

James Birnie (c.1762 – 1844)

James Birnie, merchant, ship-owner, and sea captain arrived in NSW in 1809 accompanied by his wife Martha Matilda. Birnie engaged in sealing and whaling while acting as colonial agent for shipments from his brother's company Alexander Birnie & Co.

Birnie was influential in colonial society. He was an original shareholder in the Bank of NSW and was elected to the first general committee of the NSW Philanthropic Society 'for the Protection & Civilization of such of the Natives of the South Sea Islands who may arrive at Port Jackson'.

He received a grant of 700 acres (283 ha) in 1814, and took possession of land on the shores of Kamay Botany Bay. Buildings and fences were erected and land cultivated, but James and Martha Matilda never lived there.

Pronounced insane in 1828, his estate was placed under administration. With no legal property rights, his wife endured years of struggle to gain financial independence and control of the estate. Birnie died in 1844 and Martha Matilda in 1851

Mystery of the missing shire pioneer headstone solved

by Elizabeth Craig

Contributors to the *Bulletin* have visited the story of James and Martha Birnie, the first landholders of the Sutherland Shire district, many times in the last 50 years, beginning with an article by founding *Bulletin* editor, Marjorie Hutton Neve in the very first edition in September 1966. This latest story concerns a project championed by Marjorie in 1972 to bring the Birnie's headstone home to the Shire. While researching for *Caretakers of our Past*, my history of the SSHS for its golden anniversary, I discovered that in fact Marjorie's project remained unfinished. The headstone had not come home.

This is the story.

Background¹

Captain James Birnie and his wife Martha Matilda arrived in Sydney in 1809 and lived in O'Connell Street. He was a wealthy merchant from London who had first visited Sydney three years earlier while on a sealing and whaling voyage in his ship, *The Star*. The Birnies mixed with the higher echelons of Sydney society, and Governor Macquarie even invited James to take part in discussions about founding the Bank of New South Wales. Martha Matilda supported Governor Macquarie's Orphan School and was a member of the Auxiliary Bible Society of New South Wales.

In 1815 the Birnies were granted 700 acres on the Kurnell peninsular. The property, which they called Alpha Farm, covered what is now Kamay Botany Bay National Park and Kurnell village. They built a three-room cottage, a dairy and an outhouse for servants on the farm, but never lived there. They employed a manager to run the dairy and develop an orchard which was irrigated by the spring used by Cook and the crew of the *Endeavour* when they landed in Kurnell in 1770.

The Birnies' fortune took a turn for the worse when James developed mental health problems and squandered his wealth. By 1828 he was declared a 'lunatic', and his estate was put in the hands of trustees. Alpha Farm was sold to John Connell and to support themselves Martha auctioned their premises in O'Connell Street and her furnishings, with the proceeds going to the trustees for management.

Married women had no property rights until 1870 and Martha, despite her efforts, was unable to protect her financial interests. Even the 500 acres Governor Macquarie had granted her at Mullengullengong (near Braidwood) in her own name in 1821 did not protect her because the two trustees she had been directed to appoint to manage the estate failed to execute a Deed of Trust giving title to Martha. So in 1838 when she tried to sell her property, Omega Farm, at Mullengullengong it was regarded as part of her husband's estate. Martha pursued every avenue she could to secure Omega Farm in her name, including appealing to the Colonial Secretary in London. By 1843 it was judged too much time had elapsed since her land grant, and the claim was dismissed. With the system against her this courageous woman and her now dependent husband lived their last years in poverty. Marjorie Hutton Neve writes:

... Martha Matilda Birnie, when adversity struck, sacrificed every social and material comfort to remain with helpless and hopeless husband... he a bedridden lunatic until his death, she gradually becoming infirm and blind with the passing of years.²

James Birnie died in 1844 at the age of 82 and was buried in the Presbyterian section of the Devonshire Street Cemetery. On her death, aged 76 in 1851 Martha was buried beside her husband. There they laid until 1901 when the cemetery was reclaimed for the construction of the Central Railway Station. Those gravestones not removed by descendants of the pioneers - including the headstone of James and Martha Birnie who had no descendants - were transferred to Botany Cemetery.

Move to bring home the Birnies' headstone

Sixty nine years later, in 1970, SSHS secretary, Norman Horwood discovered the Birnie's headstone in an obscure spot in Botany Cemetery. He alerted the managers, who restored the headstone and made a feature of it at the Cemetery's entrance. The SSHS also asked the Sutherland Shire Council to erect a stone memorial to James Birnie at Kurnell at the corner of Captain Cook Drive and Prince Charles Parade. However, the Council, though sympathetic rejected the idea as their funds were devoted to the Cook Bicentenary. The Society considered instituting a public appeal to pay for the work.³

Then in 1972, the matter was raised again. It was agreed that because of the Birnies' status as the Shire's first landholders, their headstone should be moved to Alpha Farm, and Marjorie Hutton Neve approached Sutherland Shire Council again. Council agreed with the proposal, as did Botany Cemetery and the Captain Cook Landing Place Trust which managed the Kurnell Reserve on which Alpha Farm stood. The date for the unveiling was set for 1 July 1972 and the headstone was to be placed in the grounds of the staff headquarters which had been built over the ruins of the Birnie's cottage. The matter was not mentioned again in the Society's Minutes or the *Bulletin*.

Fast forward to 2016

Considering a photo of the headstone would go well in my history of the Society, I went to the Alpha Farm site armed with my camera to look for it. It was nowhere to be found, and nobody at Kamay Botany Bay National Park knew anything of it. Eventually, a ranger looked up the Captain Cook Landing Place Trust Minutes of 1972 for me. There, on 4 August it was recorded that the headstone would now be brought to Alpha Farm only after the staff headquarters, which had been built over the ruins of the original cottage, were removed. The headstone was to be laid adjacent to the ruins with a memorial plaque. So where was it?

My enquiries took me to Botany Cemetery, now Eastern Suburbs Memorial Park. A section of the Park had been designated Pioneer's Memorial Park. My husband, Ted and I walked up and down the rows of pioneer headstones, scrutinising the inscriptions. Many of them had deteriorated so much it was impossible to read the names. Then suddenly Ted called out, 'I've found it!' And there it was indeed, with evidence of the restoration in the 1970s still clear, although the face of the headstone is fragile with a layer of the sandstone peeling off. It read:

To the memory of
JAMES BIRNIE
who departed this life
14th July 1844 aged 82 years.
ALSO
MARTHA MATILDA BIRNIE
wife of the above
who departed this life
12th November 1851 aged 76 years⁴

Why hadn't the headstone been moved to Alpha Farm in 1972 as planned? Well, the demolition of the staff headquarter had never occurred, and so the headstone was never transferred. The opportunity to transfer the Birnie's headstone to Alpha Farm at all was missed when in 1976, along with all the other pioneer headstones in Botany Cemetery, it was set in concrete footings and placed in the newly created Pioneers Memorial Park.

I could feel the spirit of Marjorie Hutton Neve pushing me to solve the mystery and finish the story. I'm sure she'd have been satisfied.



Birnie headstone (left) in Pioneer Memorial Park, Eastern Suburbs Memorial Park

[Photo Ted Craig, Feb. 2016]

¹ SSHS Minutes, 3 March, 1970; 'President's Remarks', *SSHS Bulletin*, January, 1971, SSHS Minutes, 15 June, 1972

² *Martha Matilda of Sydney Town*, Hutton Neve, 1972

³ Captain Cook Landing Place Trust Minutes, 4 August, 1972

⁴ Headstone, James and Martha Matilda Birnie