

# Scrabbling in the dirt

by James Michael Fleming

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The topic was “a tough life”



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**Researching:** Bowen, Flowerdew, Gardner, Gordon, Grady, Hanrahan, Jolliffe, Kemp, Kessey, Murphy, Poulton, Press and so many more!

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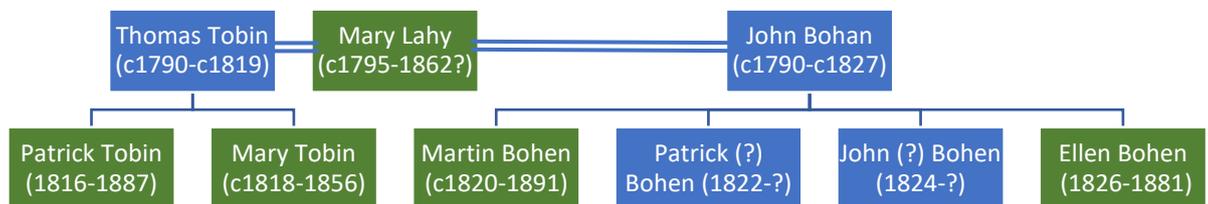
## Scrabbling in the dirt

Mary Howard had a tough life.

Her childhood was shortened by her stepfather's death; her intemperate brother embroiled her in the crime that destroyed their family; financial stress almost destroyed her own family; and her life ended tragically.

Mary's father (Thomas Tobin<sup>i</sup>) died when she was a baby; her older brother (Patrick) was just two years old.

Her mother (Mary Lahy) remarried and the next few years were happy ones. Four step-siblings expanded the family<sup>ii</sup>. But then her stepfather (John Bohan) died, leaving Mary's mother with six children under ten years old. Life became tougher.



**Chart 1: An unfortunate family**

Those in the green boxes came to Australia in 1837.

Mary's mother found work as a country servant<sup>ii</sup>, which consumed much of her time and energy. The children had to become very self-reliant at a young age. Mary's schooling was interrupted at about age 6, never to resume. While she could read, she never learned to write<sup>iii</sup>.

By age 18 Mary was employed as a country servant like her mother<sup>iii</sup>. Her brother (Patrick Tobin) was a labourer, her step-brother (Martin Bohan) a tailor's boy<sup>iv</sup> and the younger children were also in employment.

That Spring, her intemperate brother Patrick killed a sheep and (with Martin and Mary's assistance) butchered it and brought the meat home for the table. All three were later arrested and charged with "feloniously killing a sheep"<sup>iii</sup>. Unfortunately, their mother Mary was also charged with receiving stolen property (i.e. the mutton)<sup>ii</sup>.

Mary Tobin was the first to come to trial on 24 June 1836. She was convicted and sentenced to transportation for life<sup>v</sup>. Within a month, her mother and brothers met the same fate.

Patrick and Martin sailed for NSW aboard the *St Vincent* on 13 September. Soon after her brothers' departure, Mary Tobin submitted a petition for clemency, stating that she would accept any term of imprisonment rather than transportation. This displayed both desperation and naivete as the government's policy of convict transportation was designed to both reduce the burden of the gaol system on society and to reduce the country's population. Her petition was doomed to failure before it was submitted.

Mary's mother sailed for NSW aboard the *Margaret* in February 1837<sup>ii</sup>. Mary's sister (Ellen Bohan) accompanied her voluntarily.

Mary was herself transported from Dublin aboard the *Sir Charles Forbes*<sup>iii</sup>. The ship was very crowded and overloaded. Two women and a baby died on the voyage. Mary survived to disembark in Sydney on 4 January 1838, one year after her brothers Patrick Tobin and Martin Bohen.

On the third anniversary of Mary's arrival in NSW she married Thomas Howard<sup>vi</sup> (a stonemason) who was two years her junior and had been born in NSW. The marriage was soon blessed with the birth of sons Martin (1841), Thomas (1843) and John Thomas (1845) before Mary's Ticket of Leave was granted on 4 April 1846<sup>vii</sup>. This required her to live with her husband at Woolloomooloo in Sydney.

The Howard's first daughter (Mary Ellen) was born on 18 June 1847 at South Head Road in Watsons Bay – 8 miles (or 12 km) east of Sydney. Thomas Howard sold land on Old South Head Road in December 1848 and moved his family to Brisbane (Queensland) where Sarah Jane Howard was born in 1849. Perhaps work prospects for stonemasons were better in Queensland.

The move to Brisbane was a disaster because Thomas Howard was convicted there on 14 November 1850 of uttering a forged cheque for five pounds. He was sentenced to hard labour building the Newcastle breakwater.

By 1851 the family had returned to Sydney where another daughter, (Bridget) was born.

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Six years later the Howard family was living on a sheep station at Auburn Vale near Inverell<sup>viii</sup>. Thomas Howard's criminal conviction had forced him out of his career as a skilled stonemason to become a lowly shepherd. Mary had been reduced from a comfortable life as a stonemason's wife in Sydney to scrabbling in the dirt of the backblocks of NSW. Their "home" was later described by a reporter as a *gunyah*<sup>1</sup>.

Mary Howard had a tough death.

On the evening of Mary's murder, her husband and oldest son were away at the shearing shed while Mary remained at "home" with the younger children. Her murderer (a man named Filley) attacked Mary with a knife, fatally stabbing her in several places and mutilating her body. He also attacked the children, badly wounding them all except the eldest girl (nine-year-old Mary Ellen). Mary's son Martin returned home for the night and surprised the murderer before he had left the scene and was himself attacked. He was stabbed in the side, between the hip and ribs, but managed to escape and run for help. All of the children eventually survived.

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<sup>1</sup> **gunyah**, n. an Aborigine's hut made of boughs and bark; humpy. *The Macquarie Concise Dictionary*, 2<sup>nd</sup> edition.

## NEW SOUTH WALES

**MURDERS BY A CHINAMAN.**—A letter has reached our townsman, Mr. Borthwick, from his station, Auburn Vale, Byron, New England, giving a brief account of a murder and attempted murders by a Chinaman, named Feely, known up to that time as a quiet, inoffensive man. The letter is as follows:—"Auburn Vale, Byron, December 10. The Chinaman has murdered Mrs. Howard on the spot last night, and Martin was sent up to bring down the ewes this morning, and was stabbed, and I think cannot live. In short every one of the children, with the exception of the eldest girl, is sore wounded." Mrs. Howard, it appears, is the wife of a shepherd, on the station, and her husband was away shearing at the head station. The Chinaman was employed at a station four miles from where Howard lived. Mr. Borthwick supposes that when Martin (Mrs. Howard's eldest son) went to his father's station to fetch down the ewes, he found his mother murdered, his brothers and sisters wounded, and was himself attacked and stabbed by the murderer.—*Maitland Mercury*, Dec. 25.

Mary Howard's death as reported in the Moreton Bay Courier, 10 January 1857

Mary Howard's murder was widely reported in Australian newspapers at the time. There is no doubt that her mother (Mary Lahy), sister (Ellen Jackson nee Bohan) and brothers (Patrick Tobin and Martin Bohan) would have learnt of the grisly death of their daughter/sister.

The search for Filley was published in the Police Gazettes of both NSW<sup>ix</sup> and Victoria<sup>x</sup>, but I can find no record of him ever having been caught or tried.

It was a tragic end to a tough life for Mary Howard who was just 38 years old.

<sup>i</sup> Death Certificate, Patrick Tobin, NSW Registry of Births, Deaths and Marriages, 1887/8539

<sup>ii</sup> Convict Arrival Indents, *SS Margaret*, 30 May 1837, Mary Lahy (or Bohorn)

<sup>iii</sup> Convict Arrival Indents, *SS Sir Charles Forbes*, 25 Dec 1837, Mary Tobin

<sup>iv</sup> Convict Arrival Indents, *SS St Vincent*, 5 Jan 1837, Patrick Tobin and Martin Bohan

<sup>v</sup> Convict Departure Indents, *SS Sir Charles Forbes*, 4 Aug 1837, Mary Tobin

<sup>vi</sup> Marriage Register, St Philips Church, Sydney, 6 Jan 1841, NSW Registry of Births, Deaths and Marriages, 1841/167

<sup>vii</sup> Ticket of Leave Butt, 1846/522, 9 April 1846, Mary Howard

<sup>viii</sup> *Murder at Auburn Vale*, *Maitland Mercury*, 3 Jan 1857

<sup>ix</sup> *District of Wellingrove*, NSW Police Gazette, 31 Dec 1856

<sup>x</sup> *District of Wellingrove*, Victoria Police Gazette, 8 Jan 1857