

Scindian Convict Brothers - Reginald and Arthur Bristow

by Joanne Hyland

Scindian convicts and brothers, Reginald and Arthur Bristow were convicted together of the crime of committing grievous bodily harm to one George Target, gamekeeper, on 11 September 1847 in West Horsley, Surrey.

The *Morning Chronicle* (London, England), Friday, March 31, 1848; Issue 24474, reported the indictment as follows:

“Reginald Bristow, 24, labourer, and Arthur Bristow, 27, labourer, brothers, were indicted for feloniously cutting and wounding George Target, a gamekeeper, with intent to murder him; the former being charged as principal, and the latter as an accessory, in being feloniously present aiding and assisting in the commission of the felony.

There were four other counts in the indictment, charging the intention of the prisoners to be to do grievous bodily harm, and the two last charging them with resisting their lawful apprehension and detainer.”

The young brothers, were the sons of Edmund Bristow, a butcher, and clearly knew how to handle a knife. Both parents were deceased and the siblings were listed in the 1841 England Census as living in Shere with their older brother Robert, 30 years old, the head of the household, and their two sisters Mary and Anne.

Six years later the brothers had been out to set rabbit snares in Henley Coppice, West Horsley. The snares did their job and three hares were caught overnight, however before the brothers returned to recover their illegal catch, the killed game had been found by Mr R. A. Frogley's gamekeeper, George Target and under-keeper James Martin.



Gamekeepers had laws by which their actions were governed. The correct manner of dealing with a suspected poacher under the Game Act was to call them out, ask for their name and address and if those details were refused the gamekeepers were then empowered to arrest the perpetrators. In this instance however, Target, who was in the practice of receiving extra monetary reward for capturing any transgressor, chased Reginald and Arthur, who, before approaching the hares, must have felt the presence of others as both ran from the scene. After being chased down by Target and Martin, it was during the ensuing affray, that Target was stabbed by Reginald.

Image sourced from Wikimedia Foundation at <https://www.pinterest.com.au/pin/416020084307425365>

Reginald's defence counsel submitted that the actions of the gamekeepers were illegal and that his client had not approached the snares but had been chased and set-upon illegally by

Target when the wounding occurred. Target, he said, was after the “blood-money” of a half-sovereign he would be paid for apprehending a poacher. Reginald had a right to resist apprehension and the gamekeepers were said to have brought the mischief upon themselves by their illegal conduct. In Target’s own testimony he confessed that he had in the past been a witness against poachers in court and if they were convicted he also received half the penalty along with his usual pay.

Although the flaws in the system were apparently agreed upon, the two brothers were convicted of the lesser charge of committing grievous bodily harm and sentenced to fifteen years’ transportation.

On their arrival in the Swan River penal colony, Reginald, convict #50, was a 26-year-old mason and Arthur, #51, a 30-year-old carpenter. They received their tickets-of-leave almost exactly a year later on 13 June 1851 and subsequently their Certificates of Freedom on 26 November 1863. Both men were reconvicted as colonial prisoners for various minor offences although Reginald received the sentence of three years’ hard labour in July 1854 for aiding in another of ticket-of-leave man, William Tomlinson’s, assault on Ellen Norrie, the wife of pensioner George Norrie.

Reginald was clearly in Geraldton by the late 1850s as on 5 November 1859 he was convicted of being drunk and riding a horse furiously throughout the town, and fined 20 shillings. After this, both men worked in Champion Bay and Geraldton during the 1860s, Arthur as a carpenter and Reginald as a builder employing three ticket-of-leave men. Neither man appears to have married and the Convict Establishment medical records indicate that Reginald had spells in hospital from around 1863 due to mental illness.

Arthur died aged 52 years on 13 November 1873 in Fremantle. Reginald was still working as a builder in Greenough as late as 1880 however during the 1890s newspaper reports and convict establishment records confirm that Reginald, a pauper, was confined at the Mt Eliza Depot due to lunacy. By the 1890s, the Depot, which commenced life as the Mt Eliza Convict Depot, was a poor house and was known shortly thereafter as the Perth Old Men’s Home, the inmates mostly ex-convicts. According to an annual report by overseer William Dale “The inmates of the Poor House, or those in receipt of temporary relief, are aged or incapacitated, through chronic infirmity or other cause, from earning their living. Relief is not granted to any person who is known to have children or relatives legally able to maintain them...” (p 82, Hetherington). It is clear that Reginald, with no living family in Western Australia since the death of his brother Arthur over twenty years earlier, was unable to support himself and it is likely he stayed in the depot until his death aged 74 years in 1897.

Sources provided from Midwest convict database courtesy of Susanne White and Diane Evans

Reginald

Location/Employment – SO 04.07.1854 CE attached to Division 1 work party, SO 17.09.1855(p217)CE permitted to see his brother Arthur Bristow [51]; 1866 -1871 employed 3TL men Geraldton; 1879 (p19) Geraldton; 1880, Greenough builder; 1890s to Perth - Mt Eliza Depot, lunacy; Sep 1889 Perth from the Mt Eliza Invalid Depot, charged with being of unsound mind, *The Daily News*, 09 Sep 1889 p3; held on charge of lunacy, *The Daily News*, 08 Dec 1893, p2

WA Conviction

SO 04.07.1854CE sentence, 3yrs hard labour

05.11.1859 Geraldton, drunk & riding horse furiously throughout the town, fined 20/-

Arthur

Location/Employment – Perth, Champion Bay; SO 01.01.1858 Convict Establishment (CE) removed from solitary confinement to work party; SO 09.08.1858 (p350) CE sent to Sutherland Bay for 2m; 1860 worked for self, Aug 1861 Champion Bay; Fremantle, carpenter

WA Conviction/Other

SO 03.10.1857 (p99) CE, Fremantle, aiding and assisting Thomas Bland [2842] in concealing some planks belonging to Mrs Thomas, 6m

Jan 1879 (p19) Geraldton, two £1 notes & two sovereigns, stolen from his coat pocket while he was a patient at Geraldton Hospital – claim very doubtful

Additional sources:

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Erickson, R., O'Mara, G., *Convicts in Western Australia 1850-1887: dictionary of Western Australians*. Volume IX, pp. 56-57;

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