

## CONVICT ELIZABETH JONES (*Siren*, 1835)

‘The Morning Star of Liverpool’

by

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From 1803 to 1853, more than 13,000 female convicts were transported to Van Diemens Land (VDL). While the vast majority of them originated from the United Kingdom, a significant number were from elsewhere. At least eighteen of them had committed their offences in one of the other Australian colonies<sup>1</sup>. One of the most infamous of these was Elizabeth JONES (alias NOWLAN).

Jones (or Nowlan) aged 18, first came to the attention of the general public when this report appeared in *The Australian* [Sydney] on 5 December 1834:

*On Sunday last a barbarous murder was committed at Wilberforce [about thirty-eight miles (sixty kilometres) north-west of Sydney], by a female named Elizabeth NOWLAN, on the person of one Charles MULLINS, with whom she cohabited. ... A Coroner's Inquest sat on the body [and] returned a verdict of wilful murder against Elizabeth Nowlan. She was committed to prison on the Coroner's Warrant.*<sup>2</sup>

In the first week of February 1835, Nowlan was tried for the murder of Mullins before Mr. Justice BURTON and a military jury in the Supreme Court, Sydney. In the dock with her were Susannah DAVIDSON and William REYNOLDS, both of whom had been present at the sly-grog shop when Mullins was killed and had also been charged with his murder.<sup>3</sup>

*The Sydney Monitor* of 7 February 1835 reported the sordid details of the case. One witness told the court that Mullins and the three accused had arrived together at the sly-grog shop at Wilberforce in the late afternoon of 1 December 1834. While they were drinking there, a quarrel broke out between Nowlan and Mullins. During the quarrel, Nowlan was struck heavily, knocked to the floor and kicked by Mullins. When Mullins went off to another room in the house, Nowlan took a knife from the table and followed him, declaring loudly that she would not be treated like that, and that she was prepared to defend herself.

A witness at the trial testified that as Nowlan picked up the knife she said that she would ‘have her revenge’ for what Mullins had done to her. Another witness swore that Mullins had

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<sup>1</sup> The database of the Female Convicts Research Centre, Hobart, list sixteen women transported from New South Wales, one from Victoria and one from Adelaide; see <http://www.femaleconvicts.org.au/>

<sup>2</sup> *The Australian* (Sydney), 5 December 1834, p.3.

<sup>3</sup> *The Sydney Monitor*, 7 February 1835, p.2; 14 February 1835, p.2; *The Sydney Gazette and New South Wales Advertiser*, 14 February 1835, p.2; *The Sydney Herald*, 16 February 1835, p.2. See also: ‘Macquarie Law School Coronial Inquests, 1835’:

[http://www.law.mq.edu.au/research/colonial\\_case\\_law/colonial\\_cases/less\\_developed/coronial\\_inquests/new\\_south\\_wales\\_inquests/1835insw/](http://www.law.mq.edu.au/research/colonial_case_law/colonial_cases/less_developed/coronial_inquests/new_south_wales_inquests/1835insw/)

wanted Nowlan to go to bed with him while the four other men who were in the house that day watched, but she had refused to do so. The witness added that Nowlan and Mullins were known to have been 'very intimate' up to the time of their going to the house.

Other witnesses said that they had heard the noise of a scuffle in the other room and then someone had shouted, 'Drop that knife!' A few minutes later Nowlan had come out of the room and left the house. Susannah Davidson had followed her. Almost immediately, Mullins, too, emerged from the room and appeared to be about to go after the women but then stopped, lay down on a bed and, it seemed, fell asleep. It was not until the next morning that anyone else at the house realised that he was dead.

The doctor who had examined the body told the court that Mullins's death was caused by a sharp pointed instrument which had been thrust into his left breast between the second and third ribs. Blood flowing from the wound had filled the membrane which encloses the heart and death had resulted. The doctor was of the opinion that the wound could have been made 'without the exertion of great violence' and that a person who was very intoxicated might have been insensible to the injury.

In summarising the evidence, the judge told the jury that there was nothing to incriminate either Susannah Davidson or William Reynolds and, consequently, they were acquitted. However, after hearing from the judge on the law relative to murder and manslaughter, the jury returned a verdict of manslaughter against Nowlan and she was remanded for sentencing.

On 12 February 1835, Nowlan (now being referred to as 'Elizabeth Jones') appeared again before Mr. Justice Burton in the Supreme Court. *The Sydney Monitor* of 14 February reported proceedings as follows:

*Elizabeth Jones, alias the Morning Star, of Liverpool, was convicted of manslaughter, by stabbing a man named Mullins, on the 1st of December. In pronouncing sentence the judge remarked that the prisoner had been guilty of ... a series of actions of a most disgraceful cast which terminated in her stabbing the deceased to the heart. It had appeared in evidence, that she was a married woman, and had gone to the house where she slew him ... for the express purpose of prostituting herself. As there was no premeditation, the jury had recommended her to mercy ... The judge said that the lowest sentence he could pass was that she be transported for seven years.*<sup>4</sup>

Within a few weeks, Jones was put aboard *Siren* for transfer to VDL. She was disembarked at Hobart on 25 March 1835. As Police Number 116, she was entered into the official convict documents as 'Elizabeth Jones or Nowlan'.

She stated that her native place was Enniscorthy, County Wexford, Ireland, and that she had arrived free in the colony on the ship *Thames*. She gave her father's name as Richard NOWLAN, and her mother's name as Mary. She said that she had a sister, also Mary, who was married to John DONOVAN, a storekeeper at Windsor, New South Wales. Her indent

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<sup>4</sup> *The Sydney Monitor*, 14 February 1835, p.2.

shows her to be 5'4¾" (about 165 cms) tall, a Roman Catholic, and a nurse maid by occupation. She could neither read nor write.<sup>5</sup>

Elizabeth's father, Richard NOWLAN, had arrived in New South Wales as a 57 year-old convict aboard *Hadow* in 1820. In August 1819 he had been found guilty of some unknown crime in County Wexford and sentenced to death. Later, the punishment was commuted to transportation for life.<sup>6</sup> On 16 October 1834 - ironically just a few weeks before his daughter Elizabeth was charged with the murder of Mullins - he was granted a conditional pardon. His certificate refers to him as 'Richard BROGDEN alias NOLAN' (*sic*).<sup>7</sup> Like his daughter, he also seems to have used two surnames interchangeably.

In 1826, Elizabeth's mother, Mary NOWLAN, had followed her husband to New South Wales, arriving free on *Thames* and bringing her daughters, Mary and Elizabeth, 19 and 12 respectively, with her. The 1828 census of New South Wales shows the family reunited at Richmond, near Wilberforce. There, Richard Nowlan's occupation is shown as 'farmer'.<sup>8</sup>

All of that said, however, there are a number of most intriguing details of the life of convict Elizabeth Jones's that are still not known.

For instance, on 12 February 1835 the judge referred to Elizabeth Jones as 'a married woman' but her convict papers do not mention a husband. Was she married? If so, to whom? The most likely answer, of course, is that her husband was a man called 'Jones' but no marriage for her - to Jones or anybody else - has been located to date.

And who was the Charles Mullins for whose death Elizabeth Jones was responsible? Was he the Charles Mullins who arrived in New South Wales aboard the vessel *Asia* III in 1825 after being convicted at the Somerset Assizes in 1823 and sentenced to transportation for life?<sup>9</sup> As far as is known, that Charles Mullins is the only convict of that name to have been transported to New South Wales but nothing has yet been found to confirm that he was the man with whom Elizabeth had been cohabiting.

And why was Elizabeth Jones referred to by the strange alias, 'the Morning Star of Liverpool' in *The Sydney Monitor* of 14 February 1835? Was Elizabeth ever at Liverpool? Liverpool is quite a long distance from Richmond and Wilberforce. Did the newspaper reporter make a mistake, perhaps? Was there another Elizabeth Jones (or Nowlan) at Liverpool who was known as 'the Morning Star'? It is a mystery!

And what did Mr. Justice Burton mean when he said that Elizabeth Jones had gone to the house at Wilberforce 'for the express purpose of prostituting herself'? Was Elizabeth Jones a prostitute? Was there something else given in evidence at the trial that was not reported in the

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<sup>5</sup> CON40-1-5, Image 217.

<sup>6</sup> *Dublin Weekly Register*, 14 August 1819, accessed via 'Ancestry.com', 28 November 2016.

<sup>7</sup> *New South Wales, Australia, Convict Registers of Conditional and Absolute Pardons, 1788-1870* [via Ancestry.com, on-line, accessed 27 November 2016.]

<sup>8</sup> *New South Wales, Australia Census, 1828* [via Ancestry.com on-line. Accessed 27 November 2016.]

<sup>9</sup> <http://www.convictrecords.com.au/> and <http://www.convictrecords.com.au/convicts/mullins> and via 'Ancestry.com', accessed 26 November 2016.

newspaper? Or was it simply that being ‘very intimate’ with Charles Mullins and ‘cohabiting’ with him constituted prostitution in the eyes of the judge? Again, it is a mystery?

And, perhaps the biggest mystery of all is this: What happened to Elizabeth Jones after serving her time in VDL?

Her seven years as a convict were unpleasant ones for her. She re-offended many times and was frequently punished by the authorities.<sup>10</sup> In May 1835, after being in VDL for just six weeks, she was charged with refusing to obey the woman to whom she had been assigned. The woman told the magistrate that Jones was ‘of no use to her’ and had stated that she was ‘not brought up to work’. She was returned to the Female House of Corrections and ‘placed at the wash-tubs’ to await further orders.

In the six years between December 1835 and October 1841, she was charged another twenty-one times for offences including being drunk and disorderly, insolence and disobedience, neglect of duty, absenting herself from her master’s premises without permission, and misconduct in being in an overseer’s hut contrary to orders. On many occasions she was returned to the Female House of Corrections for punishments which included solitary confinement and hard labour often while being allowed only bread and water. In one instance, a magistrate ordered to be sent to ‘the other side of the island’, expressing his concern that she had ‘formed bad company’ at Hobart.

Eventually, however, her term of servitude was over. In 1842, she was granted a certificate of freedom.<sup>11</sup> Thereafter, she seems to have disappeared completely from the pages of history. Did she marry? Did she return to New South Wales? As yet there are no answers.

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<sup>10</sup> CON40-1-5, Image 217.

<sup>11</sup> Certificate of Freedom No.113, 1842, via Conduct Record: CON40-1-5, Image 217.