



FINDING FRANK GARDINER

A CURATOR'S FRUSTRATING INVESTIGATION INTO A PISTOL
IN THE NATIONAL HISTORICAL COLLECTION

Picture this. As a kid, you have an interest in Australian history and an obsession with bushrangers. Your school holidays are spent camping with your family as you visit places like Glenrowan, Stringybark Creek and Eugowra Rocks. Flash to the present, and you're a museum curator, and in the course of your work you are asked to undertake some research on a pistol believed to have belonged to the bushranger Frank Gardiner. This is what happened to me, and I was like a pig in mud!

An elderly lady donated the pistol in 1977. She informed us at the time that it had been in her late husband's family. All that was known about the pistol was that it once belonged to a family member who had been a police magistrate and had prosecuted the bushranger Frank Gardiner. Armed with very little information and an old pistol, I thus began my research assignment.

By researching the family tree of the donor's husband, I learned that the unnamed magistrate was James Macarthur (1813-1862), the great nephew of John Macarthur of Camden Park. In the 1840s, James Macarthur accompanied Paul Edmond de Strzelecki in his exploration of the Snowy Mountains, where they explored and named Mount Kosciuszko, and afterwards, lived in the Goulburn region. In February 1862, Macarthur was appointed police magistrate in Goulburn, a position he held for only seven months until his untimely death from an epileptic fit.

Following weeks of research, I realised that the likelihood of finding a connection between the pistol and Frank Gardiner in the primary sources was going to be difficult, so I started with the information we had – the pistol itself.

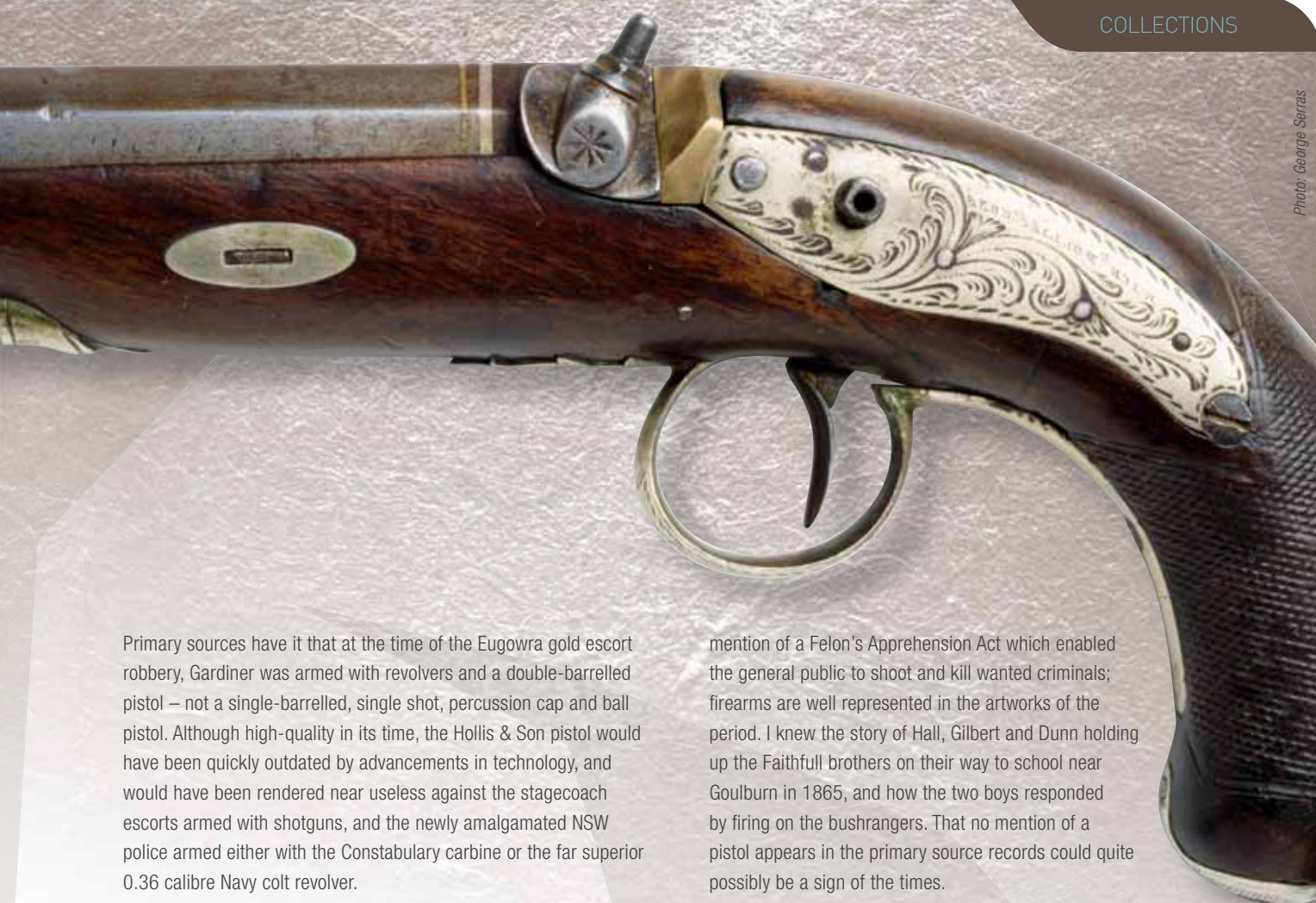
After viewing the pistol, I learned that I was researching a 0.66 calibre cap and ball pocket pistol, manufactured by Richard Hollis & Son in England sometime between 1832 and 1840. The most interesting part of the pistol is a name engraved below the pistol's ramming rod – 'Gardiner' – which looked as though it was made using something such as an iron nail. Gardiner himself is not likely to have engraved his own name on the pistol; however it was common practice for an offender's name to be engraved into the pistol by police, quite literally as marked evidence. The other possibility is that it was done by somebody who recognised the pistol's significance.

The donor told the Museum that the unnamed magistrate had prosecuted Gardiner, but I soon discovered that this was near impossible. Firstly, as police magistrate, Macarthur's job would have been to hear the case against the offender and determine whether it was serious enough to present it to a judge; in this case, Chief Justice Alfred Stephens. Gardiner's criminal record has it that he was arrested and prosecuted by a police magistrate in Victoria for stealing in 1850. He was then prosecuted in 1854 by Chief Justice Stephens for horse stealing, and was prosecuted and brought before Stephens a second time for armed robbery in 1864. Macarthur is not known to have been a police magistrate in Victoria at any time, and the nature of the charges of horse stealing and armed robbery against Gardiner were serious enough for him to be immediately brought before Chief Justice Stephens without being brought before a police magistrate.

On researching Macarthur's career as a police magistrate, I came across something quite interesting. The notice of Macarthur's appointment as police magistrate in the *Goulburn Herald* on 8 February 1862 falls next to an article reporting the arrest of John Piesely, one of Gardiner's accomplices in the Eugowra gold escort robbery. It was during this daring armed hold-up of the Lachlan gold escort at Eugowra Rocks, between Forbes and Orange, that Gardiner, with accessories John Gilbert, Ben Hall, John Piesely and others, made off with 2700 ounces of gold which fetched a value of over £14,000. Gardiner himself was not prosecuted for the robbery until he was finally arrested and extradited from Queensland in 1864 – two years after Macarthur's death. It became clear that Macarthur could not have prosecuted Gardiner during his tenure as police magistrate.

I then started to question the integrity of the pistol itself. Previously a petty criminal, I knew that Gardiner's reputation as a bushranger skyrocketed after the Lachlan gold escort heist in 1862, and I wondered whether the pistol had somehow been taken from him around that time.

It wasn't. Due to the invention of Samuel Colt's revolver in 1849, the development of the brass cartridge around 1855, and the mass industrialised surplus of firearms brought on by the American Civil War, firearms underwent a series of significant changes in the 1860s which ensured a faster reloading time and a greater projectile velocity. Consequently, bushrangers and police alike responded by replacing their percussion cap and ball firearms with the latest technology available.



Primary sources have it that at the time of the Eugowra gold escort robbery, Gardiner was armed with revolvers and a double-barrelled pistol – not a single-barrelled, single shot, percussion cap and ball pistol. Although high-quality in its time, the Hollis & Son pistol would have been quickly outdated by advancements in technology, and would have been rendered near useless against the stagecoach escorts armed with shotguns, and the newly amalgamated NSW police armed either with the Constabulary carbine or the far superior 0.36 calibre Navy colt revolver.

Frustrated and deeply disappointed, I began to wonder whether I had taken myself on a wild goose chase, and I began to see the pistol as just an interesting firearm which had simply been misunderstood. Then I struck gold.

I began looking at Gardiner's early career as a petty horse thief. Gardiner and his accomplice Edward Prior were arrested in 1854 by Chief Constable Robert McJannett at the Royal Arms Hotel at Yass for horse stealing at the Fish River near Goulburn. Searching for records of the arrest at the Royal Arms Hotel, I near fell off my seat when I came across the phone number of a descendant of the Yass policeman who arrested the two horse thieves in 1854.

Chief Constable Robert McJannett's career as a mounted policeman in Yass is a well-told story in McJannett's family, and his capture of Gardiner in his formative years is celebrated. According to family folklore, both Gardiner and Prior were armed: they did not offer any resistance on their arrest, however firearms were later found in saddlebags in their hotel room. If Gardiner and Prior were armed, their property would have been seized by police and passed into Crown possession after their arrest, and interned at either Goulburn or Yass police stations.

The Yass charge book from the period hasn't survived the passage of time, and the primary source evidence which would have corroborated McJannett's version of events doesn't exist. I couldn't find anything which supported McJannett's story. But then I began thinking about the period itself. Could it be that the threat of bushranging brought on by the Gold Rush in the 1850s escalated so much that it was common for members of the public to be armed? It must have been – I found

mention of a Felon's Apprehension Act which enabled the general public to shoot and kill wanted criminals; firearms are well represented in the artworks of the period. I knew the story of Hall, Gilbert and Dunn holding up the Faithfull brothers on their way to school near Goulburn in 1865, and how the two boys responded by firing on the bushrangers. That no mention of a pistol appears in the primary source records could quite possibly be a sign of the times.

I then returned to the police magistrate James Macarthur. In rural New South Wales the law rested with the police magistrates, who subsequently held great power within their area of jurisdiction. In areas such as Goulburn, Yass and Bathurst where bushranging was a major concern, police magistrates held supremacy on the law, and had an esteemed place in civil society. Gardiner had assumed legendary status after the Eugowra gold escort robbery; and the 8 February 1862 edition of the *Goulburn Herald* highlighted the topicality of the robbery at the time of James Macarthur's appointment as police magistrate.

With Gardiner's lesser known arrest and prosecution in the area, it seemed plausible to me that Macarthur may have used his weight as a police magistrate to souvenir the pistol from Crown possession. Ironically, it was just like the ending of the quintessential crime novel: Macarthur had the access, the means and the motive to take the pistol at the time when Gardiner was most famous.

So, was this a pistol which was taken from Frank Gardiner by Chief Constable McJannett at the Royal Arms Hotel in 1854? Until some hard primary source evidence comes to light, it is still difficult to say, and the chances of finding out are very, very slim.

This 'Cold Case' is now considered closed: the pistol has been accessioned as part of the National Historical Collection as a pistol *believed* to have been used by Frank Gardiner. As one colleague commented, these bushrangers still manage to cause trouble long after their deaths. I'm adamant that Frank Gardiner wouldn't want it any other way.

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