

# CATHERINE CONNELLY: CONVICT, INNKEEPER AND LITIGANT

Ian Leader-Elliott<sup>1</sup>

**Female Convicts Research Centre Seminar: Succeeding in the regular economy: the aftermath of convict sentences.** Saturday 9 May 2015. Royal Yacht Club of Tasmania, Hobart

[Author's note: this is a draft paper which provided the basis for the seminar presentation. Some footnotes have been omitted, some are incomplete. Please do not publish in part or in whole without the permission of the author.]

**Abstract:** The seminar programme celebrates convict women who succeeded in the regular economy after serving their time. The story of Catherine Connelly is atypical, a variation on the theme. Catherine was born free and convicted, together with her husband John, of receiving stolen goods in Tasmania in 1836. Her conviction was quickly neutralized by a pardon, granted for no apparent reason. After her pardon Catherine resumed her occupation as a Launceston innkeeper for some years. John Connelly served his time and subsequently remarried, bigamously. Catherine's recourse to law to secure maintenance from her bigamous husband provides the central theme in this account of her life. It is the story of Catherine's successful pursuit of a man who never paid his debts unless compelled to do so, who was compelled to pay maintenance to his wife. John Connelly, who displaced his wife with another, was humiliated and gaoled. As in many law suits, the money at issue in Catherine's claim against her husband was not the most important thing. The regular economy includes the economy of the legal system which permits a quest for vengeance to be transmuted into a courtroom contest in which money is the medium, not the message.

## INTRODUCTION

Catherine Connelly was twice married. Both marriages ended unhappily. Her first husband, Peter Fowlser, was a convict who died young. The second marriage to the bigamous John Connelly began as a business partnership and ended in a blaze of litigation over money in Melbourne. The fragmentary record of Catherine's life in police records and the occasional lightning flash of a scandalous news story, reveal her as resourceful and determined woman. There are few signs of charity or tenderness preserved in these fragments.

Catherine Clarke was born in Sydney, probably in 1805. No record of her birth, baptism or parentage has been found, though her convict record reveals that her mother, two

---

<sup>1</sup> Ian.leaderelliott@adelaide.edu.au

brothers and three sisters, none of whom are named, were still alive in 1836.<sup>2</sup> Her choice of a convict, Peter Fowlser, as her first husband suggests that her own parents were convicts or stigmatized in some other way and beyond the pale of respected settler society.

Catherine came to Tasmania in September 1822 on the colonial schooner, *Governor Brisbane*, probably as a servant or protégé of Mary Reibey who made the same voyage. Mary Reiby soon returned to Sydney leaving Catherine in Launceston.<sup>3</sup> In 1823 Catherine married Peter Fowlser, a clerk who had been transported to Tasmania for cheating the widow who employed him to receive her rents. Their son, Frederick Peter Fowlser was born in 1824. Apart from his convict record, in which the initial entries describe him as a promising young man, little is known of Peter Fowlser.<sup>4</sup> He was employed as a clerk by TC Simpson Esq but lost his ticket of leave and employment when he got drunk and threatened the officers who came to take him into custody.<sup>5</sup> He was subsequently restored to Simpson's service and died honourably in 1826, carrying on horseback his master's money and books (donkey brayed, horse took fright, Fowlser fell, fracturing his skull).<sup>6</sup> The slight figure he leaves in surviving records is veiled in disappointed expectations.

A census of orphaned and destitute children, taken in the following year, mentions Frederick 'Fowler', Roman Catholic and resident in Launceston. He is described as being three years old and in the care of his widowed mother, who is dismissively

---

<sup>2</sup> Tasmanian Archives Office, Convict Indent, 'Catherine Connolly', [CON16/1/1 Page 32](#).

<sup>3</sup> Sydney Gazette and NSW Advertiser, 9 August 1822, 2; Hobart Town Gazette and Van Dieman's Land Advertiser, 14 September 1822, 2. News accounts refer to 'Mrs Reibey and servant Anne Clarke'. It is probably that Anne was a sister of Catherine. Though Catherine is not named as a passenger in newspaper accounts, which do not purport to be complete, it appears from a subsequent record of her voyage from Launceston to Melbourne that she was also a passenger on the *Governor Brisbane*: see *City of Melbourne*, 15 July 1852, Launceston – Melbourne, POL220/1/2/p77. The *Governor Brisbane* made only one passenger journey from Port Jackson to Port Dalrymple.

<sup>4</sup> AOT Con 16/1 Indent, p32

<sup>5</sup> 'Echoes of Bushranging Days in Van Diemen's Land: Brady, McCabe, Perry Geffreys, and Britton', ms 3251 1821-1844, box 1, vol 2, 134-6.

<sup>6</sup> AOT General Index. Death not indexed in BDM series. The AOT Reference is from the (Father Phillip) 'Connolly Burial Register'. The incident is described in some detail in the *Hobart Town Gazette*, 25 February, 1926, 2-3.

described as being of 'tolerable character'.<sup>7</sup>

Catherine and John Connelly married in Launceston in October 1829, six weeks after the birth of Charles, who was the first of their three sons.<sup>8</sup> Like Catherine, John was born in Sydney, probably in early 1808, making him the younger partner in their marriage. His father is unknown. His mother was Margaret Eddington, who later became Lieutenant Governor David Collins' mistress and, after Collins' death and an intervening marriage to the bushranger George Watts, wife to Charles Connelly, a successful Hobart emancipist grazier and hotelier.<sup>9</sup> John Eddington took his second stepfather's name and became John Connelly, the 'legitimated' son of Charles Connelly.<sup>10</sup> He was half-brother to Eliza Collins, the daughter of David Collins and Margaret Eddington, half-brother to Mary Watts, the daughter of Margaret and George Watts and half-brother to Ann Connelly, the daughter of Margaret and Charles. Each of Margaret's daughters married into wealth and position; Mary to James Lord, elder son of David Lord,<sup>11</sup> Eliza to James Cox, of Evandale.<sup>12</sup> Ann Connelly married Malcolm McGregor, subsequently Vice-Consul at St Malo.<sup>13</sup> John's life took a more raffish course. He was adopted by Charles Connelly, having no acknowledged father of his own, trained as a cabinetmaker and received a generous inheritance from Connelly who died in London 1826, after a disappointing attempt to establish an export trade with England. There is no surviving record of contact between John and his siblings. It is possible, however, that his relationship to Mary Lord or Eliza Cox is the reason for

---

<sup>7</sup> 1827 CSO 1/122a p63

<sup>8</sup> Archives Office of Tasmania, [RGD32/1/1/ no 4556](https://www.aot.gov.au/record/1/1/4556). Charles Connelly, born 7 September 1829.

<sup>9</sup> The life of John Connelly is described in greater length in S Bouchier and I Leader-Elliott, 'The Metamorphoses of John Eddington Jr', (1996) 43 *Papers and Proceedings* (Tasmanian Historical Research Association 201).

<sup>10</sup> Charles Connelly so describes him in his will.

<sup>11</sup> Susan Allen, 'Lord, David (1785–1847)', Australian Dictionary of Biography, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/lord-david-2369/text3111>, published first in hardcopy 1967, accessed online 29 March 2015

<sup>12</sup> June C. Warrillow-Williams, 'Cox, James (1790–1866)', Australian Dictionary of Biography, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/cox-james-1931/text2305>, published first in hardcopy 1966, accessed online 27 March 2015.

<sup>13</sup> See Alison Alexander, *Governor's Ladies* (THRA, 1987)

several fortuitous interventions that slowed his inevitable descent into disaster.

John Connelly was a short man, even by the standards of the time, at a mere 160cm. He was pugnacious, impulsive, enterprising and dishonest – attributes that could be tempered and turned to advantage in the pursuit of economic success. He had pretensions to gentility, absurd pretensions, but there are indications throughout his life of shadowy connections with persons of influence. His first recorded encounter with the criminal law occurred early in 1830, after his marriage to Catherine, when he and a companion called Bumble were caught stealing 30 lbs of hay from William Bartley's stack yard in Launceston.<sup>14</sup> John Connelly fled but Bumble was captured by Bartley's servant John Silcock. John Connelly returned to beg for mercy. He invited Silcock to his house, gave him a glass of wine and offered him six dollars to say nothing about the incident. Silcock drank half the wine but refused the bribe and informed his master of the theft. He testified at John's trial for theft and delivered his all too credible account of finding the two men bundling the hay into horse blankets and John's attempt to bribe him. Joseph Gellibrand, who had been Tasmanian Attorney General in 1824-6,<sup>15</sup> appeared as counsel for John and secured the acquittal of both men on a technicality. Gellibrand's appearance provided substantial legal representation for an opportunistic theft of a small quantity of hay. As counsel, he made the most of the central weakness of the prosecution case. Silcock, who had been so assiduous in his master's service, had failed to preserve the stolen hay as evidence of the theft. Nor had he formally identified the stolen hay before any witness. Nineteenth century criminal law demanded tangible evidence.

## **CATHERINE AND JOHN: LAUNCESTON HOTELIERS**

John quickly deserted his trade as a cabinetmaker to become a Launceston innkeeper. He had money to invest, derived from his bequest under Charles Connelly's will. In September 1830 he was listed as licensee for the *Elephant and Castle*, which was then located in Brisbane Street.<sup>16</sup> At various times over the following five years he

---

<sup>14</sup> *Launceston Advertiser* 31 May, 1830, 3.

<sup>15</sup> P. C. James, 'Gellibrand, Joseph Tice (1792–1837)', Australian Dictionary of Biography, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/gellibrand-joseph-tice-2088/text2621>, published first in hardcopy 1966, accessed online 27 March 2015

<sup>16</sup> *Launceston Advertiser*, 27 September 1830, 2.

held licences for *The Independent* and *Currency Lass* and held a leasehold interest in the *White Swan* in Brisbane Street.<sup>17</sup> Catherine may have preceded him in the hotelier's trade. In 1824, during her first marriage to Peter Fowlser, she sought an innkeeper's licence for *The Old Blue Belle*.<sup>18</sup> There is, however, no further record of Catherine doing business at *The Old Blue Belle* as an independent hotelier.

Though the various licences for their hotels were held in John's name between 1830 and 1836, they managed their business in partnership. The record of their trial in 1833 for a joint assault on a Launceston gunsmith, James Fenton, shows them to have been a formidable couple.<sup>19</sup> Fenton and Catherine quarreled over the price of a pig. He said she threw stones at him, lacerating his head. Witness accounts vary but some witnesses said that Fenton started the fracas when he called Catherine a 'bloody whore' and an 'old sow' and that he threw a clod of dirt at her, knocking off her cap and comb as she retreated to fetch her husband. John arrived in high temper and called Fenton a 'bloody monkey', before punching him in the face and challenging him to fight. Fenton refused the offer and brought legal proceedings against John and Catherine instead. The court concluded that there was nothing to choose between the parties in terms of blameworthiness for their mutual abuse and resort to violence and dismissed the charge.

There were other minor brushes with the law, but John and Catherine prospered and by 1836 it might have seemed that they had achieved a measure of security in their lives. Catherine now had four children, Frederick Fowler, and the three Connelly boys, Charles, John<sup>20</sup> and Thomas,<sup>21</sup> the last of whom was nearly three years old and past the age of complete vulnerable dependency. John held the licence for *The Currency Lass* and they owned another hotel, the 'large house and building known as the *Elephant and Castle*', on the corner of Wellington and Frederick Streets.<sup>22</sup> Their apparent prosperity might have masked darker indications of the impending

---

<sup>17</sup> AOT NS 226/6/4 Wales Papers.

<sup>18</sup> Echoes of Bushranging Days in Van Diemen's Land: Brady, McCabe, Perry Geffreys, and Britton', ms 3251 1822-1825, box 2, vol 1, 16-7.

<sup>19</sup> Echoes of Bushranging Days in Van Diemen's Land: Brady, McCabe, Perry Geffreys, and Britton', ms 3251, 291-7.

<sup>20</sup> Archives Office of Tasmania, [RGD32/1/1/ no 4557](#). John Connelly, born, 12 June 1831.

<sup>21</sup> Archives Office of Tasmania, [RGD32/1/2/ no 7203](#). Thomas Brown Connelly, born, November 1833. The day of Thomas' birth is not recorded.

<sup>22</sup> So described in the *Launceston Advertiser*, 14 February.

catastrophe of their joint conviction for receiving stolen goods. John was always evasive when dealing with his creditors but they may have been on the brink of insolvency. In mid-1834 executors of the deceased shopkeeper, Richard Baker, advertised a sheriff's sale of the *Elephant and Castle* unless outstanding debts were paid. The hotel was mortgaged to Francis Dawe Wickham, a Launceston solicitor, in 1835.<sup>23</sup>

## 1836 THE CATASTROPHE: CONVICTIONS FOR RECEIVING STOLEN GOODS

The account of John and Catherine's crimes, their convictions and the penal consequences that shaped the rest of their lives must be fragmentary. What follows resembles a succession of frozen frames, fragments from a damaged silent cinema film, linked with a speculative commentary. Most of these fragments are taken from the *Cornwall Chronicle* whose muckraking editor, William Lushington Goodwin,<sup>24</sup> perceived John Connelly as a professional criminal and a beneficiary of the incompetence of the civil administration of Launceston, the laxity of Lieutenant Governor Arthur's rule and the corrupt state of the 'felon police'. Goodwin made it abundantly clear that he knew far more of the state of crime and corruption than he dared to print. The accounts he provided of John's criminal activities are weighted with insinuation and innuendo.

*April 9: The Black Store Burgled:*<sup>25</sup> Manchester and clothing valued at £200 belonging to the merchant John Cape were stolen from his Black Store. His servants seem to have assisted the thieves, for doors were left open and the dogs raised no alarm. This was one of a series of Launceston burglaries of traders' premises in the early part of 1836. Among the other victims was Thomas Dudley, a Launceston innkeeper, who lost a barrel of porter when his cottage was burgled. Dudley will return later in this narrative. The police, said the *Chronicle*, are a 'perfect mockery'.

*A Man Called Flinn Acquires a Greatcoat From John Connelly:* A man identified in news reports only by the surname 'Flinn', a common name among convicts, acquired a greatcoat from John Connelly and a cloak from Catherine, presumably at one of their hotels. Flinn was to become a witness against them at their trial. News reports do not

---

<sup>23</sup> Tasmanian Lands Office, Memorial of Indenture 5011 and Memorial of Judgement 5012, 1 July 1835.

<sup>24</sup> C. J. Craig, 'Goodwin, William Lushington (1798–1862)', Australian Dictionary of Biography, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/goodwin-william-lushington-2105/text2659>, published first in hardcopy 1966, accessed online 20 April 2015.

<sup>25</sup> *Cornwall Chronicle*, 9 April 1836, 2; *Launceston Advertiser*, 14 April 1836 3.

explain how the police discovered Flinn's transactions with John and Catherine. The police took possession of the greatcoat and cloak and lodged them in the Police Office during their investigation. At the Police Office, Flinn formally identified the coat and cloak as the garments he had acquired from John and Catherine. John Cape, owner of the Black Store, identified them as goods stolen from his store. John was arrested and taken into custody on a charge of receiving stolen goods.

*22-27 May: Police Office Burgled:*<sup>26</sup> Sometime between Monday 22<sup>nd</sup> and Friday 27<sup>th</sup> the Police Office was burgled and the goods stolen from John Cape's store were stolen again.<sup>27</sup> The *Chronicle* reporter could scarcely contain his outrage that premises supposed to under constant police guard could be plundered with such ease. There were 'circumstances', he darkly hinted that 'shall be brought to the notice of the Public', though it could not be done not immediately, for fear of prejudicing the pending trial of John Connelly. The goods stolen from the Police Office were never recovered and the *Chronicle* promise of further revelations was not fulfilled. It is possible that John was responsible for the theft. Remembering his acquittal on the charge of stealing hay he might have believed that he could avoid conviction for receiving if the prosecution were unable to present the stolen goods as evidence of his offence. At his trial, counsel took care to establish that John was in custody when the Police Office was burgled. But someone else, Catherine perhaps, may have organized the burglary on his behalf.

*May 28: Catherine Advertises a Grand Opening of a new Currency Lass:*<sup>28</sup> Catherine's advertisement was published in the *Chronicle* on the page following the news story of the burglary at the Police Office. The *Elephant and Castle*, on the corner of Wellington and Frederick Streets was to become the new *Currency Lass*, under her management, with an entirely new stock of spirits, wine, malts and liqueurs. Catherine assured her friends and prospective clientele that they would enjoy the same attention she had always bestowed on her old customers. This change of name and management suggests that John and Catherine believed that he would be convicted, but Catherine would not be charged and would be free to carry on the family business. If that was the reason, their hopes were quickly disappointed. Catherine was also charged with receiving. The decision to prosecute her may, indeed, have been prompted by suspicion that she was involved in the Police Office burglary. Some-one else had to be

---

<sup>26</sup> *Cornwall Chronicle*, 28 May, 1836, 2.

<sup>27</sup> *Ibid.* The news report states that the goods stolen from the Police Office included property 'found in the house' of the alleged receiver, John Connelly. In view of the course taken at the trial, this seems unlikely.

<sup>28</sup> *Cornwall Chronicle*, 28 May, 1836, 3.

found to preside over the new *Currency Lass* as licensee. On August 1<sup>st</sup>, the Magistrates Court approved the transfer of John's licence to Phillip Best, who continued as licensee of the *Currency Lass* until 1839.

*August 11: John and Catherine convicted, sentenced to transportation:*<sup>29</sup> The man called Flinn was the primary witness for the prosecution against John, who had sold or given the greatcoat to him. Flinn's evidence was supported by John Cape who said that he had identified the coat as one that was stolen from his store. John said in his defence that he bought the coat from a 'stout man he did not know'. He called a witness, Henry Helps, who testified that he had seen John Connelly buy a greatcoat from a stranger in the bar of the *Elephant and Castle* before the burglary of John Cape's Black Store. The case against Catherine, charged with receiving a cloak, was essentially the same. John evidently hoped that the strategy which had succeeded so well in the incident of the stolen hay would succeed again. With the greatcoat and cloak gone, the case against the Connellys rested on Flinn's testimony and John Cape's identification of the coat and cloak as garments stolen from his store. It was a slender hope soon dashed. Henry Helps was not believed and John and Catherine were both convicted and sentenced to seven years transportation, the usual penalty for receiving stolen goods. Transportation for Tasmanian convicts had the practical consequence of an internal exile and assignment to a freeholder or labour on a work gang.

*September 28: Catherine Pardoned, John Assigned to a Convict Gang:*<sup>30</sup> Catherine's convict record is short. There is no record of her assignment to any institution or freeholder. It records the date of her conviction for receiving and contains a single annotation: 'Pardoned by His Excellency the Lieut Governor'. There is a reference to a memorandum that presumably explains the reason for this merciful remission but the memorandum has been lost. Catherine may have spent little or no time in custody after her conviction. Her convict indent does not even record her height.<sup>31</sup> There were no obvious indications of mercy in John's convict record. He was assigned to a work gang and was supposed to serve his seven year sentence of transportation working as a labourer in rural Tasmania.

*November 9: John Connelly degraded -The baptism of Thomas Brown Connelly:*<sup>32</sup> Three years had passed since the birth of Thomas. In the aftermath of her own escape

---

<sup>29</sup> *Cornwall Chronicle*, 13 August 1836, 2.

<sup>30</sup> CON40/1/2, 160.

<sup>31</sup> CON16/1/1, 32.

<sup>32</sup> Tasmanian Archives Office, [RGD32/1/2/ no 7203](#).

from the stigma of criminality, Catherine took him to be baptized. The ceremony records the formal degradation of her husband's status. The earlier baptismal records of Charles and John record their father's 'quality or profession' as an 'innkeeper'. In Thomas Brown's entry he was reduced to a 'labourer'.

*March, 1837: John Connelly at large in Launceston, in the 'habiliments of a gentleman'*

<sup>33</sup> John Connelly's convict record of his assignment to a work gang does not reflect reality. The early months of his sentence were almost equivalent in their indulgence to Catherine's free pardon. Six months after John's conviction and sentence an anonymous letter appeared in the *Cornwall Chronicle*, very likely a letter of Goodwin's own concoction, attacking Governor Arthur's lax administration and misrule as a prelude to a diatribe against John Connelly. The letter described him as a 'daring and wanton offender' who had evaded justice on many occasions before his eventual conviction in 1836 for receiving stolen goods. The immediate cause for the concern expressed by this indignant, anonymous and probably fictive correspondent was that John Connelly was at large in Launceston, despite his sentence of transportation. He was 'garbed in the habiliments of a gentleman' and walking about with a degree of effrontery that was an insult to the victims of his crimes. At this point Goodwin interrupted his correspondent's vilification of Connelly with an editorial interjection; it was unnecessary, he wrote, to publish the rest of the letter. The lax administration of Lieut Governor Arthur had ended and the new Lieutenant Governor, Sir John Franklin, was to be informed of the outrage to public opinion in allowing a convicted felon to be at large. Goodwin continued, in a tone of even darker insinuation, that Sir John could be expected to express 'in the most public manner...his displeasure [with] those parties who have permitted and sanctioned' this outrage to public opinion. Goodwin, at least, believed that the Connellys had the benefit of undeserved official favour.<sup>34</sup> Sir John Franklin did intervene. John Connelly was banished from Launceston, with a notation on his convict

---

<sup>33</sup> *Cornwall Chronicle*, 18 March 1837, 1. John Connelly the publican has a strange doppelganger, a 'John Connolly', who accompanies him during 1836-7 in the pages of the *Cornwall Chronicle*. Connolly stole a pair of boots and a handkerchief from John Sutton for which he was sentenced in Launceston, on January 4<sup>th</sup> 1836, to seven years transportation: *Cornwall Chronicle*, 14 January, 1836, 3. He absconded and was found 'swaggering about Hobart' under another name at the end of the year. See *Colonial Times*, 5 December, 1836, 7. This John Connolly arrived free on the *Count Harcourt* in 1821.

<sup>34</sup> The fact that John did not begin to serve his sentence until some weeks or more had elapsed in 1837 accounts for his ability to engage in a fraudulent land transaction in Hobart in which he cheated Henry Connelly, brother of Charles, his adoptive father. Discussed, S Bouchier and I Leader-Elliott, 'The Metamorphoses of John Eddington Jr',

record that he was not to be permitted out of the Oatlands district. He was assigned to a publican, David Solomon, who owned the *White Hart Inn* at Antill Ponds.<sup>35</sup> It was not a demanding assignment and he remained with David Solomon until 1838, with the exception of two months hard labour on a road gang as punishment for his insolence and disobedience. After Solomon died, John was assigned to Waterloo Point where he seems to have rusticated quietly until after his conditional pardon in October 1841<sup>36</sup> and certificate of freedom in August 1843.<sup>37</sup>

## CATHERINE CONNELLY IN LAUNCESTON AND ADELAIDE

Though Phillip Best held the innkeepers licence, Catherine managed the *Currency Lass* in the years following her pardon until 1839, when she and John sold the freehold to Joseph Howell. Phillip Best left Tasmania in the same year and William Mason, who had *The Old Black Swan* in Brisbane Street, advertised that he had transferred his licence to the *Currency Lass*, formerly 'kept by Mrs Connolly'.<sup>38</sup>

The sale of the *Currency Lass* and the disposition of the proceeds of sale became the focus of litigation between John and Catherine in 1855, to be discussed in the final part of this account of her life. The brief outline of the transaction which follows provides the background to that discussion.

A local merchant and auctioneer, Mr J W Bell, managed the sale for Catherine. The memorial of settlement of the various parties' interests recounted the sale of the property by 'John Connelly, formerly of Launceston, late of Antills Ponds and now of Waterloo Point' and 'Catherine his wife', to Joseph Howells. The *Currency Lass* was mortgaged to Francis Dawe Wickham who was the third party to the transaction. Though John and Catherine were listed as owners of the hotel, John alone was named as the person to receive the purchase price, after the discharge of the mortgage to Wickham. Exiled to Waterloo Point, he was represented by his solicitor. In round figures, the *Currency Lass* sold for £2,200, of which Wickham was to receive £900. The Connelly's balance of £1300 was to be paid to John in three promissory notes over a period of 8

---

(1996) 43 *Papers and Proceedings* (Tasmanian Historical Research Association 201, 212-13.

<sup>35</sup> For information on the inn, see: RH Green, 'Antill Ponds and the Half Way House', Occasional Paper No7, Queen Victoria Museum and Gallery, 3 [www.qvmaq.tas.gov.au/updates/qvmaq/cont/...papers/antill\\_ponds.pdf](http://www.qvmaq.tas.gov.au/updates/qvmaq/cont/...papers/antill_ponds.pdf)

<sup>36</sup> *Launceston Courier*, 25 October 1841, 3: 'John Connolley, native'.

<sup>37</sup> *Colonial Times*, 1 August 1843, 4, 'John Connolly, Colonial'.

<sup>38</sup> *Cornwall Chronicle*, 29 June 1839, 4.

months. He was later to accuse Catherine of stealing £1,000 of the proceeds of sale from him.

The sale of the *Currency Lass* and discharge of the mortgage to Wickham were concluded on the 14<sup>th</sup> May, 1839. Catherine embarked for South Australia at the end of May on the *Dawsons* with her two youngest children, John and Thomas, 13 bundles of luggage and 29 bags of potatoes.<sup>39</sup> She seems to have had a companion, Elizabeth Reece or Reeve, who leaves no other clear traces of her existence. Catherine's two older children, Frederick Peter Fowler and Charles Connelly remained in Tasmania. It is likely that both were apprenticed with masters who would provide houseroom for them. Frederick and Charles, unlike John and Thomas, were educated as tradesmen. Frederick became a coachbuilder and Charles was a boot and shoe maker, though he did not persist in that occupation.

Catherine remained in South Australia for more than eight years. Thomas remained with her, but she sent John back to Tasmania in 1842, after John Connelly gained his conditional pardon.<sup>40</sup> Of all his children John, usually called John Jr, was his father's favourite. Catherine and Thomas did not return to Tasmania until 1848.<sup>41</sup>

In 1841, when a South Australian census was taken, Catherine and her children lived in Currie Street near the centre of Adelaide. She was still living in Currie Street in the following year when she was exposed to the harsh glare of publicity in a criminal prosecution for theft.<sup>42</sup> Catherine met Richard Edwards, the man who was to accuse her of stealing, on an October evening when he was drinking in the *Tasmanian Hotel* in Hindley Street. He pulled five one pound notes from his pocket and bought them two beers for a shilling. Then he set about rearranging his money about his person. He said he put the 19/- silver change in his right hand breeches pocket and the four one pound notes in his watch pocket. He was a little drunk, he admitted, but knew what he was about. They returned to Catherine's house where Edwards slept that night. In the morning he discovered his money gone and remembered that he had seen her search his pockets after he undressed. Catherine denied stealing from him. She said that Edwards had asked her, when they were in the *Tasmanian Hotel*, to come and be his housekeeper and look after his four children. She agreed to this and invited him to sleep the night at her house. She said Edwards had given her the 19/- and denied all

---

<sup>39</sup> *Launceston Advertiser; South Australian Register*, 29 June 1839, 6, arrived Adelaide, 29<sup>th</sup> June.

<sup>40</sup> *South Australian Register*, 13 August 1842; *The Courier*, 19 August 1842, 2: *The Prince of Denmark* arrived in Hobart, 17 August, with 'master Conolley'.

<sup>41</sup> *Adelaide Observer*, 1 January 1848, 3. Embarked on the *Timbo*, 31 December, 1841, as 'Mrs Connelly and son'

<sup>42</sup> The proceedings are reported in *The Examiner*, November 2 1842, ?, *ibid*, November 9, *Southern Australian*, 11 November 1842, 2.

knowledge of the missing pound notes. He might have seen her search his pockets, but that was because he asked for his tobacco. She said they quarreled in the morning because she was unable to get him some porter to drink because it was too early. It was then that he accused her of stealing. She was arrested for theft, bailed and brought before a Grand Jury which concluded that there was insufficient evidence to put her on trial and returned a 'No Bill'.

After this strange episode, with its multiple ambiguities, Catherine disappears into obscurity for a decade. John Connelly later accused her of living in Adelaide as the wife of Thomas Dudley, the Launceston innkeeper whose store had been burgled in 1836. Perhaps Catherine did settle into something resembling a marital relationship in Adelaide, as a 'housekeeper' for someone who could afford to keep her. Catherine's own account of the transaction with Richard Edwards would support that inference though she may have had other reasons for telling her story in that way. Dudley did go to Adelaide and they would have known one another there. It is not credible, however, that they lived together in anything resembling a marital relationship. Dudley went to South Australia in September 1846<sup>43</sup> and held the licence of the *John O'Groats* in Hindley Street for nine inglorious months before transferring it to Thomas Neale in June 1847.<sup>44</sup> In January Dudley was involved in a ludicrous conflict of evidence between PC Clayfield and PC Eames in the Magistrates Court. Constable Clayfield said he found Dudley lying drunk in the street. Constable Eames contradicted his partner and said that Dudley was engaged in prize fight, stripped to the waist and sitting on his second's knee, and about to rise to his feet for the next round. He was, said Eames, very nearly sober. Dudley resolved the conflict of evidence between the policemen by pleading guilty to a charge of disturbing the peace.<sup>45</sup> There is a final Adelaide report in October 1847 of a boardinghouse keeper called Thomas Dudley, who is probably the same man, evicting a shoeless drunken sailor discovered under the bed of one of his guests.<sup>46</sup> He re-appears in Melbourne in 1855, unmistakably, in the report of a District Court prosecution of Thomas Dudley landlord of the *Fountain Inn* at Rocky

---

<sup>43</sup> See the *South Australian Register*, 15 December 1846, 6, where he told the Magistrates Court that he had been in South Australia for three months.

<sup>44</sup> *South Australian Register*, 16 June 1847, 1. His initial months in Adelaide were marked by protracted legal bickering with the previous licensee, Nathaniel Prettyjohn over the terms of the transfer. See: the *South Australian*, 15 December, 6, *Ibid*, 22 December 1846, 5.

<sup>45</sup> *South Australian Register*, 6 January, 1847, 3.

<sup>46</sup> The Dudley family may have remained in Adelaide for some years. See the *South Australian Register*, 22 November 1851, 2 on the departure of Mrs A Dudley and four children for Melbourne.

Water Holes, who was convicted of assaulting one of his employees.<sup>47</sup> John's allegation that Dudley lived with Catherine as man and wife is effectively confuted by the fact that Dudley's wife Amelia and their four children joined him in Adelaide in October 1846 and lived with him in the *John O'Groats*.<sup>48</sup>

Catherine and her youngest son Thomas, now aged 14, sailed from South Australia on New Years Eve 1847 on the *Timbo*, bound for Hobart.<sup>49</sup> Thomas, the child who remained longest in Catherine's care, rejoined his father and older brothers sometime after his return to Tasmania. Catherine may have lived with her firstborn son, Frederick Peter Fowler, who was now a Hobart coachbuilder.

## JOHN CONNELLY IN GREEN PONDS AND CALIFORNIA

When he regained his freedom in 1843, John Connelly began to reconstruct the familiar pattern of his life.<sup>50</sup> By September 1845 he was licensee of the *Golden Fleece* in Elizabeth Street Hobart and had begun a liaison with Agnes Robertson. Their daughter was born in 1846.<sup>51</sup> He did not marry Agnes though he did adopt their daughter, unnamed at birth, who became Emily Connelly. He married instead Mary Ann Fox, daughter of another Hobart innkeeper, Catherine Fox, who kept the scandalous *Canterbury Arms*. Mary Ann was a dressmaker aged 16 according to her mother, or 18 according to the marriage registration, when she married John Connelly.<sup>52</sup> John described himself a widower, to conceal his bigamy, and subtracted several years from his own age for the occasion. In May 1846 after marrying Mary Ann, John sold the lease and licence of the *Golden Fleece* and took over the management and licence of the *Good Woman* in Green Ponds.

---

<sup>47</sup> *The Argus*, 16 May 1855, 5. See also the references to the *Fountain Inn*, *The Argus* 28 August 1856, 5 and 'Thomas Dudley, Sydney Road, hotelkeeper' in *The Argus*, 6 April 1854, 2.

<sup>48</sup> *Adelaide Observer*, 10 October, 5, Mrs A Dudley and four children, arrived 8 October on the *Henry*. See also her testimony in *Armstrong v Portwine*, *Adelaide Observer*, 6 February 1847, 2.

<sup>49</sup> *South Australian Register*, 1 January 1848

<sup>50</sup> A more detailed account of this period of John Connelly's life can be found in S Bouchier and I Leader-Elliott, 'The Metamorphoses of John Eddington Jr', (1996) 43 *Papers and Proceedings (Tasmanian Historical Research Association 201)*, 214-5.

<sup>51</sup> Tasmanian Archives Office, RGD33/1/2/ no 1618.

<sup>52</sup> Tasmanian Archives Office, [RGD37/1/5 no 95](#), registration of marriage states that Mary Ann was 18 when she married. In her death certificate, however, her mother declares that she married at 16, Victorian Births Deaths and Marriages, Deaths 1864 in the district of Ballarat, 14 December, 1864, No 7448. Her birth was not registered.

News of the Californian gold rush reached Australia in December 1848<sup>53</sup> and Australians were already leaving for California early in the New Year. John Connelly was among the first Tasmanians to join the Rush.<sup>54</sup> He transferred the licence of the *Good Woman* to Mary Ann and took a berth on the *Harriet Nathan*, which sailed from Hobart on 6<sup>th</sup> June 1849 with a substantial cargo of brandy, rum, gin, malt liquor, foodstuffs ironmongery and sundries.<sup>55</sup> Several of the passengers went with the intention of trading in San Francisco. John himself embarked with a small trading stock of two bales of leather and a case of boots and shoes, probably of Charles' making. It is unlikely that he made a profit on his cargo; most reports from Tasmanian traders in California in 1850 are despairing of success and indignant about their losses. Californian customs authorities charged exorbitant duties, delayed landfall and, when goods were at last landed for sale, the demand for consumables from gold seekers in San Francisco was utterly unpredictable. There was an additional peril for traders of predatory theft of their stock; the thefts were usually attributed to other Australians.<sup>56</sup> One of the traders on the *Harriet Nathan* wrote desperately to his brother in Hobart: '[D]o not come here if you can do anything in Van Dieman's Land – but should you determine on coming here bring nothing but what you absolutely want – except money...'<sup>57</sup> Gold, however, was said to be abundant for those with sufficient money to pay the exorbitant price of getting themselves and the necessary equipment to the goldfields.

John cannot have expected to enrich himself by trade with a mere two bales of leather and a case of boots and shoes. He must have gone for gold and, though the chances of enriching himself on the diggings were small, he does seem to have beaten the odds. The scale of his financial dealings in Flemington in the decade that follows, far in excess of anything he attempted in Tasmania, is persuasive evidence that he found gold on the California diggings. He returned to Tasmania in 1850, probably in August, and immediately began preparations to leave Tasmania and join the new Victorian gold rush. This time, however, he intended to pursue fortune by trading with gold seekers rather than digging for himself. His negotiations to take over the *Flemington Hotel*, two miles out of Melbourne on the road to the diggings at Mt Alexander, must

---

<sup>53</sup> Jay Monaghan, *Australians and the Gold Rush: California and Down Under 1849-1854* (University of California Press, 1966) 1-2.

<sup>54</sup> See *Colonial Times*, 15 January 1850, listing the 22 vessels carrying 470 passengers which sailed from Tasmania to California in 1849.

<sup>55</sup> *Colonial Times*, 8 June 1849, 2 (passengers); *The Courier* 13 June 1849, 2 (cargo).

<sup>56</sup> Kevin J Mullen, *Dangerous Strangers: Minority Newcomers and Violence in the Urban West, 1850-2000* (Palgrave Macmillan, 2005) Ch2 'Australians' 13-28.

<sup>57</sup> *Colonial Times*, 29 January 1852, 2. Other letters from San Francisco during this early period, from passengers on the *Harriet Nathan* and other Australian ships are consistent in their reports of the difficulties encountered by the traders. See: *Colonial Times*, 18 January 1850, 2-3; *ibid*, 19 January 1850, 3; *Cornwall Chronicle*, 13 February 1850, 99.

have begun not long after his return from California. In September he advertised the sale of the working plant and lease of the *Good Woman Inn*<sup>58</sup> and advertised again in June 1851,<sup>59</sup> offering to sell at the reduced price of £250 and the liquor stock at valuation. The pace of John and Mary Ann's lives grew more hectic. The first of their three sons, Richard, was born in June of that year.<sup>60</sup> Days after the birth, Charles Connelly and Mary Ann's mother, Catherine Fox, were charged with conspiracy to defraud a public official. Charles, the eldest of the Connelly sons, had forged his father's name to a deed of replevin<sup>61</sup> while John was in California. Charles, Catherine and man called Thomas Locke or Clarke were committed for trial and allowed bail. This was the first of a series of criminal prosecutions against the sons of John Connelly.

The criminal prosecution against Charles and the other alleged conspirators did not proceed. John offered to settle for a payment of 40 pounds and it is likely that his offer was eventually accepted. The Connelly men left Launceston for Melbourne on the schooner, *Scotia*, in October 1851. Mary Ann, who is not listed among the passengers, must have followed later with her infant son and adopted daughter, Emily Connelly.

## UNTIL DEATH DO US PART: THE MELBOURNE DECADE

Within a decade of the emigration to Melbourne John Connelly's family had begun to disintegrate and he was ruined financially. Over the years between 1852 and 1860, when he died, John was borne down by a burden of accumulated follies of his own making and of his elder sons, Charles and John. Catherine, after years of quiescent

---

<sup>58</sup> *Colonial Times*, 24 September 1850, 3. It appears that the original plan was to sell the lease of *The Good Woman* upon which Mary Ann would transfer the licence, which she still held, to the buyer. When the hotel failed to sell, Mary Ann transferred the licence to John: *The Courier*, 16 November, 3.

<sup>59</sup> *Colonial Times*, 6 June 1851, 4.

<sup>60</sup> Archives Office of Tasmania, [RGD33/1/29/ no 50](#). Given name not recorded. The birth was registered by John Rider, who was to take over the *Good Woman* from John and Mary Ann Connelly. Three children of John and Mary Ann Connelly are listed in the documents of intestacy filed after John's death: Richard, Henry and Edward: 'In The Goods of John Connelly, late of Flemington licensed victualler deceased intestate', In the Supreme Court of Victoria, 5<sup>th</sup> July, 1860, No 174.

<sup>61</sup> The details of the alleged conspiracy are not recorded. Replevin is a summary legal procedure for the recovery of goods. The claimant must provide assurance to the public official who takes possession of the goods, by way of a deed of replevin, that expenses will be met if the claim proves to be unjustified.

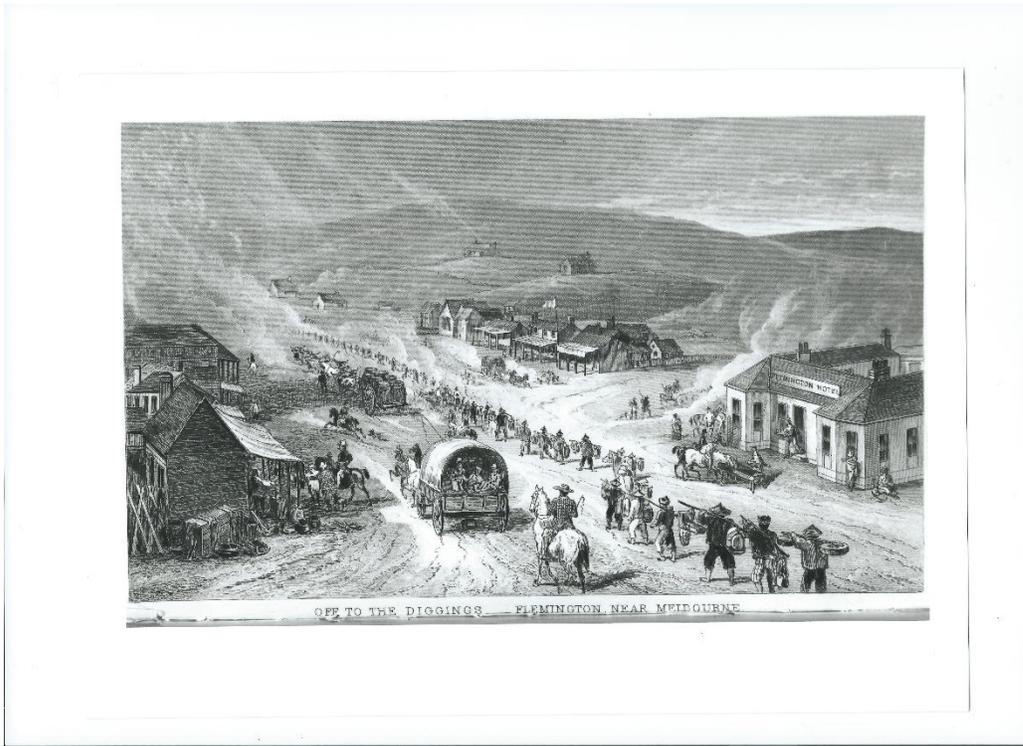
obscurity in Tasmania, pursued him across Bass Strait and assumed the role of an avenging Fury, an Erinye, to exact vengeance for his broken marriage oath.

To understand what happened, however, it is necessary first to describe the wonderfully optimistic prospect offered by the migration to Melbourne and the Connelly occupation of the *Flemington Hotel* in late 1851. The hotel was strategically placed on the road to the Mount Alexander goldfields, about two miles from the centre of Melbourne. The building was splendid for its time, with a bar, four parlours or sitting rooms, seven bedrooms, stabling or horseboxes for 40 horses and an extensive vegetable garden surrounded by 23 acres of fertile land on the Moonee Ponds Stream. In John Connelly's time the hotel was said to have had average weekly takings of £400.<sup>62</sup> It had an annual rental value of £500. John was a lessee initially. In August 1853 he bought the hotel and adjoining properties for £12000. His holdings after various purchases included shops, cottages and the *Rose and Crown* hotel, on the other side of Mt Alexander Road from the *Flemington Hotel*. He added to these holdings by building several brick dwellings that were later converted to shops. (The widow of the man who supplied the bricks sued, unsuccessfully, for their price.) At this remove in time it is probably impossible and certainly unnecessary to gauge the extent of his holdings or the extent of the liabilities he incurred in their accumulation. By the end of 1853 he was hugely indebted.



---

<sup>62</sup> *North Melbourne Advertiser*, 4 March 1887, 3.



[Steel Engraving, 'Off to the Diggings', from *How to Farm and Settle* (1858). The engraving has been copied from a watercolour by Samuel Charles Brees,<sup>63</sup> a surveyor, engineer and watercolourist who painted the scene circa 1855. Copy provided by the State Library of Victoria. It is possible that Brees was author of the book as well.<sup>64</sup> The horseman at front centre of the engraving is something of a puzzle. His ghost may be seen in the watercolour. Presumably Brees was dissatisfied with his rendition, scrubbed it out, but asked the engraver to include the figure.]

Catherine arrived in Melbourne during the first, halcyon days of John and Mary Ann's occupation of the *Flemington Hotel*. The assertion of her marital rights against John, after years of apparent quiescence, may have been induced by Frederick Fowler's marriage in 1851 to Maria Boothman and the impending birth of their first child.<sup>65</sup> Catherine might have felt the need to establish independence from her son's household. Early in 1852 she secured a maintenance order against John from the Victorian Police Court for 30 shillings a week, nearly £80 a year. It was not a negligible award, but it

---

<sup>63</sup> <http://www.dao.org.au/bio/samuel-charles-brees/biography/>

<sup>64</sup> *Bibliography of Australia, Volume VI: 1851-1900, H-P*  
<https://books.google.com.au/books?isbn=0642990492> John Alexander Ferguson - 1977  
- Australia

<sup>65</sup> AOT, 28 August, 1851, [RGD37/1/10 no 415](#). Their first child, Frederick Augustus Fowler, was born on 12 May, 1852, [RGD33/1/4/ no 1407](#).

was not particularly generous for a man of John Connelly's apparent means. Comparisons between modern and 19<sup>th</sup> century money are difficult, but some indication of the value of the Catherine's maintenance order is provided by the average annual rental of £50 for each of his houses or shops on Mt Alexander Road. The *Rose and Crown* was leased for an annual rent of £280.

John paid maintenance regularly until the end of 1853. Catherine's legal claim did have one immediate and significant consequence for John, beyond the financial obligation he incurred. The court made its order for maintenance on April 8 and thirteen days later District Chief Constable Pearce rejected John's application for an innkeeper's licence on the ground of bad character, in particular, the character of his 'domestic' life. The decision could only have referred to the disclosure in the Police Court that his marriage to Mary Ann was bigamous. John Connelly Jr, as he was known at this time, was now 20 and he became licensee in place of his father.

John's misfortunes multiplied. Charles was charged with forgery and John Jr with robbery. Though both prosecutions eventually ended in acquittal, the proceedings over the next two years were painfully protracted. In September 1852 the *Hobarton Guardian*, which had not forgotten the earlier aborted conspiracy proceedings against Charles in Green Ponds, reported with gleeful malice that Charles Connelly, the 'respectable' son of the 'former landlord of the *Flemington Hotel*' was again accused of forgery. The description of John as the 'former' landlord of the hotel suggests that the reporter had a Melbourne informant. Charles was no less manipulative of legal processes than his father. While he was awaiting trial for this offence, he tried to interfere with a witness and was gaoled for contempt of court. His interference, whatever it may have been, was apparently effective, for the prosecutor was unable to proceed for want of evidence on the day of trial and Charles was released from prison some time later.<sup>66</sup> Worse was to follow in June 1853, when John Connelly Jr and Patrick McDonnell were charged with robbing Henry Hallett outside the *Flemington Hotel*.<sup>67</sup> Witnesses gave conflicting accounts of what happened and the jury was unable to agree at the first trial. Both men were tried again in July, when McDonnell was convicted and Connelly acquitted. Relying on the jury verdict, the most likely version of what happened is that Henry Hallett was drunk and disruptive in the bar of the *Flemington Hotel*. John Jr, Patrick McDonnell and one or two others drinking in the bar, hustled Hallett out of the hotel. Patrick O'Donnell and the others then assaulted Hallett and

---

<sup>66</sup> Reports of the proceedings can be found in: *Hobarton Guardian* ; *Geelong Advertiser and Intelligencer*, 24 November 1852, 1; *Ibid*, 30 November 1852, 1; *Ibid*, 1 December, 1.

<sup>67</sup> The criminal proceedings against John Connelly Jr can be tracked through *The Argus*, 3 June 1853, 9; *ibid*, 21 June 1853, 7; *ibid*, 22 June 1853, 7; *ibid*, 21 July, 1853, 5.

stole his money and watch. John Jr stood in the doorway with his arms folded, presiding over the violence but not participating.

John Connelly compounded the troubles associated with John and Charles' criminal trials with follies of his own. He seems to have decided to lease his properties and live off the proceeds as a rentier. There are indications in the Flemington years that he wanted to cast off his identity as an innkeeper and aspired to the title or style of 'gentleman', and to be known as 'John Connelly, Esq'. In mid-1853 he commenced negotiations with the partnership of Kennedy and Wilson to lease the *Flemington Hotel* to them for a period of 5 years for £4,000 plus yearly rental payments and an additional £500 for John Jr, who held the hotel licence, as compensation for him relinquishing the business. In the course of these negotiations Kennedy and Wilson paid £10 to John Connelly Jr, as earnest of their good faith.<sup>68</sup> When the time came to engross the lease, John prevaricated and asked for another meeting. A second meeting was arranged with Kennedy and Wilson and their solicitor, Mr Bennett, at the offices of Albert Read, the Connelly's solicitor. John did not attend. Bennett went downstairs with the lease in his hand and found him standing in the street, holding his horse's head and 'hovering', as Bennett described him, in a state of irresolution. After a brief conversation John said he had made up his mind not to complete the agreement. Kennedy and Wilson could have their stake money back: he challenged them to bring whatever action they pleased against him. It was an impulsive and foolish decision, apparently prompted by the prospect of another and better offer for the lease of the hotel. Kennedy and Wilson did sue for breach of contract in March 1854.<sup>69</sup> John enlisted the services of Robert Molesworth, acting Solicitor General for the State of Victoria,<sup>70</sup> to argue his case in the Supreme Court. Molesworth contended that there was never an agreement. He supplemented this unlikely contention with an even more audacious argument that any agreement would have been illegal and unenforceable, for Kennedy and Wilson were not licensed innkeepers. The Court brushed that argument aside and left the main issue to the jury which decided in favour of Kennedy and Wilson that John had agreed to lease the hotel and awarded damages of £2,000 against the Connellys. Thomas Gregory took a five year lease on the Flemington Hotel in 1854, but the damages award must have been disastrous for John.

---

<sup>68</sup> See *The Argus*, 15 March 1854, 5, which provides an extended account of the aborted negotiations and the litigation which followed.

<sup>69</sup> *The Argus*, 15 March 1854, 5.

<sup>70</sup> See Reginald R. Sholl, 'Molesworth, Sir Robert (1806–1890)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/molesworth-sir-robert-4217/text6795>, published first in hardcopy 1974, accessed online 12 April 2015.

Impending catastrophes cast their shadows before them. John Connelly was faced with the first of what was to become a series of law suits for unpaid debts in December 1853.<sup>71</sup> In the same month, he ceased paying maintenance to Catherine. In May 1854, three months after the Supreme Court award of damages to Kennedy and Wilson, Catherine sought an order from the Court of Petty Sessions for the arrears of unpaid maintenance. John contested her claim. He had two wives he said. He should not be required to support both, for Catherine had been absent for 16 years and had stolen £1000 of his money. The Court disregarded his protest and he was ordered to pay a fine of £10 and threatened with imprisonment if he failed to pay the arrears or meet his continuing obligations to maintain his wife.<sup>72</sup> By September he was once more in arrears. The District Police Court ordered him to be imprisoned until the outstanding amount was paid and sureties were appointed to ensure the continuance of payments.<sup>73</sup>

Catherine rarely speaks for herself in these fragmentary records. John was always newsworthy. His words, usually belligerent and uttered with complete confidence in his own cause, were recorded in newspapers and official reports. One poignant utterance by Catherine is preserved however. It is the advertisement which she placed in *The Argus* in January, 1855. These few, impersonal words half conceal, half reveal, her sorrow and weary disillusionment, after three years of recurrent struggle in the Melbourne courts:

The Sons of Mrs Catherine Connelly will oblige their mother by calling on her before she leaves the colony at Mr Hall's, 112 Flinders Lane West.

There is no record of a meeting with Charles, John and Thomas. Catherine's decision to leave Victoria was induced by John's promise to make a substantial cash settlement in place of her maintenance claim for £78 annually. The promised settlement was conditional on her departure to Van Dieman's Land and was to be handed over when she embarked. Catherine did board the ship that was to take her home. John or his emissary met her on the ship and offered her just £2. Catherine disembarked and renewed her claim for maintenance. There could be no forgiveness after such a betrayal: the endgame had begun.

John Connelly fled to the Victorian goldfields. Catherine was not his only creditor; there were other lawsuits to avoid. He must also have hoped to recoup his finances with a gold strike. There are occasional reports over the years immediately following that he was digging or prospecting. Early in 1855 he was arrested in Ballarat on yet

---

<sup>71</sup> *Johnson v Connelly*,

<sup>72</sup> *Melbourne Morning Herald*, 2 May 1854, 8; *The Argus*, 3 May 1854, 5.

<sup>73</sup> *The Argus*, 14 September 1854, 6.

another charge of neglecting to pay Catherine's maintenance. He was bailed for the substantial sum of £100 with two sureties of £50 each and ordered to appear in the District Police Court in Melbourne. He failed to appear by the due date and forfeited his bail. He was eventually brought before the Court on 21 June 1855 where he resolved to take a stand and dispute the original decision that Catherine was entitled to maintenance.<sup>74</sup> His first move in this final contest was characteristically manipulative. He made a private approach to the presiding Police Magistrate, the ornately handled Wriothsley Baptist Noel Esq, and urged him to re-open the original decision because Catherine had stolen £1,000 from him, the proceeds of sale of the *Currency Lass*, and because she had gone to Adelaide to live with Thomas Dudley as his wife.

When the Court convened, W B Noel informed those present that the case was unprecedented in his experience. After listening to John's accusations against Catherine in their private meeting, he was inclined to allow the original decision to grant maintenance to be re-opened for consideration. It did not seem fair, he said, that a husband should have to pay his wife, after so many years, if she had left her husband to live with another man as if they were married. Albert Read, who represented Catherine, objected. His appearance for Catherine is unexpected. Read had been John Connelly's lawyer. He represented John Jr at his first trial for robbery. He had handled many of the complex transactions involving John's land holdings and he had been the unavailing voice of good sense in John's disastrous litigation over the broken contract to lease the *Flemington Hotel*. Catherine could only have chosen Albert Read because he was on her side. He displayed a commitment to her cause that went beyond his merely professional duty. He told the Court that it would better to reach an amicable agreement than litigate. Catherine was ready to accept a cash settlement and return to Tasmania to live with her eldest son Frederick Fowler and his wife. If John Connelly refused to settle the case amicably, Read said he would get 'more law than was agreeable to him'. He knew the case well, he said, 'and a more heartless one never came before a Court'. Henry Freame, who appeared for John, said he agreed that a settlement was the best course. He was instructed to say that John offered £50 to settle, all he could afford to pay, on condition that Catherine left Victoria. Read asked if this was an offer to pay 'cash down'. Catherine had been betrayed on a previous occasion and would not settle for less. Freame said it was not a cash offer and Catherine declined to rely on another promise. W B Noel then adjourned the hearing for an hour to allow time for reflection and preparation before the contest began.

Henry Freame had issued subpoenas for two witnesses, both of whom were familiar faces from the past. The first was J W Bell who had managed the sale of the *Currency Lass* in 1836. The second was Thomas Dudley, now a Victorian innkeeper at the

---

<sup>74</sup> The proceedings are the subject of an extended report in the *Melbourne Morning Herald*, 22 June 1855, 6.

Rocky Water Holes on the Sydney Road. J W Bell provided a carefully neutral account of the sale of the *Currency Lass* and told the Court that he had paid the bulk of the purchase money, about £1000, to Catherine. He believed that John had received the final payment of about £3000. He was not aware of any relationship between Catherine and Thomas Dudley, either in Launceston or Adelaide. It is doubtful whether the testimony of J W Bell advanced John Connelly's case. A fair minded appraisal of the evidence should have allowed Noel to conclude that Catherine, who had a half share in the *Currency Lass* and the care of their children while John served his sentence, was entitled to a substantial share of the money from the sale. At this point in the trial John's hopes of successfully resisting Catherine's claim rested almost entirely on the promised testimony of Thomas Dudley that he and Catherine had lived as man and wife. He was disappointed. Dudley failed to respond to the sub poena and John Connelly's case for re-opening the maintenance award collapsed. I have given reasons earlier for doubting the truth of John's allegation. John probably believed it true – he would not have asked his counsel to call Dudley – if he did not. Dudley's failure to respond to the sub poena adds no credibility to John's belief that he had lived with Catherine as a husband.

Albert Read then tendered a letter from Catherine's daughter in law, Maria Fowler, asking her to return to Tasmania and live with her and Frederick. He offered this as an indication of Catherine's respectability, and the affection and regard of her Hobart family, and asked the Court to confirm the order for maintenance. Noel was brisk in his conclusions. He would have reversed the order for maintenance if John Connelly had been able to prove his allegations, but there was no evidence to support them. Nothing in Catherine's deportment or evidence suggested 'that she was anything but a proper woman'. Connelly was bound by the original maintenance order and must go to gaol until the arrears were paid. At this point John's surety, Bartholomew, stepped forward and begged to be released from his undertaking. It had been impossible, he said, to ensure that Connelly paid maintenance. Bartholomew was out of pocket £12, having made payments to Catherine on Connelly's behalf. The surety was probably James Bartholomew, another publican, who held the license of the *Bull and Mouth* in Bourke Street. Noel released him from his bond, remarking that Connelly had property that could be seized if he failed to pay. John was then committed to gaol. He left the Court with a final, defiant declaration that he would 'sweat it out and suffer to be hanged' before he would pay maintenance to Catherine.

Catherine had won a victory over John, in terms of money and reputation, as conclusive as the law can provide. It is not easy to gauge the human cost to either of a legal battle that had extended over two and a half years. Catherine had just six months to live when she engaged in her final contest with John over maintenance. She returned to Tasmania to live with Frederick and Maria and died of 'dropsy' at Prospect Lodge,

their home in New Street, on January 13, 1856.<sup>75</sup> Dropsy is a symptom rather than a disease. The final stages of her illness would have been preceded by months or years of suffering.

## LAST WORDS

John Connelly probably paid maintenance for the remaining months of Catherine's life. Bartholomew, his surety, sued him to recover his expenses and received a settlement to abandon his suit.<sup>76</sup> John returned to the goldfields. There are intermittent reports over the next few years of the activities of a number of gold diggers called John Connelly, Connolly or other variants. It was not an uncommon name and of the reports can be eliminated from consideration. It would be credible however, and charitable, to identify him as the 'Mr Connelly', a 'gentleman', who rescued a young woman from as drunken assault on the Bendigo goldfields in December 1855.<sup>77</sup> He had the virtue at least of impulsive courage. But there is no doubt that he was the man who was arrested at Mt Moliagul for firing a pistol at Charles Connelly, in August 1855.<sup>78</sup> Charles swore a complaint against his father and Constable William Brophy, the arresting officer, made a note in the watchhouse book, identifying him as 'John Conolly' a 'publican', born in 'Sidney' and charged him with 'firing a loaded pistol at prosecutor with intent to do bodily harm'. Charles did not proceed with the prosecution. John was on the Bendigo diggings at Epsom in February 1857, when Thomas Noon stole his silver watch and chain and a black silk handkerchief from his tent.<sup>79</sup> Noon was convicted of stealing from John Connelly's 'dwelling place'.

There are no indications that he found gold in significant quantities. The Melbourne law suits multiplied and he gave up the search for gold and returned to the *Flemington Hotel*. Most of the legal actions were compromised with last minute settlements but his enterprises were sinking. The stream of diggers on the road to the goldfields who sustained the *Flemington Hotel* had diminished. The deterioration of both his finances

---

<sup>75</sup> Tasmanian Archives Office, [RGD35/1/5 no 562](#).

<sup>76</sup> *Bartholomew v Connelly*, *The Age*. 9 February 1856, 3.

<sup>77</sup> *Bendigo Advertiser*, 3 December 1855, 3.

<sup>78</sup> Mt Moliagul Watchhouse Book, no 45, 15 August 1856, 5pm.

Thomas Brown Connelly was a publican at Mt Moliagul at this time.

<sup>79</sup> Victoria PRO, VPRS 30, Unit 67, File 2-259-5: signed complaint by John Connelly. The trial and conviction of Noon are recorded in the *Bendigo Advertiser*, 28 February 1857, 2, 3.

and his marriage to Mary Ann became public not long before his death with his declaration in *The Argus*<sup>80</sup> that his tenants were no longer to make rental payments to her and that he was no longer responsible for her debts.

His death was sudden. He went to bed at 10pm on 30<sup>th</sup> May 1860, got up again to be sick and fell to the floor when trying to return to his bed. Dr James Gibson, who performed an autopsy on the body, remarked that John Connelly's abdomen was full of malt liquor, his liver was greatly enlarged and that there had been a large extravasation of blood into his brain. He concluded that death was the natural result of apoplexy, the usual form of diagnosis at that time for a cerebral hemorrhage resulting from an episode of acute alcoholism.

John Connelly Jr made the funeral arrangements with dutiful attention to his father's jealous insistence on his status and respectability. The funeral advertisement in *The Age* invited the friends of the late 'John Connelly, Esq, sen' to follow his remains from the *Flemington Hotel* to the Melbourne General Cemetery, where they would be interred. John Jr completed the Form of Instructions for the Cemetery with a declaration of his father's 'Rank' as, 'Gentleman'.<sup>81</sup> He did not, however, register John Connelly's death; it was an omission that might perhaps be explained by his ignorance of his father's true parentage. Nor did he erect a stone over the grave, which remains unmarked by any memorial. It afforded a convenient lodging place for eight of John's descendants over the next 75 years.

After his father's death John Connelly Jr continued as licensee of the *Flemington Hotel*, with occasional interruptions, until 1866.<sup>82</sup> He was plagued by lawsuits for unpaid debts, threats of summary sale of the hotel or its furniture and became insolvent in 1864, attributing his losses to falling business.<sup>83</sup> Charles Connelly held the licence briefly during his brother's insolvency,<sup>84</sup> though John Jr continued to preside over the hotel. He made unavailing and increasingly desperate attempts to lease or sell the property 'in these times of depression',<sup>85</sup> even advertising it as suitable for a 'medical gentleman's residence and depository'.<sup>86</sup> He gave up the struggle at the end of 1865 and advertised his retirement from business and an auction sale of the contents of the

---

<sup>80</sup> *The Argus*, 20 August 1859, 3.

<sup>81</sup> Melbourne General Cemetery, Form of Instructions for Graves, No1622, 31 May, 1860.

<sup>82</sup> See the handwritten *Robert K Cole Index of Victorian City and Suburban Hotels*, State Library of Victoria, 97, 'Flemington Hotel, Mt Alexander Rd' for a summary list of licensees.

<sup>83</sup> *The Argus*, 28 March 1864, 7.

<sup>84</sup> *The Age*, 18 June 1864, 8.

<sup>85</sup> *The Argus*, 5 November 1862, 2.

<sup>86</sup> *The Argus*, 8 March 1864, 2.

hotel. He transferred the licence to Samuel Thompson in the following year.<sup>87</sup> John Jr became a cabman and passed the remainder of his life with his wife and children in comfortable anonymity.

Mary Ann died in 1864. She had returned to Ballarat where Catherine Fox, her indefatigable mother, presided over yet another hotel, the *St Nicholas* on Main Road.<sup>88</sup> According to Catherine, who managed the funeral arrangements, her daughter was just 33 years of age when she died. Death was caused by cirrhosis of the liver and dropsy. So far as is known only one of her three sons married and all died without issue.

Charles Connelly went to New South Wales where his life appears to have been itinerant, lonely and impoverished.

Thomas Brown, always slightly distanced from his brothers, was a publican at Mt Moliagul in the 1850's. He returned briefly to Flemington where he was licensee of the *Rose and Crown* in 1861-64 before leaving the hotel business and settling at Taggerty, in the Acheron Valley, where he and his children acquired substantial land holdings.

---

<sup>87</sup> *The Argus*, 26 May 1866, 8

<sup>88</sup> *The Star* (Ballarat), 22 June 1864, 4.