

An unfortunate family

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by James Michael Fleming

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Jim Fleming is a retired Customs Manager and lives on Sydney's lower north shore. He began researching his family history in 1983 and has been a member of the Society of Australian Genealogists for 40 years. Aside from genealogy he enjoys travelling and sings baritone in two choirs.

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

Website: <http://jimfleming.id.au/up/index.htm>

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Introduction

As Mary Lahy approached middle age, she had already experienced many of the challenges that could confront anyone in life. Raised in rural Kilkenny (Ireland) in the early part of the nineteenth century, she had married young and was soon a widow endeavouring to cope with a toddler and a baby. She had later re-married and four more children followed over six years before she was widowed a second time.

Mary had then struggled on with her six children until, in her 43rd year, the wheel of fortune turned again to test her mightily. These events changed her life and those of her family. She and three of her children were arrested, tried, found guilty and sentenced to transportation to New South Wales for life. While this turn of events would be a severe trial for anyone, it was particularly trying for Mary because she had to worry about three other children who depended on her. What would become of them if she was sent away forever?



Ireland

Mary Lahy's family, 1793 – 1835

Mary Lahy was the third of five children born to Martin Lahy and his wife Bridget Kain. All five were baptised in the Catholic church of St John's in Kilkenny city, about 10 kilometres southwest of her home village of Johnswell (because the village did not get its own Catholic church until 1820). Mary was baptised on 12 March 1793, with her siblings Patrick 1788, John 1790, Sarah 1795 and Michael 1797.

At the end of her life, Mary claimed to have been first married at the age of 15 years but the eldest of her known children (Patrick Tobin) was not baptised until seven years later, in 1815. Mary's husband Thomas Tobin disappeared from her life soon after the birth of his daughter Mary Tobin two years later. He may have died; or he might have been the Thomas Tobin who was transported to Australia from Kilkenny aboard the convict ship *Earl St Vincent* in 1818. There is no direct evidence for either of these possibilities.

Left with two small children to raise, Mary would not have had any free time or energy to devote to paid employment. However, without financial resources it was not practicable for Mary to provide for her very young children. In those days, the government did not provide a social safety net for women who were placed in this position. In the circumstances, she had little choice but to re-marry.

Nevertheless, the baptism register for St John's church records that Mary's next child (who was baptised as Martin Bowe in November 1819) was the illegitimate son of stonemason Corney (an abbreviation of Cornelius) Bowe. It is possible that Mary could not marry Cornelius because her first husband Thomas was still alive in Australia. However, the baptisms of their younger children were not recorded as illegitimate, so it seems that she did eventually marry Cornelius.

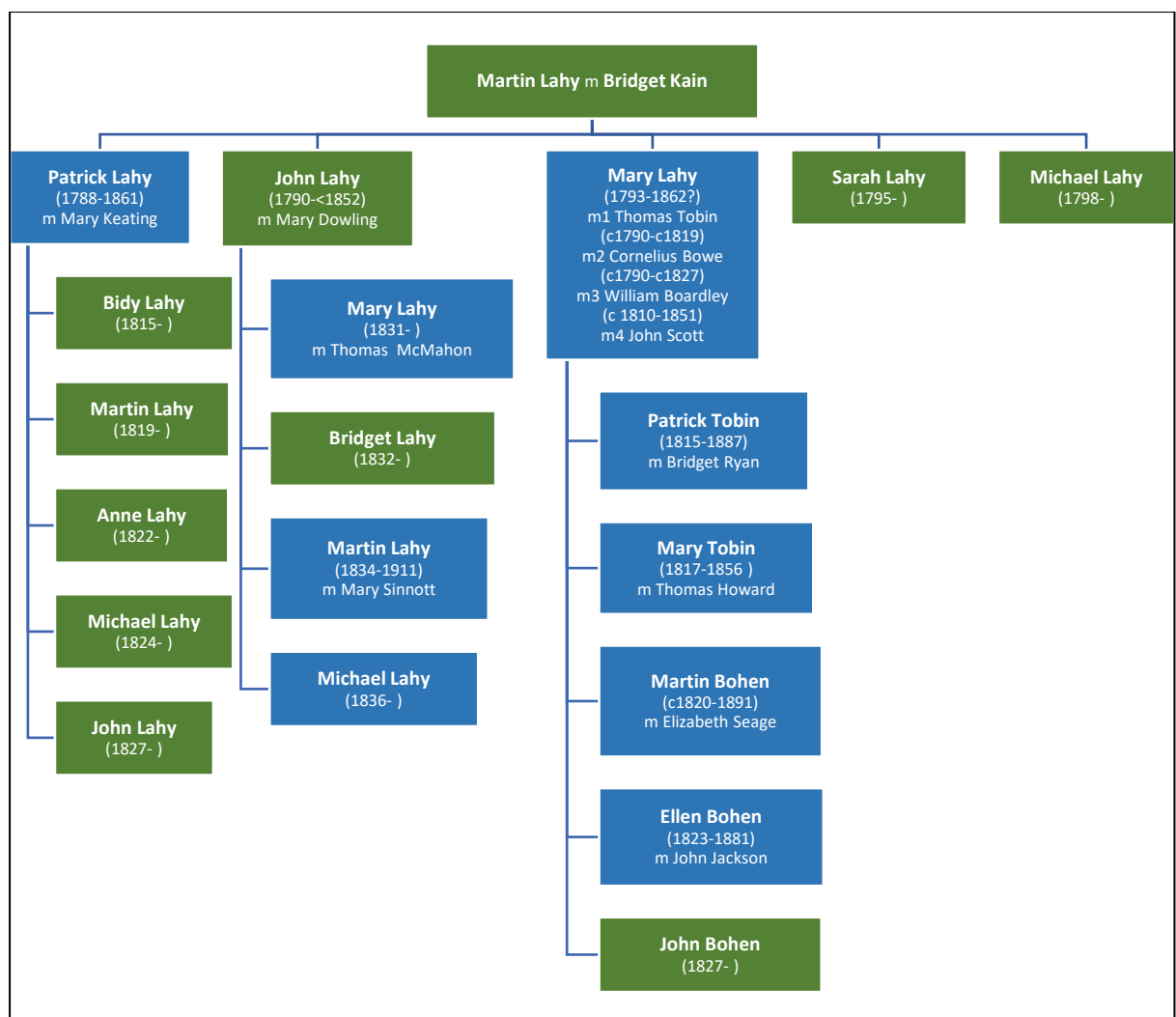
Martin's younger sister was baptised as Ellen Bowe on Christmas Day in 1823 and their brother John Bowe followed in April 1827. While their father's name was consistently recorded in the baptism register as (an abbreviation of) Cornelius, it seems that he was commonly known as John. The death certificates for both his daughter Ellen and son Martin record their father's name as John. In later documents the surname of these children was normally written as Bohen, Bohan or Bowen. Cornelius must have died soon after the birth of his son John because Mary was to have no more children.

Nevertheless, she must have had another son whose baptism record is elusive because when Mary arrived in Australia the convict arrival indent recorded that she had four sons (presumably based on information provided by Mary herself). Since we only have baptism records for Patrick Tobin and Martin and John Bohen, it is unclear whether the other boy was a son of Thomas Tobin or Cornelius Bowe.

The education of the older children (Patrick and Mary Tobin) was interrupted after they had learned to read but before they had mastered the skill of writing. It is probable that the changed financial circumstances that resulted from Cornelius Bowe's death meant that their schooling had to end prematurely. It would have been necessary for them to obtain employment to help support the family. Their younger siblings fared even worse, because they had not even started an education when their father died. Both Martin and Ellen Bohen were illiterate, like their mother.

Now with six children in tow, Mary would have found it very difficult to find another husband to support her family. So, to obtain an income, Mary found work as a country servant. This would have consumed much of her time and energy, so that her children would have had to become very self-reliant at a young age. No doubt she would have expected each child to take responsibility for a share of the household chores.

A few months later Mary's 40-year-old brother, Patrick Lahy, was arrested and charged with stealing butter. He was convicted and, with two former convictions, was sentenced to transportation for life. Six months later he was placed aboard the *Governor Ready* for shipment to Australia, leaving behind his wife (Mary Keating) and five children whose ages ranged from 1 to 13 years.



Pedigree Chart: An unfortunate family

Those in blue boxes are known to have emigrated to NSW.

Five years later in 1833, 40-year-old Mary was recorded as running a farm on five acres of third-rate land adjacent to her father's 15 acres of better land. This farm may have formerly been run by her brother Patrick. It is likely that, in their rural lifestyle, she and her children used this land to produce most of their own food. In addition to herbs and vegetables, they would probably have also kept animals such as chickens, pigs, goats and sheep.

During that year she was assessed for a tithe of 7 shillings and sixpence on her land, while her father was liable for 1 pound six shillings and fivepence halfpenny. The tithe was a government tax that had to be paid to the Church of Ireland by all land users. It was resented by Catholics who were also expected to contribute money for the running of their own churches, a clear case of double taxation. This had become a very big political issue two years earlier when Catholic landholders across Ireland decided not to pay their tithes. Mary's father Martin Lahy had been named as one of many defaulters in an affidavit sworn by Luke Fowler (rector of the local Rathcoole parish) who complained that seditious meetings had been held under the pretence of holding hurling matches (a widespread ploy). The government attempted to enforce payment by defaulters across Ireland but was met with organised and armed resistance, with some tax collectors and their police protectors killed. Eventually the government called in the army to provide security for tax collectors across the country.

In 1834 the High Constable of Kilkenny presented a return to the General Assize Court alleging tithe arrears against several members of the Lahy family including "widow Lahy" (three shillings and eleven pence) and her father Martin (5 shillings and ninepence halfpenny). The widow Lahy was still in arrears at the Spring Assizes of 1835. Given the widespread conscientious objection to the tithes, the government was eventually forced to concede by shifting the tithing burden onto the farms' landlords (although the farmers still bore much of the cost indirectly through higher rents). But this reform came too late for Mary Lahy.

Mary Lahy's annus horribilus, 1836

By the time the dreadful events of 1836 disrupted their lives, Patrick Tobin (aged 20) was employed as a labourer; Mary Tobin (aged 18) as a country servant like her mother; and Martin Bohen (aged 16) as a tailor's boy. No doubt John Bohen (aged 12) and the other unnamed son were also in employment.

In the Spring of that year, Patrick Tobin and Martin Bohen, with the assistance of their sister Mary Tobin, killed a sheep, butchered it and brought the meat home for the table. All three were later arrested and charged with "feloniously killing a sheep". To make matters worse, their mother Mary was also charged with receiving stolen property (i.e., the mutton) into her house.

All four would have been promptly locked up and taken to Kilkenny city to await trial at the Summer sitting of the Assize Court. This left the younger members of the family (12-year-old John, 10-year-old Ellen and their unnamed brother) as virtual orphans, although they had their grandparents and other members of the extended Lahy family living nearby. Their mother, Mary Lahy, would have been extremely worried about what would happen to her three youngest and distraught at her own plight and that of her three eldest children. While the two youngest boys were probably already employed and capable of undertaking many household chores, it is unlikely that their expertise extended to cooking meals or washing clothes.

The first family member to come to trial was 18-year-old Mary Tobin on 24 June 1836. She was convicted and sentenced to transportation for life. Three weeks later, Patrick Tobin (aged 20) and Martin Bohen (aged 16) were also tried and met the same fate. Two days

later, their mother Mary Lahy (aged 41) was also convicted and sentenced to transportation for 14 years.

There is no doubt that Mary Lahy's first thought on receiving her sentence would have been for her three younger children. What was to become of them if she was to be banished from their lives while they were still so dependent on her? But she would also have reflected on her brother's situation. Mary's brother (Patrick Lahy) was already in NSW, having been convicted and sentenced eight years earlier. She had probably not heard from him since (because they were both probably illiterate).

Events continued to move quickly. Patrick Tobin and Martin Bohen were moved to Cork and placed aboard the prison hulk *Surprise* to await a ship to take them to NSW. Prison hulks were clapped-out old naval ships that had been condemned as unfit for the rigours of the open ocean, so they were used as holding pens for prisoners who had been sentenced to transportation. They were, in effect, floating gaols, designed to supplement the overcrowded prison system. These old hulks were usually very damp and crowded; perfect conditions for the spread of infectious diseases. It is fortunate for Patrick and Martin that they had to spend only a few weeks on the *Surprise* before their convict transport ship was ready to sail.



A prison hulk about to accept prisoners on board

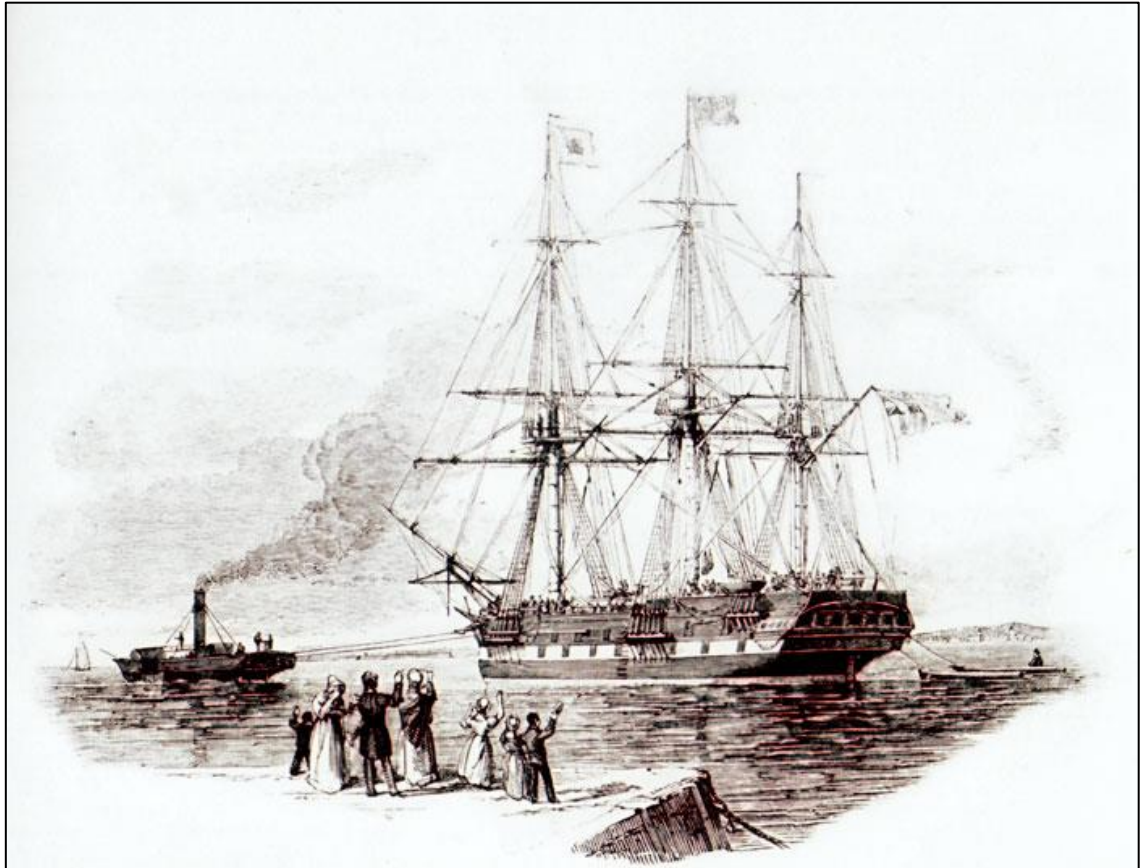
Cooke, Edward William. 1829, Prison-ship in Portsmouth Harbour, convicts going aboard, [London viewed 28 February 2017 <http://nla.gov.au/nla.obj-135934086>

Martin Bohen and Patrick Tobin were imprisoned on a similar prison hulk *Surprise* in Cork harbour for several weeks before going aboard their convict transport ship *St Vincent*.

New South Wales

Patrick Tobin and Martin Bohen, 1836-37

On 7 September 1836, less than two months after their convictions, Patrick and Martin were among the 73 convicts placed on board the sailing ship *St Vincent*. They joined 118 other convicts who were already on board from Dublin, making a total of 191 convicts. The ship sailed for Port Jackson on 13 September.



The convict ship *St Vincent*

Source: Illustrated London News, April 13, 1844

As he embarked, Patrick Tobin was described as 5'4" tall with brown hair and grey eyes. His skin was pock-marked (presumably from an earlier infection with smallpox or chicken pox) and his complexion was "sallow" (meaning pale or jaundiced), no doubt exacerbated by several weeks confined in Kilkenny city gaol and aboard the hulk. He had a small dark mole above his left cheek bone.

Martin Bohen, on the other hand, was fair, ruddy and freckled and only 4'10¹/₂" tall; just a boy. He had light brown hair and hazel eyes, with moles on his right elbow and right foot, scars on his left hand and right knee and a burn mark on his left arm.

Soon after her brothers' departure, Mary Tobin submitted a petition for clemency in which she stated 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.

Patrick Tobin and Martin Bohen arrived in Sydney on 5 January 1837 after an uneventful voyage of 115 days. They had been lucky to have travelled with a group of convicts who were in good health at the start of the journey and who were kept that way by a surgeon (Andrew Henderson) who had experience from three previous convict ship voyages. Nevertheless, three convicts died on the passage.

After disembarking in Sydney, Patrick and Martin discovered that only a very small portion of convicts in NSW were locked up in a prison building. There was no need because there was nowhere that they could practicably escape to. Instead, most convicts lived in barracks or houses and undertook work that was assigned to them. The majority worked for free settlers; the rest for the authorities. Skilled convicts were given work that utilised their skills; the others were given labouring work. All were required to devote most of their time to their assigned work but were able to devote any spare time to other activities such as growing food, doing housework or undertaking paid employment. In their spare time they could move about in relative freedom, provided they did not leave their assigned station.

On arrival, Patrick Tobin was assigned to work for Dr Charles Drew Street at Invermein in the Hunter Valley of NSW (now the district of Scone). Martin Bohen was assigned to work for the Australian Agricultural Company at Port Stephens on the central coast of NSW.

Mary Lahy and Ellen Bohen, 1837-38

Three weeks after Patrick and Martin arrived in NSW, their mother Mary Lahy was put aboard the convict ship *Margaret* with the same destination. She had achieved some success in her endeavours to arrange for her three remaining children; at least in relation to the youngest of them, Ellen Bohen (aged 10). She was allowed to bring Ellen with her on the voyage as a free immigrant to NSW.

The fate of Mary Lahy's other two sons is not yet known. It seems likely that they were already employed and were taken into the households of their employers. It is also possible that Mary had arranged for them to join her later in NSW, but I have no evidence for this.

Unfortunately for Mary Lahy and Ellen Bohen, the voyage of the *Margaret* was much more of a trial than that experienced by Patrick Tobin and Martin Bohen on the *St Vincent*. The ship's surgeon (Henry Kelsall) had experience of one previous convict ship but was unprepared for the problems aboard the *Margaret*. He thought that the ship was overloaded with its 153 female prisoners, 28 children and 35 free women and children (who were family members of convicts already in NSW).

When the women came aboard the ship from the Cork penitentiary, they were in a very filthy state and had only a very small supply of spare clothing. They were infected with psora (a cause of itching skin) and influenza. The surgeon was disgusted by the women's habit of washing their linen in putrid urineⁱ and was aghast that most of the convicts would, if

ⁱ The use of aged urine as a useful cleanser for washing cloth has been known since Roman times. The natural ammonia that it contains is effective at removing stains. In ancient Rome, vessels for collecting urine were commonplace on streets for the relief of passers-by. Once full, the contents were taken to *fullonia* (a laundry), diluted with water and poured onto dirty clothing. A *fuller* (laundry worker) would stand in the tub of watery urine and stomp on the clothes, like the agitation provided by a modern washing machine.

permitted, pass the whole of the day in bed. He doesn't seem to have considered the possibility that they were sick and/or depressed.

On embarkation, Mary Lahy was described as 5'1³/₄" tall with brown hair, dark grey eyes and a brown complexion. She had a mole on her left cheek, a scar on the little finger of her left hand and her nose inclined to the right! The convict indent noted that she had a brother, Patrick Lahy, in NSW who had been a prisoner for 15 yearsⁱⁱ.

The ship sailed from Cork on 24 January 1837. It is probably no surprise that bilious fever broke out when the ship reached warmer climes. By the time the ship reached Sydney's Port Jackson on 30 May 1837, two convicts and five children had died.

After disembarking, Mary Lahy was assigned to John Jones of Sydney. Mary must have moved on from John Jones at Sydney to Parramatta (26 kilometres west of Sydney) at some stage during her first few months in Australia because she was married there in St Patrick's church on 15 January 1838 to William Boardley. Given these circumstances, it is quite possible that she had been living in the Female Factory at Parramatta immediately before her marriage. Her third husband was sixteen years younger than Mary, who was now 44 years old. Given her age, it is not surprising that there is no evidence that the marriage produced any children. Since there are no other likely records of him, it seems that her husband is probably the person recorded as William Boadley who died from lunacy at the Tarban Creek Lunatic Asylum on 28 July 1851 and was buried the next day at Hunters Hill.

Mary Tobin, 1837-41

Two months after Mary Lahy and Ellen Bohen arrived in Sydney, Mary's other daughter Mary Tobin was transported from Dublin aboard the *Sir Charles Forbes*. On embarkation, she was described as 4'11¹/₂" tall with dark brown hair and eyes of dark hazel. She had burn marks on her left jaw and on her left arm and her eyebrows were partially joined in the middle. She had a ruddy complexion and lots of freckles.

The ship's surgeon (William Clifford) had experience from three previous convict ship voyages and he would need all his skills on this trip. The ship was very crowded and overloaded. Everything aboard was almost constantly damp due to the ship lying very low in the water. Unsurprisingly, he found the convicts to be "*desponding, indolent and disposed to dirt, required every exertion to keep their minds in a fit state*". In addition to his recognition and treatment of the convicts' depressive state of mind, he had to deal with serious cases of catarrh, dysentery and scurvy. Two women and a baby died on the voyage.

The *Sir Charles Forbes* arrived at Port Jackson on Christmas Day 1837 and anchored in Neutral Bay. Free settlers were invited to apply for one of the women to be assigned to

ⁱⁱ For Mary Lahy's brother Patrick to have been in Australia for 15 years would imply that he arrived there in 1822. I can find no evidence to support that date. There was a Patrick Lee who arrived on the *Isabella* in 1823, but he is consistently referred to in official records as "Lee", not "Lahy". The Patrick Lahy who arrived on the *Andromeda* in 1830 came from Tipperary (not Kilkenny) and was much younger than our Mary Lahy; so, it is not likely to be him. The likeliest candidate is Patrick Leahy who came on the *Governor Ready* in 1828. (There was another Patrick Lahy who arrived on the *Eliza* in 1832, but he had a brother John with him who was not mentioned on Mary's convict indent.)

them as a domestic servant. Fifteen of the convicts that arrived were sent on to Newcastle for the same purpose.

Mary Tobin disembarked on 4 January 1838, one year after her brothers Patrick Tobin and Martin Bohen. This meant that the family now had five convicts serving time in NSW: Mary Lahy; her brother Patrick Lahy; her daughter Mary Tobin; and her sons Patrick Tobin and Martin Bohen. Mary's other daughter (Ellen Bohen) had also emigrated voluntarily.

Mary Tobin's convict assignment took her to Bathurst in the central west of NSW. She soon met Isaac Kemp and agreed to marry him, even though he was 22 years older than she. He was a convict who owned a bullock dray and was employed as a carrier by William Blackman of Mudgee. Because they were both convicts, Mary and Isaac had to apply for permission to marry, which was granted by Reverend Walpole of Bathurst. Nevertheless, one of them changed their mind because the marriage did not proceed. It may be that Mary objected to the fact that Isaac had a 12-year-old half-caste son (William Kempⁱⁱⁱ). Isaac Kemp married Sarah Shervington nine months later.

Two years after the near nuptials with Isaac Kemp, Mary Tobin was granted permission to marry Thomas Howard (a stonemason) who was two years her junior and had been born in NSW. Reverend William Cowper married them at St Philip's Church in Sydney on 6 January 1841, the third anniversary of Mary's arrival in NSW.



St Philip's Church, Sydney, (circa 1840)

From the collection of the State Library of New South Wales [a283013 / PXA 972, f 12] (Mitchell Library)
The church (that sat on the site of the current Lang Park) was made from poor materials and dubbed “the ugliest church in Christendom”. The current church replaced this old one in 1856.

ⁱⁱⁱ The term “half-caste” was used by Isaac Kemp in reference to his son, indicating that William Kemp's mother was an Aboriginal. William Kemp is the author's GGG-grandfather (on the paternal side). Mary Tobin is the author's GGG-aunt (on the maternal side).

The marriage was blessed with the birth of their first son at Parramatta on 4 December 1841. He was named Martin Howard after his grandfather (Martin Lahy) and uncle (Martin Bohen).

Ellen Bohen, 1837-81

At just ten years old on her arrival in NSW, Ellen Bohen would have been too young to work. On the other hand, her mother (Mary Lahy) was required to work for her assigned master (John Jones) and would have had few resources to support her daughter. As she grew a bit older, she may have secured employment as a household servant or something similar.

Six years later, Ellen was arrested and charged by the police. While the offence is unknown, it was serious enough to see her incarcerated in Darlinghurst Gaol on 9 February 1843.

Fortunately, after serving her sentence she was never again in trouble with the law. On Boxing Day of that same year, she married ex-convict stonemason John Jackson at St Phillips Church, Sydney (where her sister Mary Tobin had married two years earlier). It is noteworthy that Ellen's father (Cornelius Bohen) had also been a stonemason; and also, that Ellen's sister (Mary Tobin) had married stonemason Thomas Howard two years earlier.

Ellen and John Jackson were to forge a successful family life over the following several decades, producing eleven children: Thomas (1845), Margaret (1846), John (1847), Rebecca (1850), Elizabeth (1852), Mary Ann (1854), Ellen (1858), Martin (1860), Rachael (1862), George (1865) and Emma (1867). They were living in Brisbane when three of their children were baptized in 1854. Perhaps they had been attracted there by better opportunities or better pay for stonemasons.

Unfortunately, John Jackson died in 1868, not long after the birth of their eleventh child (Emma). Her husband's death left Ellen with five children aged under ten years to support and care for. No doubt she relied heavily on the assistance of her older children (Thomas 23, Margaret 22, John 21, Rebecca 18 and Elizabeth 16) over the following years.

Ellen Jackson nee Bohen died at the home of her eldest daughter (Margaret Mathieson) in Rockhampton (Queensland) on 14 October 1881, aged 56 years. She had been afflicted with ascites and anasarca, both of which are conditions associated with liver disease and cirrhosis; but also, with other diseases.

Patrick Tobin, 1837-43

Ellen's brother, Patrick Tobin, had been assigned on his arrival in 1837 to Dr Charles Drew Street at Invermein in the Hunter Valley of NSW, near the present-day town of Scone.

Invermein Station had been first settled nine years earlier when Francis Little took up his grant of 2000 acres. Patrick's master, Dr Street, had arrived in NSW in 1832 as a free settler and had been granted land at Lane Cove and Tambourine Bay on the north shore of Sydney Harbour. By the time of Patrick's assignment, he was farming at Petwynne Valley near Invermein. He was also appointed a Magistrate and ran a medical practice.



Charles Drew Street

As an experienced rural labourer, Patrick (and the eight other convicts assigned to Dr Street at the time) would have been expected to contribute his energies to building up and maintaining Dr Street's landholding. This area of NSW is, in the present day, well known for its many valuable horse-breeding enterprises owned by the very rich.

Six years after his assignment to Invermein, Patrick was confined in Newcastle Gaol for two days while being transferred from Maitland NSW to Hyde Park Convict Barracks in Sydney because his "sentence in irons had expired". This implies that he had previously been sentenced to a period of hard labour to be served "in irons", which was normally road-building work. To have received such punishment Patrick must have been convicted of a serious crime; or he must have committed a series of less-serious misdemeanors.

Patrick had arrived in the Hunter Valley at a time of much unrest caused by escaped convicts. Law-abiding citizens living in isolated properties and rural towns lived in fear of marauding gangs of convicts who had run away from their assigned masters and taken to the bush.



Convict leg irons

One example was the Jewboy Gang that rampaged across the area between Maitland and Gosford from the summer of 1839. They had a hideout near Dungog. The gang, led by Edward Davis, had a Robin Hood reputation; they often gave goods plundered from the wealthy to their convict servants. In December 1840, the gang killed John Graham (a storekeeper's clerk) at Scone (where Patrick had been assigned to Dr Street). After a posse was quickly formed, they were captured and all eventually hanged.

In this environment, the local magistrates (who were mostly prominent businessmen like Dr Street) cracked down very strongly on any convict misbehavior. This policy may be one of the reasons why Patrick Tobin found himself in irons.

It is possible that Patrick had been convicted of serious arson. In 1841, the Governor of NSW offered the very attractive reward of a Conditional Pardon to any convict who provided information that led to the arrest of the person responsible for burning Dr Street's barn (which contained several hundred bushels of wheat). The destruction of these very valuable assets would have been a major contributor to Dr Street's insolvency in 1842.

One way or another, it seems likely that Patrick had been dismissed by Dr Street and returned to government service – which would be very hard labouring work. At some point, he was sentenced to a period of hard labour "in irons". This may have been served in the Maitland district which had grown into the second-largest population centre in NSW.

For Patrick, life as a road ganger, forever fettered by the leg-irons, would have been extremely hard and miserable. Such an experience provoked many such offenders into even worse behavior and put them on a downward spiral of defiance, further crimes and consequent heavier punishments. Serial offenders were often flogged and the very worst were moved to gulag-like prison settlements at Norfolk Island and Port Macquarie where life became almost unbearable. Fortunately, however, Patrick avoided this fate.

While the free settlers and merchant class reacted to disruptive behaviour by convicts with a “law and order” response, more liberal citizens could see that the disruptive behaviour was, in fact, a response to a brutalizing regime that offered convicts little hope of redemption. Governor Bourke was so concerned about the commonplace imposition by magistrates of excessive punishment that he introduced a law that limited the sentence that they could impose to 50 lashes (in place of the previous unlimited number). This was a controversial approach and furious magistrates and employers petitioned the crown to over-rule the Governor.

In 1842 Patrick Tobin’s “sentence in irons expired” and he was returned from Maitland (in the Hunter Valley of NSW) via Newcastle Gaol to the Hyde Park Convict Barracks in Sydney. Here he would have continued to work for the government as a labourer but, thankfully, free of the leg irons.

The controversy around misbehaving convicts and harsh sentencing came to a head. Those, like Governor Bourke, who favoured a more humane approach to convicts (including the granting of rights to freed convicts) won the day. Convict transportation to NSW was suspended in 1840, just 3 years after Patrick Tobin and his family arrived. During the following ten years (until transportation to NSW was finally abolished completely in 1850) only a further 4 convict transport ships arrived.

Martin Bohen, 1837-44

Patrick’s brother Martin Bohen had also got himself into further trouble with the law after his arrival in NSW. He had been assigned, on arrival in 1837, to work for the Australian Agricultural Company at Port Stephens.

This company had been created 13 years before by an Act of the British Parliament; and it was granted the right to select a million acres of land in NSW for agricultural development and to utilise convict labour in developing its enterprises. The company remains in business to this day (and its shares trade on the Australian Stock Exchange).



A brass button from the clothing of a convict who was assigned to the Australian Agricultural Company

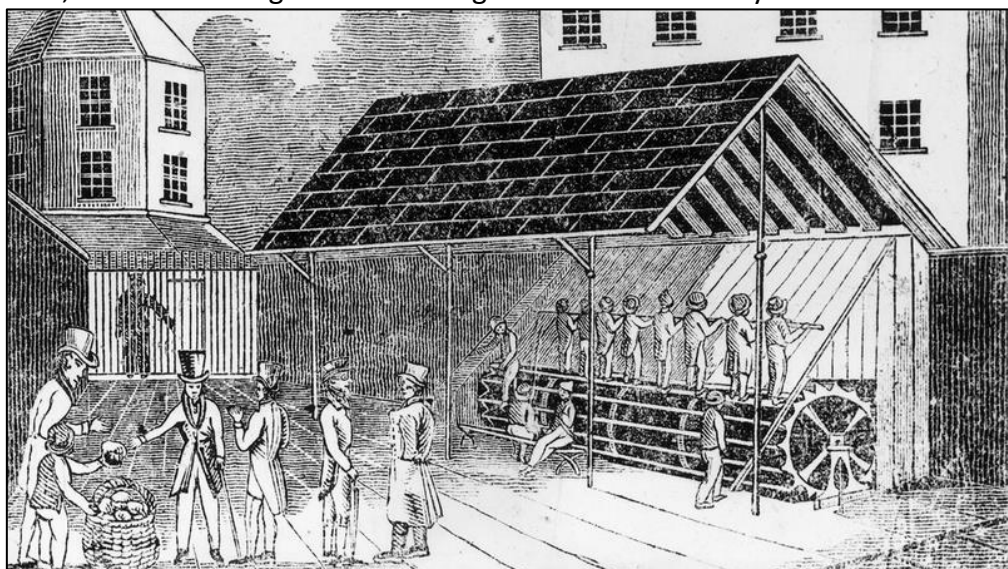
The company created several agricultural and other enterprises at Port Stephens, north of Newcastle. This whole region sits on sand with only a very thin, poor topsoil and is not well-suited to agriculture but the company quickly diversified into successful timber and wool enterprises in the area. By the time of Martin Bohen's assignment to work for the company, it had also expanded into coal mining and had built Australia's first railway (for coal transport) at Newcastle. With Martin's slight build it is unlikely that he was well-suited to either mining, forestry, grazing or agricultural work. He did have some experience as a tailor's boy, so he may have been put to work of that nature. In time, however, he learnt the boot-making trade that was to provide him with work for the rest of his life.

By 1844, Martin was working at Dungog in the Hunter Region of NSW, north of Maitland. Land in this district had been granted to some wealthy settlers in the 1820s and the village of Dungog had been gazetted in 1838.

Martin Bohen was tried at Dungog in December 1844 for robbery. Found guilty, he was sentenced to two months on the treadmill at Hyde Park Convict Barracks in Sydney. This sentence required a convict to serve long shifts "walking" (with others) the huge paddles of a large treadmill that turned a millstone for grinding corn (see picture below). While this was undoubtedly an arduous, labour-intensive task, it is a much lighter sentence than the hard labour in leg irons that Patrick Tobin had experienced. This would imply that Martin had not been in any previous trouble since his arrival in NSW.

While he was travelling from Dungog to Sydney where he would serve his treadmill sentence, Martin was held in Newcastle Gaol for three days from 14 December. In the eight years since his arrival in Australia his appearance had changed quite a bit. He had grown eight inches taller to 5'7" and had put on enough weight to be described as "stout".

He was transferred from Newcastle to Sydney along with two other prisoners (Owen Gaynor and James Gibbs) on 17 December 1844. Two months later, having served out his treadmill punishment, he was discharged from Darlinghurst Gaol back to Hyde Park Barracks.



Martin Bohen's sentence required him to serve two months on the treadmill at Hyde Park Barracks – which would have been similar to this one

Source: *Convict treadmill*, in 'Gentleman's Magazine', 1822, Vol 92, Pt 2, pp 8-9. State Library of New South Wales: DS050/G338

Freedom

Reunited, 1846-48

It is difficult to know how much contact, if any, the various members of Mary's Lahy's family had with each other after they arrived in NSW in 1837-38. While Mary and young Ellen would have been together at first, this may have changed when Ellen was old enough to gain employment. They were in Sydney and Parramatta while Patrick Tobin had been sent to Invermein and Martin Bohen to Port Stephens and later to Dungog. It seems likely that Patrick and Martin would have been isolated from family contact for several years at least.

Ellen Bohen and Patrick Tobin were both incarcerated in central Sydney in late 1842 and early 1843. While unlikely, there is a possibility that they may have met. The best chance of a meeting after that is in 1846.

Mary Lahy and her children were given their Tickets of Leave (TOL) in 1846. A TOL was essentially a parole, whereby the person was still officially a convict but was no longer required to provide free labour, could undertake any work that they desired and was not tied to a specific employer. He or she could operate as a reasonably free person, either earning wages for work or setting up their own business.

First came Mary Lahy and her daughter Mary Howard (nee Tobin), who were both granted their TOL on 4 April 1846. Mary Howard's TOL required her to live with her (non-convict) husband Thomas Howard at Woolloomooloo in Sydney. Her mother, Mary Lahy was required to live at Windsor, 36 miles (or 60 km) north-west of Sydney. While Mary Lahy had married William Boardely eight years earlier, he is not mentioned in her TOL.

Widow Govt. man on Pet. Regd 46/10.8.59 dated 1 Dec 1846

Obtained also for Mary Howard 4/4/1846 Regd 46/10.8.59 dated 1 Dec 1846

Obtained also for Martin Bohen 4/4/1846 Regd 46/10.8.59 dated 1 Dec 1846

Obtained also for William Boardely 4/4/1846 Regd 46/10.8.59 dated 1 Dec 1846

TICKET OF LEAVE.

No. *4 January 1847*

Prisoner's No. *37/10*

Name *Martin Bohen*

Ship *St Vincent*

Master *Middle*

Year *1847*

Native Place

Trade or Calling

Offence

Place of Trial *Windsor Sum. ass*

Date of Trial *15 July 1836*

Sentence

Year of Birth

Height

Complexion

Hair

Eyes

General Remarks

Allowed to remain in the District of *Windsor*

On recommendation of

Dated

June 1852

No 53/58

Martin Bohen's Ticket of Leave document

Seven months later her son Patrick Tobin's TOL required him to live at Windsor. And two months after that, on 4 January 1847, her other son Martin Bohen's TOL required him to live at Windsor. It is likely that all three had begun living at Windsor prior to the granting of these TOLs.

A year earlier, the ToL for Mary's brother Patrick Lahy had been altered to allow him to move from Liverpool to Windsor. So, within a period of fifteen months in 1845-6, Patrick Lahy, his sister Mary Lahy and her sons Patrick Tobin and Martin Bohen were all granted TOLs that required them to live at Windsor. In these circumstances, it would be surprising if they had not become re-acquainted after about ten years of separation in NSW.

The restrictions of the TOLs for both Martin Bohen and Patrick Tobin were varied, on occasion, to allow for changes in circumstances. For example, Martin Bohen was authorised to go to Bathurst (in central-west NSW) in August 1847; to return to Windsor in January 1848; and to go again to Bathurst in June 1848. Patrick Tobin was authorised to leave Windsor for Sydney in 1848 "for so long as he remains in the service of Mr. Thos Turner, Assistant Rector, St Andrews Cathedral". Two years later, on 25 July 1850, he was authorised to live at Botany Road while he remained in the service of Mr. John Smith.

So, in 1848 Martin went to Bathurst again and Patrick moved to Sydney for his position at St Andrews Cathedral.

Mary Lahy and Mary Howard, 1849-50

In January 1849, Thomas Ryan, the Chief Clerk of the Principal Superintendent of Convicts placed a formal notice in the newspaper (see illustration at right) stating that Mary Lahy was illegally absent from her district of Windsor. We can only speculate on the reason for this.

One possible reason is that she felt that her daughter Mary Howard (nee Tobin) needed her assistance urgently. She was living with her husband (Thomas Howard) in the inner-Sydney suburb of Woolloomooloo. They had three children: Martin (1841), Thomas (1843) and John Thomas (1845) before Mary's Ticket of Leave was granted.

Their 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. Perhaps Mary's husband, Thomas Howard, had moved there because he had found employment as a stonemason nearby. For example, the Macquarie Lighthouse on South Head required some major repairs to the stonework at about this time.

*Prin. Sup. of Convicts' Office,
Sydney, 3rd January, 1849.*

THE undermentioned Prisoner of the Crown has absconded since the last day of publication:—

William Foster, Elizabeth, 1820, 68, Northumberland, coal miner, 5 feet 10 $\frac{1}{4}$ inches, dark ruddy comp., black hair, hazel eyes; from Lunatic and Invalid Establishment, Parramatta, since the 26th ultimo.

The undermentioned female Prisoner of the Crown, holding a ticket of leave, being absent from her district, is illegally at large:—

Mary Lahy or Bohorn, Margaret, 1837, 51, County Kilkenny, country servant, 5 feet 1 $\frac{3}{4}$ inches, brown comp., brown hair, dark grey eyes, nose inclining to the right side, small raised mole left cheek, scar back of little finger of left hand; from ticket of leave, Windsor.

THOMAS RYAN, Chief Clerk.

18 **4s.**

Thomas Howard sold some land on Old South Head Road in December 1848. A year later when their daughter Sarah Jane was born, the family was living in Brisbane, Queensland. Perhaps work prospects for stonemasons were better in Queensland.

In fact, it is possible that Mary Howard and her husband had moved to Brisbane along with her sister Ellen Jackson (nee Bohen) and her stonemason husband John. We know that the latter couple were in Brisbane by 1854.

It seems that the Howard family moved to Queensland in early 1849 – exactly the time when Mary Howard’s mother (Mary Lahy) “absconded” from Windsor. Perhaps she had travelled to Watsons Bay to help her daughter to prepare for the move to Queensland.

This move to Brisbane proved to be a disaster for the Howards. The family must have suffered financial stress because Thomas Howard was convicted on 14 November 1850 of uttering a forged cheque for five pounds in Brisbane. Ten months later, when he applied for a pardon, he was a prisoner stationed at the Newcastle breakwater. No doubt his stonemason skills would have been useful in building the breakwater.

Patrick Tobin and Martin Bohen, 1848-53

The lives of both Patrick Tobin and his brother Martin Bohen improved after they gained the relative freedom afforded by their TOLs in 1846/7.

During Martin’s trips to Bathurst, he had met a local girl, Elizabeth Seage, and they were married there on 14 May 1851. She was one of 3 daughters and 5 sons of John S Seage and Johanna (nee Griffen) who had emigrated to NSW aboard the *Sea* in July 1849. The family’s journey had been sponsored by Mr. Charles McPhillamy who had met them dockside in Sydney and then brought them to his property *Charlton* at Campbell’s River near Bathurst.

At the time of his daughter Elizabeth’s marriage to Martin Bohen, John Seage was still working for Charles McPhillamy, but he later established his own farms at Black Springs and Evans Plains^{iv}. The Seage family became well-established in the Bathurst area as farmers, publicans and brewers.

Patrick Tobin’s thoughts had also turned to marriage and he wed Bridget Ryan at St Mary’s Cathedral in Sydney that same year (1851)^v. Bridget had previously been married to James Gibbs in 1842 but had been widowed in 1846. At the time of her marriage to Patrick Tobin, Bridget Gibbs (nee Ryan) had two sons: John Gibbs (aged 8) and James Gibbs (aged 6). It seems that they were subsequently known as John and James Tobin^{vi}.

^{iv} I am indebted to Daniel Maurice for this information about the Seage family. We are all indebted to Mrs. Betty Seage (nee Roff) who conducted much research into this family during the 1980s.

^v The official record of this marriage names Patrick’s wife as Bridget Gibbs. For reasons too complex to explain here, I have concluded that she was the widow of James Gibbs and that her maiden name was Bridget Ryan. For a detailed analysis of the evidence and reasoning behind this conclusion, see my article called *Finding Patrick Tobin*.

^{vi} John and James are named on Patrick Tobin’s death certificate among his surviving sons.

On 1 July 1851, Patrick Tobin was granted a Conditional Pardon. This was a higher level of parole that was available to all well-behaved convicts who had served their time. He was now allowed complete freedom to live wherever he liked.

In December 1851, the marriage of Patrick and Bridget Tobin was blessed with the birth of their first son, William; a half-brother for John and James.

In June 1853 Martin Bohen was also granted a Conditional Pardon. Two weeks after that (on 23 June 1853) Martin and Elizabeth Bohen celebrated the birth of their first son who they named John Henry Bohen, presumably named for his paternal grandfather (Cornelius “John” Bowe) in accordance with tradition. The birth certificate states that Martin Bohen was a shoemaker at Bathurst.

Now with wives and families, it seemed that (at last) life had turned around for both Patrick Tobin and Martin Bohen.

Patrick Tobin, 1854-56

In 1854, Patrick and Bridget Tobin were living in the inner-Sydney suburb of Chippendale when Bridget bore a second son, who was named Patrick.

On the evening of 6 July 1854, a dog attacked and killed a goat owned by Patrick and Bridget. The dog’s owner, Patrick Joseph Kelly, later said that he called his dog back but was then attacked by Patrick Tobin who was armed with a rock. When Tobin struck him, Kelly’s 18-year-old son Reuben intervened. Bridget then came to the aid of her husband and, in the melee, Patrick Tobin inflicted a shallow, slashing wound to Reuben’s chest with a sharp blade. It was more than three inches long and Reuben bled profusely.

The Tobins were arrested and appeared before the Central Police Court the next day. They were both remanded for a week; Patrick was kept in custody but Bridget was granted bail.

It seems that the charges against Bridget were dropped, but Patrick went to trial in August for *felonious and malicious stabbing*. He pleaded Not Guilty and was represented by Mr. Purejoy. Patrick’s barrister focused his efforts on whether the wounding was felonious or merely common assault (a much less serious crime). He also brought forward testimony from one of the jurors (surprisingly), Mr. Edward Macaullah, who described Patrick as being generally sober, well conducted and honest during the twelve months of their acquaintance.

In summing up for the jury, Mr. Justice Therry stressed the distinction between felonious stabbing and the lesser crime of common assault. Nevertheless, the jury found Patrick guilty of the more serious charge.

In passing sentence, the judge admonished Patrick in strong terms and noted that, had the wound been half an inch deeper, he may have been charged with murder and the judge would probably be sentencing Patrick to death. As it was, he received a punishment of 5 years hard labour on the roads; the first year to be served in irons.

This was a disastrous situation that Patrick had got himself into. Having served time in irons before 1842, here he was returned to that situation twelve years later. Clearly his Conditional Pardon was now invalid. He was, essentially, a convict again.

The evidence seems to show that Patrick Tobin was afflicted with an Irish temper, whereby he could fly into a rage at very short notice when provoked. Perhaps it had been him who burned down Dr Street's barn in 1841 in such a rage. Could he have been suffering from high blood pressure? Or could it have simply been a result of the very high levels of stress that he had endured throughout his life? Unfortunately, Patrick was to be found guilty of a similar stabbing incident in later years.

It is to be hoped that, in his distress at being gaoled again, he spared a thought for his wife Bridget who was now left to raise four boys (including a toddler and a baby) without his support. Bridget was certainly aware of her perilous circumstances because she threw herself heart and soul into a campaign to have Patrick released as soon as possible. She proved to be a very effective agitator and managed to secure his release in just two years!

After the Court's decision, Patrick was transferred from Darlinghurst Gaol to Cockatoo Island in Sydney Harbour (where the worst prisoners were sent to perform their hard labour). His period in irons was reduced from a year to six months; probably because of Bridget's representations and his own "good behavior". Better still, one leg iron was removed after just three months.

Following a letter from Bridget, the Convict Control Board (which served a similar function to a modern-day Parole Board) sought advice from the judge of Patrick's case (Judge Therry) about whether there were any extenuating circumstances in the case. The judge must have said that there were (reflecting the points that he had made to the jury about the difference between felonious stabbing and common assault). Based on his advice, the Board recommended to the Colonial Secretary (the head of the Public Service) that Patrick be granted a Ticket of Leave. This advice was accepted and the TOL was authorised on 11 February 1856 and issued on 18 July. It required Patrick to live in the Scone district of NSW.

The requirement to live in the Scone district is interesting. This would suggest that Bridget had established herself and the four boys there during the two years that Patrick was incarcerated. She may have done so to take advantage of the support of her extended Ryan family; or maybe ex-in-law members of the Gibbs family. It is also worth noting that Patrick would have already been familiar with this district, having been assigned there as soon as he had arrived in Australia almost twenty years earlier.

It is also possible that Patrick and Bridget were in touch, somehow, with his sister Mary Howard. She and her husband were living on a sheep station at Auburn Vale near Inverell. Thomas Howard's criminal conviction had forced him out of his career as a skilled stonemason to become a lowly shepherd on isolated grazing stations in NSW. Fate had taken Mary Howard away from a comfortable life as a stonemason's wife in Sydney to scrabbling in the dirt of the back blocks of NSW.

It seems that Patrick Tobin spent most of the remainder of his life just north of Scone in the New England area, particularly around Armidale and Glen Innes. He earned a living as a rural worker.

He must have resumed a settled married life with Bridget and her four sons. We know (from his death certificate) that he was still closely associated with these sons thirty years later.

Just a few months after Patrick Tobin's release from gaol in July 1856, there was more dreadful news for the Lahy/Tobin/Bohen family. On 12 December 1856, his sister Mary Howard (nee Tobin) was murdered at Auburn Vale near Bundarra in the Inverell district of north-eastern NSW.

Mary Howard (nee Tobin), 1851-56

We last saw Mary Howard in Brisbane in 1850 where her husband was convicted of uttering a forged cheque.

By 1851 the family had returned to Sydney where another daughter, (Bridget) was born. It is possible that Bridget Howard was named after her new aunt (Bridget Tobin nee Ryan), the woman who married Mary Howard's brother (Patrick Tobin) at about this time.

Six years later Mary and Thomas Howard were living with their children on a sheep station at Auburn Vale near Inverell, as mentioned above.

On the fateful night of Mary's murder, Thomas Howard was away at the shearing shed for the night while Mary remained at "home" with the younger children. Their "home" was later described by a reporter as a *gunyah* (a word that describes a very small lean-to type of dwelling made from sheets of bark and branches).

During the shearing season, Mary's oldest son, 15-year-old Martin Howard, would normally have stayed overnight with his father and the other station hands at the shearing shed. On this night, however, he came home for the night so that he could make an early start the next morning to drive a mob of ewes up to the shed.

Mary Howard's murderer was a man named Filley, who was universally described in news reports as "a Chinaman". He was about 25 years old, just 5'0" tall and lived on a neighbouring station about four miles away. For some reason, he 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). It is thought that young Martin, on his return home, 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.

Martin ran to Mr. Borthwick's house. Borthwick was dumbfounded by the scene that he confronted on arrival at the gunyah. The youngest girl was not discovered for a couple of hours. She had been left for dead under a tree by the murderer and her injuries were such that she was unable to speak. All the children eventually recovered from their injuries.

Mr. Borthwick urgently summoned a doctor, the police and a magistrate, all of whom arrived on the scene at about 4 o'clock the next morning. The constables then set off in pursuit of the murderer but they did not catch him.

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 Bohen) and brothers (Patrick Tobin and Martin Bohen) would have learnt of the grisly death of their daughter/sister.

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

It was a tragic end for Mary Howard (nee Tobin) who was just 38 years old.

Less than six months after his wife's death, Thomas Howard married a widow (Margaret Horne) at West Maitland. He had managed to find work as a stonemason.

Mary Lahy, 1851-84

It seems that Mary Lahy must have separated from her husband William Boardley at some time because he was not mentioned on her Ticket of Leave in 1846. In any case, as we saw earlier, he probably died in 1851.

Meanwhile, back in Ireland, Mary's older brother John had married Mary Dowling and produced a family of four children: Mary, Bridget, Martin and Michael Lahy, all of whom had been small children when their aunt and cousins were transported to Australia. It is possible that Mary had stayed connected with her family back in Ireland because, in October 1852 her niece, also called Mary Lahy, arrived in Sydney as a free immigrant aboard the *Kate*. She subsequently married Thomas McMahon in 1857 and sponsored the emigration of both her brother Michael Lahy (who arrived aboard the *Matoaka* in May 1855) and her other brother Martin Lahy and his wife Mary nee Sinnott (who arrived in Sydney in April 1859).

Six years after her daughter's murder, in October 1863, Mary Lahy was herself badly assaulted. At some time in the twelve years since William Boardley's death she had married for a fourth time, this time to John Scott, although records of the marriage are elusive. During the trial of her assailant, known simply as Charley, she said that her normal abode was in Woolloomooloo (a possible connection to her niece Mary McMahon nee Lahy who had also lived there). But at the time of her assault, she was living on *Jimbour* Station near Dalby in Queensland where her husband was working as a shepherd. While *en route* from her hut to the station store at 4pm, she was attacked by Charley who demanded that she hand over her money. When she refused, he assaulted her with a nulla nulla; threatened her with a tomahawk; and took her purse with three pounds and ten shillings in it. He was later found guilty by a jury and sentenced to five years hard labour on the roads.

Six years later, in January 1869, Mary was living with her husband John Scott at *Glengallan* Station near Mount Marshall in Queensland. During a shopping trip to Toowoomba, she was robbed of one pound and seven shillings by Susan Fox who took cruel advantage of the fact that 75-year-old Mary was now blind. Mary immediately called the police and Fox was eventually found guilty and sentenced to six months in Toowoomba gaol.

During the early 1880s, Mary was in touch with her daughter Ellen (nee Bohan) who had married stonemason John Jackson forty years earlier in Sydney and who now lived at Rockhampton (Queensland). Ellen Jackson nee Bohan died at the home of her eldest daughter (Margaret Mathieson) in Rockhampton on 14 October 1881, aged 56 years.

*ORIGINAL
FILED BY
JANET EDWARDS
52 ZEEHAN ST
WAVELL HEIGHTS
QLD 4012*

DEATH

No 08837

DEATH in the District of
ROCKHAMPTON Colony
in the State of Queensland,

1881 Registered by Stanley Hill

Marginal Notes (if any)	Column 1 Number.	2323	132
	Description—		
	2 When died and where.	14th October 1881	Port Curtis Road Rockhampton
	3 Name and surname; profession, trade, or occupation.	Ellen JACKSON	Married Woman
	4 Sex and age.	Female	56 years
	5 (1) Cause of death.	Ascites and Anasarca	
	(2) Duration of last illness.	6 Months	
	(3) Medical attendant by whom certified.	Dr. Harricks	
	(4) When he last saw deceased.	13th October 1881	
	6 Name and surname of father.	John Bohan	
	Profession, trade, or occupation.	Stonemason	
	Name and maiden surname of mother.	Mary -	
	7 Signature, description, and residence of informant.	Certified in writing by Margaret Matheson, Daughter, Port Curtis Road.	
	8 (1) Signature of Registrar.	Stanley Hill	15th October 1881
	(2) Date.		Rockhampton
	(3) Place of registration.		
	If Burial or Cremation Registered—		
	9 When and where buried or cremated.	15 October 1881	Rockhampton Cemetery
	By whom certified.	T. Black	
	10 Name and religion of minister, and/or names of two witnesses of burial or cremation.	W.H. Smith J.W. Cragg	
	11 Where born and how long in Australian States, stating which.	Kilkenny, Ireland About 40 years	
	If Deceased was Married—		
	12 (1) Where.	Sydney, New South Wales	
	(2) At what age.	18 years	
	(3) To whom.	John Jackson	
	13 Issue living, in order of birth, their names and ages.	Living Margaret 35, John 34, Rebecca 31, Elizabeth 29, Mary Ann 27, Ellen 24, Martin 21, Rachael 18, George 16, Emma 14.	
	Deceased, number and sex.	Deceased One Male	

I, Keith William Redman, Registrar-General,
do hereby certify that the above is a true copy of an entry in a Register of Deaths
kept in the General Register Office at Brisbane, and I further certify that I am a
person duly authorised to issue such certificate.

(c) GenerationsHaveTrod website at www.jimfleming.id.au
Extracted on 28 v 1983

Ellen Jackson's Death Certificate

Evidently Mary Lahy lived in Toowoomba (640 kilometres south of Rockhampton) around this time because she was, reportedly, well-known there as “Granny Scott”. At some time during these years, she was widowed for a fourth time, although John Scott’s death certificate remains elusive.

Eventually though, on 8 January 1884, “Granny Scott” was brought before the Police Court at Toowoomba charged with vagrancy. She was now 90 years old but claimed to be 100. The magistrate remanded her for one month. Rather than a true criminal matter, this may have been a practical means for the police and court to ensure that a very old blind woman with no income or family support was removed to a place of safety for her own best welfare.

Two weeks later she was admitted to the Benevolent Asylum at Dunwich (on Moreton Island) suffering from senile debility. The senility may explain why the admissions clerk gained the impression that her daughter Ellen Jackson was still alive. It is possible that Mary Lahy had actually forgotten that her daughter had died three years earlier. Mary also informed the clerk that all her other children had pre-deceased her, but that was also incorrect because both Patrick Tobin and Martin Bohen outlived their mother.

182		BENEVOLENT ASYLUM, DUNWICH.	
Name:	Mary Scott.		Age: about 100
When Admitted:	24 Jan 1884		
From:	Toowoomba. Recommended by PM		
Cause of Admission:	Senile Debility		
Where Born:	Johnnellsboro Melbny.	Education:	RE.
Trade or Profession:			
Father's Name and Profession:	Martin Leahy.		Farmer
Mother's Name and Maiden Surname:	Margt. Kane		
Married, &c.:	at Melbny. when 15 yrs. to — Scott.		
Children:	- Ellen (Jackson) last heard of in Rockhampton 2 yrs ago. - dead		
History:	Came to Sydney. Met Margaret many years ago. Living of late in Toowoomba		
<p>✓ Adm. 27 Jan 1884 Dunwich 28</p>			

Mary Lahy’s Admission Record at Dunwich Benevolent Asylum

Mary Lahy died from senile decay three days after her admission to the Dunwich Asylum and was buried there the following day, 28 January 1884, aged 90 years. Let us hope that she had derived some enjoyment from life during her childhood and the early years of her marriage because the remainder of her long life had been blighted by suffering caused by many successive calamities.

No.	DESCRIPTION.			(1) Cause of Death. (2) Duration of last illness. (3) Medical Attendant by whom certified, and (4) When he last saw Deceased.	Name and Surname of Father and Mother (Maiden Surname) if known, with Rank or Profession.	Signature, Description, and Position of Informant.																	
	When and Where Died.	Name and Surname, Rank or Profession.	Sex and Age.																				
917	27 th January 1884 Renevalent Captain Dunwich	Mary Scott Widow	female about 100 years	(1) Simple decay (2) None (3) Dr. Wray (4)	Martin Leahy Farmer and Bridget Kane	Certified according by James A. Hamilton Capt. Renevalent Captain Dunwich																	
<table border="1"> <thead> <tr> <th rowspan="2">(1) Signature of District Registrar. (2) Date, and (3) Where Registered.</th> <th colspan="2">IF BURIAL REGISTERED.</th> <th rowspan="2">Where born, and how long in the Australian Colonies, stating which.</th> <th colspan="2">IF DECEASED WAS MARRIED.</th> </tr> <tr> <th>When and where Buried. Undertaker by whom certified.</th> <th>Name and Religion of Minister, or Names of Witnesses of Burial.</th> <th>(1) Where, and at what (2) Age, and to (3) Whom.</th> <th>Issue, in order of Birth, their Names and Ages.</th> </tr> </thead> <tbody> <tr> <td>(1) A. A. Kender (2) 12th February 1884 (3) Newton East</td> <td>28th January 1884 Cemetery Dunwich</td> <td>James A. Hamilton acting</td> <td>Mary Leahy Farmer and Bridget Kane</td> <td>Kilkenny Ireland Many years in Queensland</td> <td>Kilkenny Ireland (1) 15 years (2) Scott (3)</td> <td>Living Eden</td> </tr> </tbody> </table>							(1) Signature of District Registrar. (2) Date, and (3) Where Registered.	IF BURIAL REGISTERED.		Where born, and how long in the Australian Colonies, stating which.	IF DECEASED WAS MARRIED.		When and where Buried. Undertaker by whom certified.	Name and Religion of Minister, or Names of Witnesses of Burial.	(1) Where, and at what (2) Age, and to (3) Whom.	Issue, in order of Birth, their Names and Ages.	(1) A. A. Kender (2) 12 th February 1884 (3) Newton East	28 th January 1884 Cemetery Dunwich	James A. Hamilton acting	Mary Leahy Farmer and Bridget Kane	Kilkenny Ireland Many years in Queensland	Kilkenny Ireland (1) 15 years (2) Scott (3)	Living Eden
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Death Certificate for Mary Scott nee Lahy

Patrick Tobin, 1867-87

On 27 June 1867, when he was about 51 years old, Patrick Tobin had been arrested and charged with stabbing John Callaghan (landlord of the Lord Nelson Hotel in Armidale) with intent to grievous bodily injury. He was committed to trial and admitted to bail.

Evidence at his trial in October reveals that he had been working for some years at Yarrowyck, west of Armidale. While in Armidale for a couple of days he was tipsy and creating a nuisance at the hotel at about closing time (midnight) and refused the innkeeper's request that he either go home or take a room for the night. So, the innkeeper put him out. (It seems that the innkeeper suspected - probably with good reason - that Patrick was planning to obtain a free night's accommodation by curling up on a sofa in a back room of the inn.)

Soon afterwards, when the door was opened to allow another person to leave, Patrick forced his way in and there was a struggle between him and Callaghan during which Callaghan was stabbed in the chest with a small penknife. Patrick was arrested three hours later while sleeping in the harness room of the nearby Wellington Inn.

Patrick was convicted and sentenced to six months in Armidale Gaol with hard labour. It seems that the judge was not made aware of his previous conviction for a similar offence. He was released on 8 April 1868.

After his release, Patrick went further north to Glen Innes where he gained employment with a Mr Dangar as a shepherd. While giving evidence in the Glen Innes District Court in a civil matter in 1887 he stated that he had worked as a shepherd for Mr Dangar for about 20 years.

Patrick died at Glen Innes in 1887. Dr Wrigley attributed his demise to jaundice; presumably there was an underlying disease that had compromised Patrick's kidneys.

NEW SOUTH WALES				REGISTRATION NUMBER	
BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1995				8539/1887	
DEATH CERTIFICATE					
Date and place of death	Name and occupation	Sex and age	Cause of Death Duration of last illness; medical attendant; when he last saw deceased	Name and occupation of father. Name and maiden surname of mother	Informant
June 28 th 1887 Hospital Glen Innes.	Patrick Tobin shepherd	male 68 years	(1) Jaundice (2) 21 days (3) Dr Wrigley (4) June 27 th 1887	(1) Thomas Tobin (2) Laborer (3) Mary Leshay.	Certified by John B. Hodgkins relation Hospital Glen Innes
Particulars of Registration	When and where buried; name of undertaker	Name and religion of Minister and names of witnesses of burial	Where born and how long in the Australasian Colonies or States	Place of marriage, age, and to whom	Children of marriage
(1) Patrick W. Dangar (2) June 28 th 1887 (3) Glen Innes	June 29 th 1887 Glen Innes. J. Murray	Rev. J. L. Keeney Roman Catholic J. Heydon J. Murray	B. McKenna Ireland 56 years.	(1) not known (2) not known (3) Bridget Ryan	John 42 years James 39 William 35 Patrick 27

Patrick Tobin's death certificate

Patrick had lived a life of turmoil that was probably a result of his intemperate nature. This turmoil swept up his family members too, including his wife and children whose lives were changed as a result. A lifetime of stress and worry, coupled with the brutality of the convict system, ruined his health and he died at about 61 years old (not 68 as stated on his death certificate). He is buried in Glen Innes.

Martin Bohen, 1851-91

Martin Bohen and his wife Elizabeth (nee Seage) lived in Bathurst for about 16 years after their marriage in 1851. Martin established himself as a shoemaker and Elizabeth had many relatives from the extended Seage family in the area. The birth of their eldest son, John Henry Bowen (1853) was followed by the arrivals of Daniel (1855), Thomas (1857), Mary Ann (1859), another Daniel (1859), Elizabeth (1861), Eleanor (1863), James (1865) and Hannah (1867).

Immediately after Martin's marriage to Elizabeth Seage, Australia experienced a gold rush. Edward Hargreaves had discovered gold near their home at Bathurst and prospectors poured into the area. Over the next ten years, Australia's population more than tripled. The population of the Bathurst district expanded at an even greater rate.



While Napoleon's army may have marched on its stomach, gold prospectors needed boots! The gold rush would have provided a great demand for Martin Bohen's boot-making services despite the flood of cheap footwear that was imported from America at this time. However, there was a cloud on Martin's horizon as mechanization of the boot-making trade was proceeding apace across the globe.

1850s gold mining was hard on your boots!

Image: Pinterest

By the time that their tenth child (Jane) was born in 1869, the Bohen

family was living in the town of Orange, about 35 miles (55 km) west of Bathurst. Three years later, when Cornelius was born in 1872, they were still in Orange. This move to Orange is a surprising development after such a long time in Bathurst. Having spent so much effort to establish his own business as a bootmaker, it seems that the most likely thing that could have prompted such a move is a problem with the business.

A large boot factory was established in central-west NSW in the 1860s. By 1870 it was treating 4000 hides and 2000 skins per year and it turned out 200 pairs of boots per week. This business grew rapidly and, no doubt, used the efficiencies of mass production to out-compete many small bootmakers in the area. It would have been impossible for a sole trader like Martin Bohen to compete with a business of this size.

The Bohen family did not, however, remain in Orange. When their last child (Catherine) was born in 1875, they were living in Dubbo, a further 90 miles (145 km) west. The reason for the move to Dubbo is unknown. Perhaps Martin decided that he could utilise his skills to earn a better living as a self-employed boot repairer in Dubbo rather than as an employee of the boot-making factory in Orange. Or perhaps Martin and Elizabeth wanted to live closer to some of their adult children who had moved further west.

DEATH REGISTERED IN NEW SOUTH WALES, AUSTRALIA.

No.	Date and place of death	Name and occupation	Sex and age	Cause of death	Informant
680	July 1899	Martin Baker	Male 40	Stroke of heart attended when No last saw deceased	Informant

**CERTIFIED COPY FURNISHED UNDER PART V OF THE
REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ACT, 1973.**

Particulars of registration	When and where buried, name of minister or undertaker	Name and residence of witnesses of burial	Where born and how long in the Australian Colonies or State	Place of marriage, age and to whom	Children of marriage
1. M. A. Martin	July 1899	W. A. Martin	County of Kent, England	1. M. A. Martin	1. M. A. Martin
2. M. A. Martin	July 1899	W. A. Martin	County of Kent, England	2. M. A. Martin	2. M. A. Martin
3. M. A. Martin	July 1899	W. A. Martin	County of Kent, England	3. M. A. Martin	3. M. A. Martin

1. BARBARA FLETT, HEREBY CERTIFY THAT THE ABOVE IS A TRUE COPY OF PARTICULARS RECORDED IN A REGISTER KEPT BY ME.

Barbara Flett

PRINCIPAL REGISTRAR

ISSUED AT SYDNEY. 28TH SEPTEMBER, 1994

PRINCIPAL REGISTRAR

Martin Bohen's Death Certificate

It seems that Martin and Elizabeth established themselves in Dubbo because, when Martin Bohen died sixteen years later, he was living at Bunglegumbie (which is just 6 miles or 10 km west of Dubbo). He was 71 years old and had been suffering from stomach cancer. He was buried on 24 July 1891 at Dubbo.

Martin's wife Elizabeth (who was much younger than him) survived him by 19 years. When she died (aged 76) in 1910, she was living with her daughter at Trangie NSW (50 miles or 80 km west of Dubbo).

Afterword

How true is the title of this essay, *An unfortunate family*? There is no doubt that Mary Lahy's immediate family was unfortunate. They were beset with an unrelenting series of Dickensian misfortunes and self-inflicted tragedies over a period of many years, including:

- 1819 and 1827 - Mary Lahy was twice widowed
- 1836 - She and her children (Patrick Tobin, Mary Tobin and Martin Bohen) were convicted of *feloniously killing a sheep* and sentenced to transportation
- 1837 – Mary Lahy was forced to leave her two young sons behind in Ireland
- 1837 – Mary Lahy and Ellen Bohen endured a difficult passage aboard *SS Margaret*
- 1837 – Mary Tobin endured a worse passage aboard *SS Sir Charles Forbes*
- 1842 – Patrick Tobin sentenced to hard labour in irons
- 1843 – Ellen Bohen gaoled in Darlinghurst
- 1844 – Martin Bohen convicted of robbery and sentenced to 2 months on the treadmill at Hyde Park Barracks
- 1849 – Mary Lahy accused of absconding from her district
- 1850 – Mary Howard's husband convicted of uttering a forged cheque
- 1851 - Mary Lahy widowed for a third time
- 1854 – Patrick Tobin convicted of *felonious and malicious stabbing*
- 1856 – Mary Howard murdered
- 1863 – Mary Lahy suffered a serious assault
- 1867 – Patrick Tobin convicted of stabbing John Callaghan
- 1869 – Mary Lahy, now blind, was robbed in Toowoomba

Mary was born into the poverty-stricken rural Irish County Kilkenny. Twice widowed in a society with no social safety net, she was unable to provide her children with much more than the necessities.

After a dangerous journey to Australia, Mary and three of her children were required to provide their labour to the benefit of others for many years with little reward for themselves. Her sons were given even harsher punishment and even Ellen (who had come to Australia voluntarily) ended up in gaol for a short period.

It may have been need that drove them to commit the crime that broke the family apart in 1836. Or it may have been simply an impetuous act by an intemperate elder son (Patrick Tobin) who had not had the benefit of a father's guiding hand when it was most needed. I suspect that the sheep-killing episode in 1836 was Patrick Tobin's idea and that he led his younger siblings (Mary Tobin and Martin Bohen) astray. His life history shows that he was a bit out of control and possibly driven by a sense of injustice as well as hunger. He probably

gave his mother little choice but to accept the mutton into her kitchen for their dinner – an act that drew her into the morass. On this view, it was Patrick Tobin’s hot head that led to the disastrous events of 1836 and, indirectly, to the later tragedies (including the murder of his sister Mary Howard).

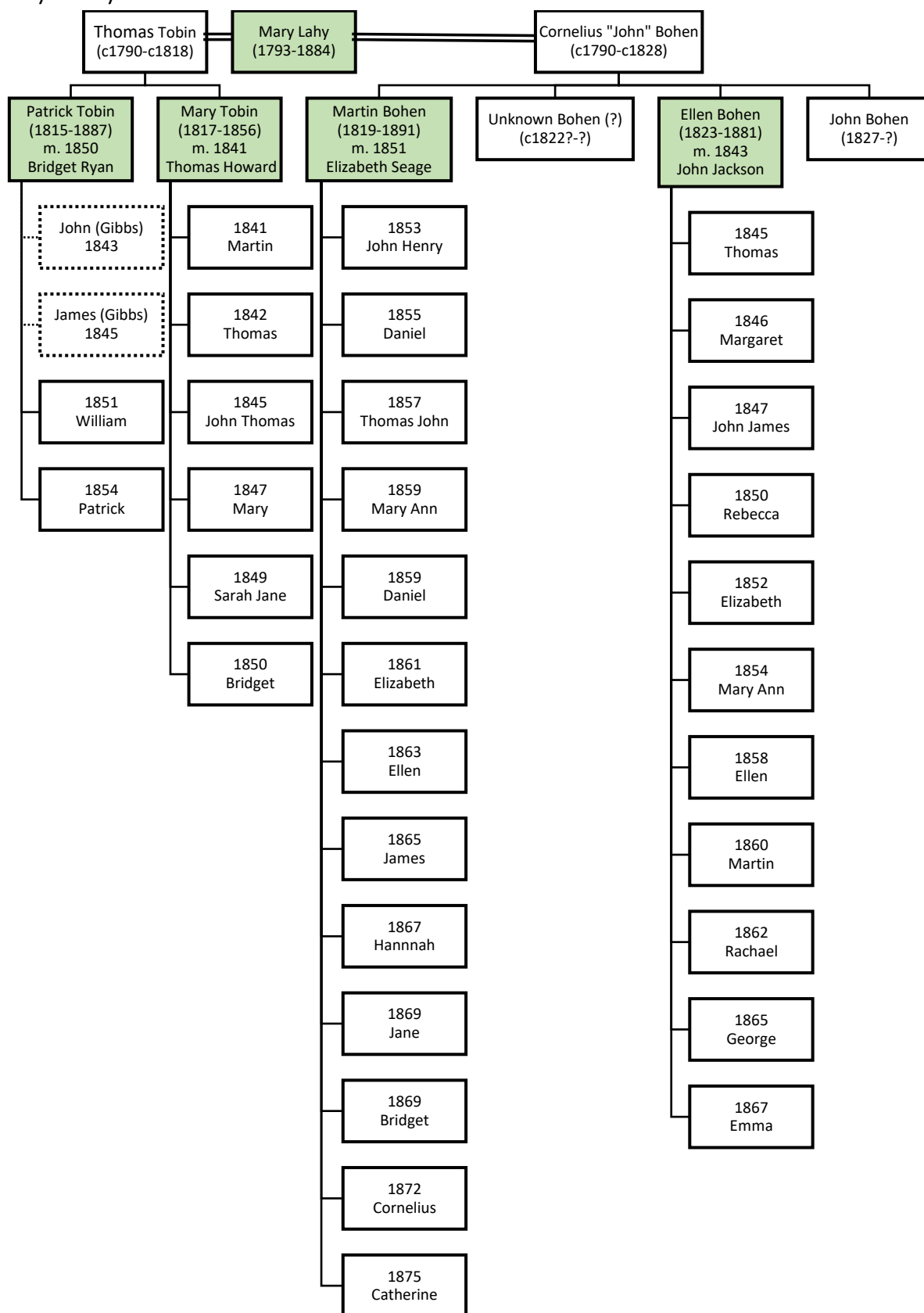
The murder of Mary’s daughter (Mary Howard nee Tobin) was the worst tragedy in a tale of woe.

And yet, despite these travails, Mary Lahy’s descendants eventually prospered. The family produced more than 30 Australian grandchildren (Tobins, Bohens, Howards and Jacksons) across NSW and Queensland – see the chart on the next page; and further generations came forth in due course.

While Mary Lahy’s immediate family lived unfortunate lives, her grand-children and subsequent generations benefited from the fact that they managed to overcome their difficulties to some extent. And that they migrated (however reluctantly) to Australia; the lucky country.

So, those of us who have come after are her fortunate family.

Mary Lahy's descendants



Pedigree chart: Mary Lahy's grandchildren