poor Tim had been murdered for his little money and the old watch.

Two poles and a blanket made a rude bier to transport the body to the township, for we were soon under way. An hour's walk brought us to the vicinity of the "camp," or police station, where we halted and concealed the body, the detective going into the township, and leaving the other officer with us. As soon as it was dark he returned and, handing something to the uniformed policeman, he said, "Do you know that?"

"Tim's old bull's eye! Where did it come from?" replied the other.

"Bought it of Big Hans, Tim's mate. Jenkins is watching him. He's been drinking all afternoon; he'll be locked up by the time we get in. But come on, boys, if you're ready; you'll get some grub when we get to camp, and a good place to sleep."

Our ghastly burden was soon deposited in the camp, and a good supper and good beds were furnished by the police, though I had but a poor night's sleep myself. Big Hans, Riley's mate, had been locked up before we arrived by the vigilant Jenkins, who handed the detective a leathern bag he had found on Hans' person, which contained seventeen shillings and was marked with Riley's initials, T.R., rudely worked with common black thread.

"We've got him; he's safe to swing for it," remarked the detective, as he finished examining the bag. "This was Tim's."

During the night the body was placed in an upright position in one corner of the room in which we were sleeping, and secured there by a cord passed under the arms and around a stake driven into the ground for the purpose, there being no boards for a floor; a clean blue shirt was put on in place of the blood-stained one, which was removed; the face was washed, and a hat put on the head of the corpse; a blanket was then hung up as a screen, and all was ready to give Big Hans a fearful surprise, in hope to secure a confession from him through terror.

At daylight the police threw out some hints to various parties of diggers on their way to work, about the arrest of a whole party of new arrivals for some great crime; the news spread like wildfire, and a curious crowd was soon collected around the camp. Our party were all up early, but we were kept inside by the police, who did not wish the miners outside to hear of Riley's murder till they had seen what effect a view of the corpse would have on the suspected murderer; but we were not long kept in waiting.

Big Hans woke from his drunken sleep, thirsty, and begged for a drop of whisky. One of the officers gave him some in a tin dipper, at the same time remarking, "You didn't seem to sleep

very well, Hans. What was that you were talking about in your sleep? Have you and Tim Riley been having a growl?"

If Hans had not been quick in drinking his whisky he would have lost it, for the pannikin dropped from his hand, and he trembled like a leaf as he gasped out "What did I say? I haven't had any growl with Tim."

"Oh, don't know what you said," returned the officer; "but you talked about Tim, that's all. But come, get out of this; you're sober enough now to take care of yourself. Go out to Mr. Nicholson (the detective) and get your money."

Hans came out, pale and still shaking, and approached the detective, who was standing near the screen. As he came up, the officer suddenly demanded sternly, "Big Hans, where is your mate, Tim Riley?"

The guilty wretch glared at him like a maniac, but made no answer, when the officer suddenly dropped the blanket, and exposed to his sight the awful spectacle of the murdered man standing erect before him.

The experiment did not have exactly the effect expected. Hans seemed to be more astonished than horror-struck, and looked at the officer and his murdered mate like one stupefied; then, turning, he walked into the inner room, where he had been confined during the night, and fell down in a fit.

The dead man was laid out on a rude pallet in the center of the camp, and the miners outside (having first been informed of the murder, and that our party had been the ones to discover, and not commit it) were admitted.

My story is about told. On coming to his senses, Hans had confessed the whole. He said that he had no thought of harming Tim until he was down in the hole; the unfortunate man, finding that his money bag, which also contained his watch, incommoded him while digging, had handed it up to Hans to take care of; and the paltry sum it contained—less than three pounds sterling, including the price he received for the watch from the detective—was the only motive he had for committing the crime. His victim had fallen without a struggle on receiving the blow from the pickaxe, and Hans had filled in the earth around him as he fell, half supported by his shovel and the side of the hole.

Tim was buried that day, and "the consumption of large quantities of diggings brandy," and perhaps fifty fights, marked the feelings of the miners toward him, and their detestation of the murderer. Hans was carefully guarded till next day, when he was started down toward Melbourne in charge of one officer, and our party of six as a hired escort, sworn in as special constables for the occasion; but in crossing a small branch of the Tarra river, on a log footbridge, the murderer suddenly freed himself from the hold of the officer, who was steadying over him, and plunged into the river, then swollen to a torrent. We could do nothing to save him. He was drowned, and thus saved the gallows.

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