

James Morrisby and Ann Brooks

Archival Note originally prepared for Kingston and Arthurs Vale Historical Area (KAVHA) Research Centre, Norfolk Island in September 2020. It has been updated in this iteration in November 2023 to reflect more recent information on James Morrisby's military career.

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James Morrisby and Ann Brooks were early convict settlers of Norfolk Island about whom much has been said but not a lot is known for certain about their lives before their convictions in England. A reason for this is that on the one hand public access to official archives in both the United Kingdom and Australia was restricted until the 1960s¹ while on the other hand families in the Antipodes with convict ancestors either stayed quiet or simply did not know about the details².

These restrictions and inhibitions seem to have been particularly the case in Van Diemen's Land, ie Tasmania (which is where James and Ann ended up) until after 1962³. I knew nothing of James and Ann until told of them by a cousin in 1994. Other descendants did know more and earlier but families are not always good at sharing inherited information or their own research and until the advent of the internet seldom have had the means of doing so⁴.

Since the 1960s some writers have published biographical information on James and Ann⁵ but with inconsistencies and errors which often have since been amplified without reference to primary sources or other forms of corroboration⁶. Sources are seldom referenced, which is particularly a problem when relevant primary records cannot be found. Many speculations and misinterpretations in reading the records now abound.

I had no intention of researching James and Ann in 1994 beyond noting what had been said in books published then. Nor, as information came online, did I intend to do much more than to save copies of primary records I had seen. But, with intensive exposure to primary records over the last couple of years, I have become uncertain about some information and resolved to try to separate fact from speculation.

In this Note I have documented information that can be tested against the known primary sources cited (correctly, I hope) in the endnotes, or which appears likely from the secondary sources also referenced or circumstantial evidence, excluding some of the lesser details of James' and Ann's lives in Norfolk Island and Van Diemen's Land which are summarised elsewhere⁷.

The note has been updated to reflect information from British War Office records in a note by Edwin Morrisby obtained after my own fruitless searches in the The National Archives and Scots Guards Archives about James' military career.

I hope I have made it clear where I have drawn inferences or reported speculations.

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James Morrisby was baptised in Cawood (Yorkshire) on 23 January 1757⁸, and six generations of Yorkshire ancestors have been traced for him (including a father, Luke, said to have been

killed in the Cape Breton Island battle of Louisbourg in 1758⁹), but nothing is known of him before his enlistment into the Third Regiment of Foot Guards (later known as the Scots Guards) on 3 April 1776. That Regiment formed part of the composite Guards brigade that fought in America before its return to England in 1783, but in 1784 was carrying out watch duties based in the Tower of London¹⁰.

On 7 July 1784 James was charged with stealing an iron bar and breaking-in with intent to steal and was sentenced in the Old Bailey to seven years' transportation¹¹. He was discharged from his Regiment on 16 July 1784. None of this was widely known for the next two centuries which allowed stories to circulate about him such as that he served as a lieutenant in the Life Guards¹². This has not been helped by the facts that during the trial James claimed to have been in 'the guards' and others had said he had claimed a wife and five children and, perhaps, to have been a watchman¹³.

After two and a half years on the prison hulk *Censor* in the Thames¹⁴ he was transported on the *Scarborough* in 1787, arriving in Port Jackson in January 1788¹⁵. He was moved to Norfolk Island in March 1790 (where he was disembarked from *HMS Sirius* four days before it was wrecked)¹⁶. By February 1791, he appears to have been living with Ann Brooks on an acre in 'Sydney' (now Kingston) and by the expiry of his sentence in July was sharing a sow with her and her eldest son William known as Brooks¹⁷, possibly the child referred to in Ann's December 1787 trial who seems to have arrived in Port Jackson with Ann¹⁸.

Ann Brooks (not to be confused with a mother and daughter who arrived in Sydney on the *Pitt* in 1792, the younger of whom was also on Norfolk Island 1800-1813¹⁹), was born in the early 1760s and was convicted in London for stealing two linen bed sheets. From London court and other records, she may have been any one of: a then-21-year-old daughter of Charles M'Ginnis; a slightly older Ann Lavender who may have become Ann Brooks in the early 1780s; or a completely different Ann Brooks; all living on the fringes of 'respectable' society at the time²⁰.

This Ann (who appears in primary records only as 'Brooks' or 'Moresby' from 1787) was sentenced to seven years' transportation²¹ and arrived in Port Jackson, reportedly with William, on the *Lady Juliana* subject of Sian Rees' book *The Floating Brothel*, in June 1790²². She was sent to Norfolk Island on *HMS Surprise*²³ two months later by which time she was pregnant with her second son, who became known as Richard Larsom²⁴, fathered by an unknown seaman or convict (Larsom, perhaps, Simon Lavender, perhaps²⁵) who presumably had been her 'protector'.

It is said, but without a primary record²⁶, that James and Ann were 'married' by the Reverend Richard Johnson during the latter's three weeks on Norfolk Island in November 1791 (if so, perhaps reflecting a concern for good order amongst the convicts rather than for any previously married states²⁷).

Confusingly, Ann's five children with James (all born on Norfolk Island²⁸), along with Richard (nothing seems known of William after 1801²⁹) were recorded as 'Lavender' in 1805, as they had been in 1802 excepting 'Dinah' (*sic*, who was named Brooks)³⁰, but her three eldest sons were recorded as 'Brooks' in 1792-5³¹. To add to the confusion Richard was listed as 'Richard Burns Lavender' in 1802³².

In 1791 James was granted twelve acres of arable leasehold between Watermill Creek and the

Mount Pitt Path (now Taylors Road)³³ and by October 1793 when he was annotated as 'blacksmith' (he had enlisted as 'labourer') he had cleared seven acres³⁴, probably with the help of assigned convict labour. This lot ('known as *Morrisby's Farm*'³⁵) appears to have been enlarged to 16 acres in 1794 in which year Governor King described him as 'industrious' and prevented him from selling up³⁶. Perhaps James, as his sentence had expired, had been planning to return to England. That lease was put into the name of James' eldest son in 1796³⁷.

Subsequently, James took up a further 22 acres nearby, also, and he purchased another 34 acres (which is beside where an airport runway is now located)³⁸ in 1802 when he was a constable³⁹. He also crewed on the island tender servicing *HMS Reliance* in 1798/99⁴⁰.

In December 1807, on an 1804 recommendation by Lt Governor Foveaux⁴¹, James and Ann left behind their small house and barns when the Norfolk Island settlement was being closed down and they were evacuated with their five shared children on *HMS Porpoise* in 1807 to Van Diemen's Land⁴² where James initially was granted 80 acres in the Clarence Plains near Rokeby⁴³ in exchange for his Norfolk Island leases.

Richard followed them⁴⁴, Ann died in 1813⁴⁵ and James remarried in 1816 to Eleanor Murphy who died in 1821⁴⁶. James continued farming *Belmont Lawn*⁴⁷ until his death in 1839⁴⁸, acquiring more land including land in Hobart (he had helped the Constables arrest a bushranger in 1817⁴⁹) which he assigned to his eldest son in 1818 and 300 further acres in Muddy Plains, Clarence Plains, which he was granted in 1828⁵⁰.

James appears to have acquired further land also from his son in law, George Smith who married Grace the elder daughter and second of the five children of James with Ann in Hobart in 1810⁵¹. The Smiths' youngest son Henry was later to marry an unrelated Henrietta Letitia Smith, to become two of my great grandparents and the reason for my interest in Henry's grandparents.

As to the wife and child(ren?) James left behind in England little is known for certain, but a likely wife (Mary Eaves⁵²) and child (Catherine Dorcas Morrisby who married William Davison and later George Davison⁵³) have been linked to him⁵⁴ – in which case it may have been his wife who died in a London poor house in 1823⁵⁵.



James Morrisby (ca 1757-1839)

Artist unknown, ca 1825

Pencil and watercolour; possibly a copy by Allan Lancelot Morrisby of an original

24 x 49 oval

Tasmanian Museum and Art Gallery Art Collection AG5106

Acknowledgement

This Note would not have been possible without input from cousins and others, in addition to the sources that are listed below, and I wish to acknowledge their valuable co-operation.

Endnotes and Sources [references are as complete as I currently can make them]

¹ Lucy Frost (2011), 'The Politics of Writing Convict Lives: Academic Research, State Archives and Family History'. *Life Writing* 8:1, pp 19-33. (<https://www.tandfonline.com/doi/abs/10.1080/14484528.2011.542327>)

² In the case of James and Ann, unpublished Notes made by H H Smith (ca 1896) and S E L Smith (1889) and shared amongst mainly New Zealand cousins since 2014 summarised what they had been told by their father [Henry Smith] about their grandparents, George Smith and 'Miss Morisby' [sic], and alluding to James as a guards-man but not mentioning him as a convict.

³ Merran Williams (2015), 'Stain or badge of honour? Convict heritage inspires mixed feelings'. *The Conversation*, June 8 2015, <https://theconversation.com/stain-or-badge-of-honour-convict-heritage-inspires-mixed-feelings-41097>; Anne McKay (ed, 1963), *Journals of the Land Commissioners for Van Diemen's Land, 1826-28* (Tasmanian Historical Research Association, Hobart).

⁴ A notable exception appears to have been Edwin Morrisby, for example in a letter dated 1983 to Frank and Thelma Cardiff in which he cited information that appeared to have come from family sources as well as from his own research in England between 1957 and 1972 [see also note 11].

⁵ The earliest of these appear to have been John Cobley (1970), *The crimes of the First Fleet convicts*. (Angus & Robertson, Sydney) [which lists James as 'John Morrisby' apparently from a transportation arrivals indent; see note 15]; and C J Smee & C Selkirk Provis (1979), *The Pioneer Register (1788-1820 Association, Artarmon)*.

⁶ Irene Schaffer & Thelma McKay (1992, pp 97-108), *Exiled Three Times Over: Profiles of Norfolk Islanders exiled in Van Diemen's Land 1807-13* (St Davids Park Publishing Hobart) lists sources.

⁷ Fuller information about their lives on Norfolk Island has been reliably summarised in Cathy Dunn (2015, pp 187-8), *HMS Sirius Her Final Voyage* (Australian History Research, Milton); similar information and relating to Van Diemen's Land as well is in Mollie Gillen's (1989, p 253) *The founders of Australia : a biographical dictionary of the first fleet* (Library of Australian History Sydney), Schaffer & McKay (1992) and Michael Flynn (1993, pp 174-5), *The Second Fleet : Britain's grim convict armada of 1790* (Library of Australian History Sydney). Gillen's work is of particular importance because her card index now in the State Library of NSW lists her sources; it uses the wording 'it is believed' and 'is said' for salient information which (according to Michael Flynn who is planning an update of the work, *personal communication* 21 March 2021) was not referenced in her card index and may have come from 'family' sources.

⁸ An All Saints, Cawood (Yorkshire West.Riding) baptismal record exists for 23 January 1757. This date is given by Morrisby (1983) as being for James' 'birth' but his birthdate appears not to be known. James was given as aged 66 in his 1816 Hobart marriage registration (perhaps a guess) and aged 89 in his 1839 Rokeby burial registration, ie born about 1750.

⁹ Merle E Pinch (ca 1994), *Morisby-Moresby-Morrisby* (published privately). This gives fuller information on James' family history than is in Morrisby (1983) but Pinch does not cite sources. Her spelling for Louisbourg is mistaken.

¹⁰ Information relating to James Morrisby's military career comes from a Note written by Edwin Morrisby (ca 1980), *James Morrisby 1757-1839*, unpublished typescript, in which he details information found in 'War Office Records'. I was unable to locate service records in the [British] National Archives (TNA), Scots Guards Archive or Household Cavalry Archive in 2020/2021, so they remain to be found perhaps in musters and pay books in TNA. The possibility of American service is raised by circumstantial information in Edwin's note, which I have edited and posted online including at <https://ijsbowie.files.wordpress.com/2022/04/morrisby-james-1757-1839-edwin-morrisby.pdf>. Pinch (ca 1994) gave the date of his enlistment into the 'Scots Guards' as 3 April 1776, which suggests that she may have known from Morrisby (1983).

¹¹ Transcript of his 7 July 1784 Old Bailey trial is at <https://www.oldbaileyonline.org>.

¹² Both Smiths (ca 1889 and ca 1896) imply that he might have been 'lieutenant Life Guards George 3'. The extent of detail reported by Edwin Morrisby (ca 1980) makes it more likely that he served in the Third Regiment of Foot Guards. Curiously, Richard D Holmes (before 2009) reported in www.oocities.org/taslinks/ (an archived website) that in 1863 James Morrisby was remembered as "the old Guardsman and Norfolk Island settler", but I not been able to find a primary source for this.

¹³ These claims were made by witnesses and not explicitly by James. It appears that James was still in the Third Regiment of Foot Guards which was engaged in watch duties (https://en.wikipedia.org/wiki/Scots_Guards). As he was still enlisted at the time of his trial he may have appeared to witnesses to have been a member of 'the Watch'.

¹⁴ Home Office, *Correspondence and warrants 1784 and 1787* (The National Archives HO 13 and 77).

¹⁵ Home Office, convict transportation indents for the *Scarborough 1787 and 1788* (The National Archives HO 11/1/1, indexed in New South Wales State Records NRS 12188 Indents, volume 4/4003). James' 26 January 1788 arrival was recorded as 'John Morrisby' [sic] in a duplicate index (New South Wales State Records NRS-12188 Indents, volume 4/4003A, formerly The National Archives CO 207/1). The ship had arrived in Botany Bay on 22 January.

¹⁶ Described by Ralph Clark, 14 March 1790, *The Journal and Letters of Lt Ralph Clark 1787-1792* (<http://setis.library.usyd.edu.au/ozlit/pdf/clajour.pdf>). James was on stores from 17 March (NSW Commissariat, *Norfolk Island Victualling Book 1792-95* (The National Archives CO 201/9).

¹⁷ Colonial Office, *Papers*, 'An account of sows and pigs delivered to the Convicts 1791' (The National Archives CO 209/9).

¹⁸ William's name does not appear on *Lady Juliana* transportation indents and his birth details are uncertain. Flynn (1993, p 175) wondered whether he might have been the William Brooks who was baptised in Whitechapel on 2 July 1786 [the baptism later that July of another William Brooks in Holborn was to parents who were in England after 1790].

¹⁹ See: Carol J Baxter (ed, 1989a), *Musters of New South Wales and Norfolk Island: 1800-1802* (Australian Biographical and Genealogical Record in association with the Society of Australian Genealogists, Sydney); Carol J Baxter (ed, 1989b), *Musters of New South Wales and Norfolk Island: 1805-1806* (Australian Biographical and Genealogical Record in association with the Society of Australian Genealogists, Sydney).

²⁰ These speculations are all consistent with information from trials at the London's Central Criminal Court (<https://www.oldbaileyonline.org>) and records at <https://www.digitalpanopticon.org>. Ann Brooks has been said to have been shown as age 25 in a ship's muster but ages are not shown on known convict transportation indents. John Cobley (1989, p 33), *The Crimes of the Lady Juliana Convicts* (Library of Australian History Sydney) gave her as 25 at her trial on 12 December 1787. Don Chapman (1981, p 193), *Seventeen eighty-eight: the people of the First Fleet* (Cassell North Ryde) lists 'Ann Lavender' as wife of James Morrisby as does Smee (1988), *First fleet families of Australia: containing genealogical details of four hundred & fiftysix first fleters, their children & grandchildren* (Woolnough, Artarmon), but their sources for this name are unknown. J H Donohue (1988, p 91), *Tasmania 1803-1820: The people and their families* (published privately, Sydney), and J H Donohoe (1990, p 31), *The First Fleet Families* (Fast Books, Glebe) give her as 'Ann Lavender Brooks' with no source cited. Flynn (1993, p 175) claims that Ann 'sometimes used the name Lavender in colonial records' which cannot be confirmed. Ann's age may have been inferred from the age given (51) in her 1813 Hobart burial registration; her names may have been inferred from her younger children mostly being named Lavender in the 1802 and 1805 musters (Baxter 1989a and 1989b) although Ann's three oldest sons were named Brooks in the 1792-95 victualling book (NSW Commissariat, *Norfolk Island Victualling Book 1792-95*, The National Archives CO 201/9).

²¹ Transcript of Ann's 12 December 1787 Old Bailey trial is at <https://www.oldbaileyonline.org/>.

²² Home Office, Convict transportation indent for the *Lady Juliana 1789* (The National Archives HO 11/1, p 18). It arrived in Port Jackson on 3 June 1790: Sian Rees (2001), *The Floating Brothel* (Hodder, London).

²³ NSW Commissariat, *Norfolk Island Victualling Book 1792-95*, p 56a. She appears to have been accompanied by William: p 75a, shows him also to have arrived off *HMS Surprise* on 7 August 1790.

²⁴ His 1791 birth is noted in the *Norfolk Island Victualling Book 1792-95*; he was given as aged 58 in his 1849 death registration.

²⁵ C J Smee (1990), *The Second fleet families of Australia containing genealogical details of 349 second fleters, their children and grandchildren* (published privately, Artarmon), has Simon Lavender as a husband of Ann Brooks. In fact, Simon and Ann were in Port Jackson at the same time for barely a month (she left for Norfolk Island on *HMS Surprise* on 1 August 1790 and Simon arrived in Port Jackson on the 26 June 1790). Simon Lavender was on Norfolk Island only between 1791 and 1795 according to the *Norfolk Island Victualling Book 1792-96*, p 35b. Flynn (1993, p 74) speculated that Richard 'may have been fathered by a seaman of the *Lady Juliana*' before it sailed for Canton on 25 July 1790, perhaps giving currency to that possibility.

²⁶ The date of 5 November 1791 (a Saturday) has been given for many 'marriages' on Norfolk Island. The only primary record that lends any support to this is Philip Gidley King's Note of 12 November 1791 (p 2) in his *Journals and letters 1791-1796* (<https://nla.gov.au/nla.obj-26005434/view?partId=nla.obj-26041378#page/n151/mode/1up>) to the effect that the Rev Johnson had married 'upwards of one hundred couples' in his time on Norfolk Island from 4 November. Circumstantial evidence suggests that these marriages were not officiated formally. Ann was shown as 'married' and living with James in a 1794 NSW Commissariat list of 'Free women off the stores and their

means of livelihood' (The National Archives CO 201/10, p 221).

²⁷ The observation reflects that of Arthur Bowes Smyth in a journal entry for Wednesday 30 January 1788 (<http://archival-classic.sl.nsw.gov.au/transcript/2017/D36405/a1085.html>).

²⁸ George [born in 1793 according to the *Norfolk Island Victualling Book 1792-95*, p 80b; he was given as 31 in his 1826 death registration]; Grace [born 1797 according to her baptismal registration], Diana [born 1799, per baptismal registration]; Henry [1803, per registration]; and John (1805, per registration).

²⁹ William's name does not appear in Norfolk Island records after 1796. Flynn (1993, p 175) thought he 'almost certainly' was the so-named 16-year-old seaman on *HMS Porpoise* in 1801 [whom Admiralty musters in The National Archives, ADM 35, show to have enlisted on *HMS Lady Nelson*].

³⁰ Baxter (1989a and 1989 b). See Note 19.

³¹ *Norfolk Island Victualling Book 1792-95*.

³² NSW Commissariat, *Norfolk Island Victualling book 1802* (The National Archives CO 201/29: 201-25). One transcription online incorrectly has 'Richard Burns Lavender'.

³³ Colonial Secretary, *Register of Land Grants and Leases 1792-1865* (Archives Authority of NSW, transcript of the 1796 lease in Register 1).

³⁴ Colonial Office, *List of Settlers Lots Norfolk Island (1794)* CO700-12 p58

³⁵ Colonial Office, *List of Norfolk Island Settlers and Landholders with details of Land (1793)*, CO201-009 p267

³⁶ Philip Gidley King, *Journals and letters 1791-1796*, May 1794 (p 140). He describes Ann there as 'wife'.

³⁷ Colonial Secretary, *Register of Land Grants and Leases 1792-1865* (Archives Authority of NSW, Transcript of the 1796 lease in Register 1).

³⁸ Colonial Secretary, *Register of Land Grants and Leases 1792-1865* (Archives Authority of NSW, Transcript of the 1802 lease in Register 1).

³⁹ Baxter (1989a and 1989b).

⁴⁰ *HMS Reliance* ship's muster: boat crew list, 19 November 1799 (Admiralty Papers, The National Archives ADM 36).

⁴¹ Joseph Foveaux (1804), 'Report of Settlers on Norfolk Island who may wish to vacate their respective Allotments of Land', *Historical Records of Australia*, Series 1, Vol 4, pp 216-17; J B Walker (1902) 'Early Tasmania', *Papers read before the Royal Society of Tasmania during 1888 to 1899* Hobart 1902 (<http://gutenberg.net.au/ebooks13/1300961h.html#ch-25>).

⁴² Colonial Secretary, *Papers*, 'Second embarkation per the Porpoise for the Derwent 26 December 1807' (The National Archives CO 201/9). *HMS Porpoise* arrived in the Derwent on 17 January 1808.

⁴³ Colonial Secretary, *Register of Land Grants and Leases 1792-1865* (Archives Authority of NSW) Register 2 [Van Diemen's Land] p 74.

⁴⁴ He was a witness at the 13 January 1812 Hobart marriage of Daniel Anderson and Elizabeth Macloud and married Ann Kidner the following month.

⁴⁵ Hobart burial registration, 2 February 1813 [as 'Moresby'].

⁴⁶ Hobart marriage registration, 11 November 1816, and burial registration, 14 February 1821.

⁴⁷ Wendy Andrew (2008, p 76), *Footprints: The People and Places of Early Clarence Plains and Rokeby* (Tranmere-Clarence Plains Land & Coastcare Inc, Howrah) [at www.stors.tas.gov.au].

⁴⁸ St Matthew, Rokeby, Van Diemens Land, burial registration 29 May 1839

⁴⁹ *Hobart Town Gazette and Southern Reporter*, 12 July 1817.

⁵⁰ University of Tasmania, *Miscellaneous Manuscripts*, 1(b)
https://www.utas.edu.au/data/assets/pdf_file/0004/64489/rs129_miscellaneous_manuscripts.pdf

⁵¹ Irene Schaffer (1991, p 7), *Private George Smith of His Majesty's Royal Marines* (published privately, Hobart).

⁵² Smee (1988) and Donohue (1990) give James' first wife as 'Elizabeth Donaldson'; Schaffer & McKay 1992, p 97) and Pinch (1994, p 9) give 'Mary Donaldson'. More likely is Mary Eaves who married James Morrisby at St Sepulchre, Holborn, on 25 November 1782.

⁵³ Catherine Dorcas Morrisby, daughter of James Morrisby and Mary [no surname], was baptised at St Sepulchre, Holborn, on 30 March 1784, married William Davison in Dukes Place on 25 Oct 1807 [Smee (1988) has some details incorrectly] and George Davison in Bethnal Green on 12 Aug 1817.

⁵⁴ Descendants of Catherine Dorcas Morrisby (by James Morrisby to Mary Eaves) have been linked by AncestryDNA to descendants of Grace Morrisby (by James Morrisby to Ann Brooks). AncestryDNA tests also confirm a relationship between descendants of Grace Morrisby and descendants of Richard Larsom child of Ann Brooks by an unknown father.

⁵⁵ St Bartholemew-the-Great, Hoxton, death registration, 26 Feb 1823.