

John Watson Rutherford (1831-99)

by Joan Malpass

John Watson Rutherford (1831-99) was just one of around 9,718 convicts that came to Western Australia to help build the prosperity of the colony between 1850 and 1868. He was born in 1832 in North Shields, on the outskirts of Newcastle, Northumberland, England. He arrived at Fremantle as a prisoner on the 'Stag' on 2 June 1855. He later went on to help populate Western Australia by having ten children.

It seems that JW Rutherford came from seafaring roots as his marriage certificate shows his father as John Rutherford, Mariner. John Rutherford was married to Elizabeth Watson and had five other children, who were all younger than John Watson.

Britain was re-assessing the criminal system at that time and was beginning to keep more of the lesser offenders at home. Rutherford had a short criminal record with his first conviction being on 29 July 1850, when he was aged nineteen, for stealing lead from a building. He was sentenced to three months imprisonment.

Four fifths of all transportation was for 'offences against property'. The crimes for which Rutherford was transported were amongst the 6% for 'theft of wearing apparel' as after his release from his first prison sentence Rutherford stole a pair of boots. For this offence, on 1 January 1851 at Unphany Assizes, he was sent to prison for one year. His occupation was given as sailor and his religion as Protestant.

Following his release, Rutherford quickly re-offended. At the 1852 Quarter session, in Hexham, Northumberland, England, he was convicted of larceny as he stole clothes off a clothesline to the total value of eight shillings. The deposition stated that he:

did feloniously steal take and carry away Two pairs of fustian Trowsers of the value of three shillings, one fustian Jacket of the value of three shillings one fustian Waistcoat of the value of one shilling and one Shirt to the value of one shilling of the goods and chattels of John Brookbank against the Peace of our Sovereign lady the Queen her Crown and Dignity.

For this crime, he was sentenced to fourteen years and transportation. At that time he was just twenty three years old and single.

When convicts arrived in Western Australia they were usually sent to labour on public works. John Watson Rutherford was sent to Vasse and obtained his ticket of leave on 30 August 1856, fifteen months after he arrived in WA. With this ticket of leave he was able to work for private employers for normal wages. He worked as a timber worker for many years in areas such as Bealup, Ludlow Bridge and Yokanup.

He married Elizabeth Burton, daughter of Thomas Burton, on 20 August 1860 in Busselton. They went on to have 10 children; Emma, Susan, John Thomas, George, Michael, Elizabeth, Robert, Mary Ann, William and Margaret.

JW Rutherford was granted a conditional pardon in 1863. Apparently taking advantage of the system he had been through, he subsequently employed thirty-four Ticket of Leave men on occasions between 1863 and 1876. On 21 February 1899 he died at Fremantle aged sixty-seven years (Registration Number 803).

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