
 Mary Johnson

Date of Trial:	19 March 1817
Where Tried:	Devon Assizes
Crime:	Larceny
Sentence:	7 years
Est YOB:	1783
Stated Age on Arrival:	35
Native Place:	
Occupation:	Country Servant
Alias/AKA:	
Marital Status (UK):	
Children on Board:	
Surgeon's Remarks:	<i>Insolent, but disposed to work</i>
Assigned NSW or VDL	NSW

The Devon Lent Assizes commenced at the Castle of Exeter on Wednesday 19 March 1817. There were eighty-two prisoners to be tried during the sessions including:

Mary Johnson and Jane Hicks for stealing 3 promissory notes of £5 each, 6 other notes, value £10 and some silver coin; and Stephen Cassimere for receiving the said Mary Johnson and Jane Hicks after the felony, and also 2 £1 notes, part of the money so stolen.¹

Co-accused Jane Hicks, and the harbourer of the two women, Stephen Cassimere, were acquitted. Mary Johnson was found guilty and sentenced to transportation for seven years.² She would not have had long to wait before she boarded the convict ship *Friendship*, which departed from Deptford on 3 July and arrived at Port Jackson on 14 January 1818 after a wearisome journey of 195 days, during which time Mary was deemed to be 'insolent, but disposed to work'. On arrival she was mustered as being a 35 year old country servant.³

Mary Johnson probably spent her first year in the Parramatta district, possibly at the Factory. It was Mr. H. Macarthur, a member of the Parramatta gentry, who was responsible for having her convicted on 27 March 1819 of some [unknown] offence, for which, in early April, she found herself aboard the *Lady Nelson* on her way to Newcastle to serve a one year sentence.⁴

A List of Prisoners sent to Newcastle of A. G. King, Lady Nelson. 6th Sept 1819						
Ship bound by	Name	Crime	By whom committed	Time committed	Trade	Sentence
Friendship	Mary Johnson	Spinning	A. G. King	27th March 1819		7 years

She came to the authorities' attention again in September 1820, but under happier circumstances. By letter dated 4 September, William Cowper, Assistant Chaplain, submitted the names of three couples, 'praying His Excellency the Governor's permission' for them to be married. One of the couples was David Rigby and Mary Johnson.⁵

{ David Rigby — convict for St. Philip's Church, Sydney, and
 { Mary Johnson — do do do Friendship

Approval was granted and the couple married on 9 October 1820. Registered at St Philip's Church of England, Sydney, the marriage was conducted by William Cowper and witnessed by John Ridge (the only member of the wedding party who was able to sign his name) and Ann Conroy. Both the bride and groom were 35 years old and both were resident at Sydney. Mary's status was 'spinster'; David was a bachelor and a butcher by trade.⁶ But it

was as a weaver that David Rigby had been tried at Chester on 25 April 1810, found guilty, and sentenced to death.⁷

Jonathan Kinsey, aged 28, and David Rigby, aged 20, weavers, from Congleton, for stealing out of the bleaching grounds of George Palfreyman, of Wildthorclough, several pieces of printed calico.— Death.

This was not the first time these two men had appeared before the Chester Court. At the 1809 Summer Assizes they had been charged with larceny, but on that occasion were acquitted.⁸ As was frequently (but not always) the case, the death sentences passed on Kinsey and Rigby were commuted by Royal Pardon, the decision being communicated to the following on 25 May 1810.

To our Trusty and Wellbelov'd
our Justice of Assize & General
Gaol Delivery for the Chester Circuit
The High Sheriff of the County of
Cheshire and all others
whom it may concern

By His Majesty's Command
R. Ryder

Whereas Johnathon Kinsey and David Rigby were at the last Assizes olden for the County Palatine of Chester tried and convicted of stealing out of the Bleaching Grounds of George Palfreyman several pieces of Printed Callicos [sic] being his Property ... and had sentence of Death severally passed upon them for the same ... We I consideration of some favourable Circumstances humbly represented to us in their behalf are graciously pleased to extend our Grace and Mercy unto them and to grant them our Pardon for their said Crimes on Condition of their being Transport to the Coast of New South Wales or some one or other of the Islands adjacent for and during the term of their respective natural lives. Our Will and Pleasure therefore is that you give the necessary directions accordingly.⁹

Immediately after their trial, David Rigby and Jonathan Kinsey were removed to the *Retribution* hulk where they remained until they were removed to the *Admiral Gambier* which was making its second voyage as a convict transport.¹⁰ She sailed from England on 12 May 1811 with a 'cargo' of 200 male convicts and arrived at Sydney on 29 September 1811 and landed 197 convicts, 3 having not survived the voyage.¹¹

While David Rigby remained in New South Wales, his associate Jonathan Kinsey, who had also been on the *Admiral Gambier*, was subsequently transferred to Van Diemen's Land.¹² The 1814 muster records that David Rigby had been assigned to Lieutenant Atkins, possibly Lieutenant Thomas Atkins of the 73rd Regiment, a detachment of which had been aboard the *Admiral Gambier*.¹³ We do not know how he blotted his copy book in 1817 but, whatever the offence, it had earned him three years transportation.¹⁴ He was one of the prisoners on a list, drawn up on 18 August 1817, who were to be sent to Newcastle on the *Mary*. Coincidentally, his time at Newcastle would have overlapped that of Mary Johnson's. If David had served his full three years he would have returned to Sydney just in time for his marriage!

An 1821 listing of female convicts shows Mary Johnson as being in the Government Factory at Parramatta. At the same time David Rigby was listed as a labourer, victualled from H.M. Magazines.¹⁵ The following year Mary was recorded as 'Wife of D. Rigby Sydney', and her husband as David Rigby, holding a ticket of leave, and a householder in Sydney. The 1823 listings clarify that Mary was officially assigned to David Rigby a dealer of Clarence Street, Sydney.¹⁶

Having completed her sentence, Mary Johnson was issued with her certificate of freedom in March 1824.¹⁷ It was

as 'FS' that she was recorded for the 1825 general muster. This record also carried the annotation 'dead'. The death registration for Mary Rigby states that she was 49 years old when she died, but if she was 35 when she married, her age on death would be closer to 40.¹⁸ No children have been identified for Mary and David Rigby.

At the end of the year following Mary's death David found himself in court charged with, and found guilty of 'fraudulently withholding a cart' for which offence his ticket of leave was cancelled for fourteen months.¹⁹

David Rigby, a ticket of leave man, was brought before the Bench, charged by Hugh Morrison with having hired a cart of him about 14 months ago, and agreeing to pay 4s. a week for the same. Since the period stated, however, the prisoner had never made his appearance, nor in any way remunerated the complainant for the loan of the cart, which induced him to state the matter to the Police, and Chapman this morning apprehended the prisoner in the market place. The prisoner, on being called upon for his defence, admitted the truth of Morrison's statement, and promised to return the cart, together with the amount of the agreement when he got his wheat off the ground. This assurance did not prevent him from getting his ticket of leave cancelled, nor from being turned into barracks.

His ticket of leave was restored on 24 August 1829, with the proviso that he remain in the Sydney district. Apart from giving a description of the man, we learn that he was a butcher, a trade he was able to carry out despite a lame right arm.²⁰

TICKET OF LEAVE.

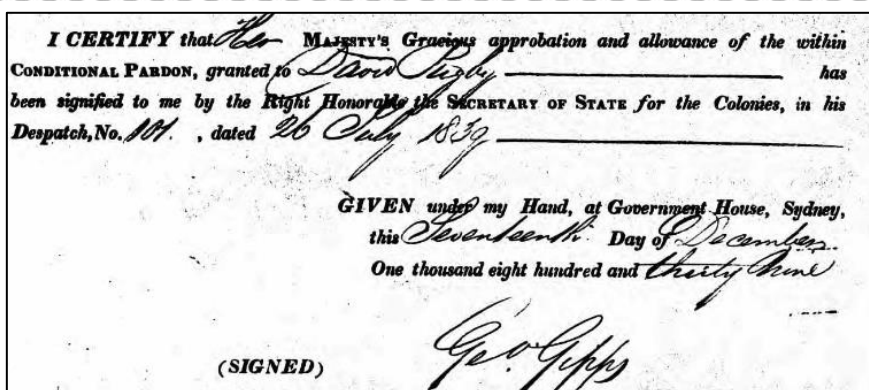
No. *29744*
24 August 1829

Prisoner's No. _____
Name, *David Rigby*
Ship, *Admiral Bamber*
Master, *Sindrey*
Year, *1811*
Native Place, *Chester*
Trade or Calling, *Butcher*
Offence, _____
Place of Trial, *Chester S.P.*
Date of Trial, *25 April 1817*
Sentence, *life*
Year of Birth, *1792*
Height, *5 feet 8 inches*
Complexion, *Ruddy & sprinkled*
Hair, *Brown*
Eyes, *Brown*
General Remarks, *lame right arm*

Allowed to remain in the District of *Sydney*
On recommendation of *Bench*
dated _____

On 6 December 1830 David Rigby remarried. His second wife was Rebecca Wells (née Dias) who had arrived in 1815 aboard the transport *Northampton* as a 21 year old convict to serve a seven year sentence. In 1817 she married William Wells and was widowed when her husband was murdered at Minto in 1823.²¹

David Rigby was granted his conditional pardon in 1839.²²



David and Rebecca had been married for twenty-seven years when she died in the Benevolent Asylum on 19 December 1857. Her death and burial were recorded by the York Street Synagogue.²³ Within two years David had married again, the event being registered at Goulburn, to Susan Henry about whom nothing has been found. Five years later David died, on 26 February 1864 at Towrang, about eight miles from Goulburn, and a notable fruit producing area. According to his death certificate David Rigby was a gardener. The stated age at death – 87 – is questionable.²⁴

NOTES

- ¹ *Exeter Flying Post*, 13 Mar 1817, p.4.
- ² Ancestry, England & Wales, Criminal Registers, 1791-1892, England, Devon, 1817.
- ³ Ancestry, New South Wales, Convict Indents, 1788-1842, Bound Indentures, 1814-1818.
- ⁴ Ancestry, New South Wales, Australia, Colonial Secretary's Papers, 1788-1856, Series: NRS 937; Reel or Fiche Numbers: *Reels 6004-6016*, p.70.
- ⁵ Ancestry, New South Wales, Australia, Colonial Secretary's Papers, 1788-1856, Series: NRS 937; Reel or Fiche Numbers: *Reels 6004-6016*, p.244.
- ⁶ Biographical Database of Australia (BDA), Biographical report for Mary Johnson.
- ⁷ *Chester Chronicle*, 4 May 1810, p.3.
- ⁸ Ancestry, England & Wales, Criminal Registers, 1791-1892.
- ⁹ Findmypast (FMP), England & Wales, Crime, Prisons & Punishment, 1770-1935, Correspondence and Warrants.
- ¹⁰ Ancestry, UK, Prison Hulk Registers and Letter Books, 1802-1849, Retribution, Register, 1803-1836.
- ¹¹ Wikipedia, Admiral Gambier (1807 ship), [https://en.wikipedia.org/wiki/Admiral_Gambier_\(1807_ship\)](https://en.wikipedia.org/wiki/Admiral_Gambier_(1807_ship)).
- ¹² BDA, Biographical report for Jonathan Kinsey.
- ¹³ The Dictionary of Sydney, Admiral Gambier, https://dictionaryofsydney.org/artefact/admiral_gambier.
- ¹⁴ Ancestry, New South Wales, Australia, Colonial Secretary's Papers, 1788-1856, Series: NRS 937; Reel or Fiche Numbers: *Reels 6004-6016*, p.312.
- ¹⁵ Ancestry, New South Wales, Australia, Settler and Convict Lists, 1787-1834, New South Wales, Female, 1821. Ancestry, New South Wales, Australia, Colonial Secretary's Papers, 1788-1856, Series: NRS 938; Reel or Fiche Numbers: *Reels 6016-6017*, p.68.
- ¹⁶ Ancestry, Colonial Secretary's Papers, 1788-1856, Series: NRS 898; Reel or Fiche Numbers: *Reels 6020-6040, 6070; Fiche 3260-3313*, p.63. BDA, Biographical report for David Rigby.
- ¹⁷ *The Sydney Gazette and New South Wales Advertiser*, 25 Mar 1824, p.1.
- ¹⁸ NSW Registry of Births Deaths & Marriages (NSW BDM), Death registration 6313/1825 V18256313 2B.
- ¹⁹ *The Sydney Gazette and New South Wales Advertiser*, 16 Dec 1826, p.3.
- ²⁰ Ancestry, New South Wales, Australia, Tickets of Leave, 1810-1869, Ticket of leave butts (NRS 12202), Ticket of leave butts, May 1829-Dec 1829.
- ²¹ BDA, Biographical report for David Rigby. Ancestry, Brian Harvey Family Tree, <https://www.ancestry.com/family-tree/person/tree/46994650/person/300176241995/facts>. A lengthy account of the murder trial, which highlighted the ordeal of the dead man's wife, published in *The Sydney Gazette and New South Wales Advertiser*, 16 Oct 1823, pp2-3.
- ²² Ancestry, New South Wales, Australia, Convict Registers of Conditional and Absolute Pardons, 1788-1870, Conditional, 1837-1839 (Reel 777).
- ²³ BD-BD Jewish Burial Data for Australasia, <http://www.ajhs.info/cemetery/>.
- ²⁴ Ancestry, Brian Harvey Family Tree. NSW BDM, Death registration, 3718/1864.



SELECTED SOURCES

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Wikipedia, <https://en.wikipedia.org/>

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The Sydney Gazette and New South Wales Advertiser

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