## **FITZHARDINGE, Grantley Hyde**

Grantley Hyde Fitzhardinge was the fourth son of William George Augustus Fitzhardinge, and was born at Waverley on 6th November 1845. Educated at St. Philip's Grammar School, St. James's Grammar School, and Sydney Grammar School, he graduated at the Sydney University in 1867, and obtained the degree of M.A. in 1869. He was called to the Bar in 1868.

Judge Fltzhardinge was one of four brothers, all in the law, who in their younger days were known to row from the Lane Cove River to Broken Bay In a skiff, starting off at 2 a.m. on a Sunday.**1**

In March 1873 there were two boat races between the Universities, both of which were won by the Victoria Alma Mater. Some months since a few old rowing men desirous of having an intercolonial race rowed on the Yarra, met together, and having guaranteed liberal prizes for a wager boat race and gig races, soon started the affair.

Their indefatigable hon. sec., Mr. Byrne, has gone so energetically to work, that when the entries closed on the 1st February, it was found that there were six entries, viz., two from Ballarat, Geelong, Melbourne, Hobart Town, and Sydney.

The crew chosen to represent Sydney were C. Deloitte (bow), G. H. Fitzhardinge (No. 2), R. A. Clark (No. 3), M. A. H. Fitzhardinge (stroke), J. G Blaxland (emergency man). The same crew that had won the last two intercolonial races. They decided not to have a new boat built, and immediately went into training. About a week prior to departure of the crew,

Mr. Grantly Fitzhardinge found that professional engagements would preclude him taking part in the race. This was a great loss, as his great experience would have been a great benefit to them, not only in the boat, but also during their residence in Victoria whilst training.

Previously, in January 1872, in Hobart, Mr. Grantly Fitzhardinge was in a boat race between the Sydney Club and Geelong.**2**

On 19th April 1876, at Christ Church, Sydney, Grantley Hyde Fitzhardinge, M.A., was married to Julia, youngest and fourth daughter of the late John Yeomans, a pioneer farmer on the Hawkesbury.**3**

Children of the marriage were:

Una, born 1877, district of Balmain [died 1885]

A stillborn daughter, born October 1882, at “Nunda”

Julie G., born 1884, district of Balmain

John F., born 1886, district of Balmain

Richard G., born 1888, district of Balmain**4**

‘On Anniversary Day, 1877, no fewer than twelve 24-footers competed in the race for their class. It was a kind of double race, in which the boats were divided between amateurs and professionals. The course was a long one, from Lavender Bay, round Manly, the flagship and Shark Island, and the breeze was light. The crews included some of the smartest sailing men in the harbor. Duke and Coryphene got stuck under Milson's Point for a time owing to a bit of luffing on the part of the former. Coryphene sailed into fifth place, and it may be mentioned that Coryphene was skippered by Mr. Grantly Fitzhardinge.’**5**

In 1878 Mr. Grantley Fitzhardinge, barrister-at-law, was gazetted to be Clerk Associate to Mr. Acting Judge Stephen, for the approaching Circuit Courts, to be held at Dubbo and Grafton, on the 3rd and the 18th October, 1878, respectively.**6**

In 1881 he was appointed Crown Prosecutor for the Southern district.**7**

On 12th September 1884 Grantley’s father, William George Augustus Fitzhardinge, solicitor, died at his residence, Glenmore-road, Sydney, aged 74 years.**8**

In October 1884 Mr. Gardner, daring the off season, turned out half-a-dozen open fishing boats, amongst them a powerful 126-footer, 8 feet beam, 3 feet 3 inches depth, for Port Darwin, and several watermen's skiffs; and in the pleasure line, a 21 foot centre boarder for Mr. Grantley Fitzhardinge.**9**

At a meeting of the Executive Council Mr. G. H. Fitzhardinge was appointed a Crown Prosecutor to the Sydney district, replacing Mr. Healy. Mr. Merewether would succeed Mr. Fitzhardinge in the South-Western district.**10**

In 1890 he was appointed a District Court Judge.**11**

In December 1893 Richardson and Wrench, Limited, held a sale of Crown land at Pennant-Hills. ‘This property is situated at Red-hill, on both sides of the load from Ryde to Hornsby, about three-quarters of a mile northerly from Beecroft platform, and about three-eighth of a mile south-westerly from Pennant-hills platform, partly surrounding the reserve for observatory, the elevation of which is 615ft. above sea level. The land is well adapted for cultivation or residential purpose.’

The property was purchased by Judge Fitzhardinge, and in May 1894 it was reported that he was going to build.

In October 1895 Judge Fitzhardinge and his family came to live in their newly completed mansion on the Pennant Hills-road and were enjoying the lovely scenery and salubrious atmosphere of the locality.**12**

In November 1896 Grantly Hyde Fitzhardinge, Judge of the Southern District, was appointed to act as a Judge of the Metropolitan, Suburban, and Hunter District during the month of December.**13**

In October 1897 it was reported that ‘Judge Fitzhardinge must have spent hundreds of pounds in earthworks about his picturesque residence at Pennant Hills. It is on the summit of a hill which runs down steeply.’

In December 1899, at the Beecroft Progress Association, Mr. Tucker proposed that the Government be asked to spend an additional £75 within Beecroft on the main Beecroft road, from the metalled portion on Fitzhardinge’s or Red Hill as far as it would go. It was agreed that a letter to this effect be addressed to the Minister for Works and sent under cover to Mr. Terry.

In July 1900 complaints were made concerning that piece of roadway between Judge Fitzhardinge's property and the main Pennant Hills road, as it was in a deplorable state, being, in wet weather, simply impassable.

In May 1902 it was reported that ‘At Redhill, the residence of Judge Fitzhardinge, there are a few roses and other flowers, but the splendid Virginian creeper, which covers two sides of the large brick house, is especially worthy of admiration, and it seems to be excellently adapted to dry weather, for the drought has not impaired its luxuriance.**’14**

In 1907 ratepayers of the district included:

Mrs. Julia Fitzhardinge, off Main Road, Beecroft, occupied by Gantrey [sic] Fitzhardinge, Judge in Law Courts, 9 acres 3 roods 29 perches

John Fitzhardinge, Law Judge, Beecroft, 7 acres 0 roods 31 perches

[John Fortesque Grantly Fitzhardinge, Esq., M.B., Univ., Sydney, was gazetted as Government Medical Officer at Pambula in September 1913]**15**

In August 1913 ‘The 'Red Hill,' Beecroft, the sticky condition of which in wet weather was the despair of carters and motorists, is now being ballasted by Hornsby Council.’**16**

In 1918 his son, Captain John Fortesque Grantly Fitzhardinge, was mentioned in despatches. His name was brought to the notice of the Secretary of State for War by General Sir Edmund Allenby, Commander-in-Chief of the Egyptian Expeditionary Forces, for distinguished services in connection with military operations under his command. Captain Fitzhardinge had been In Egypt and Palestine about two years, and most of that time was attached to the 5th Light Horse as regimental doctor.**17**

Judge Grantley Hyde Fitzhardinge retired from the District Court Bench in December 1918, as required under the Judges Age Limit Act.**18**

On 16th January 1927, at Red Hill, Pennant Hills, Julia, wife of Grantley Hyde Fitzhardinge, died, aged 78 years.

She was survived by her husband and a family of three, a daughter Miss Julia Fitzhardinge, and two sons, Dr. John Fitzhardinge (Prince of Wales Hospital, Randwick) and Mr. Richard Fitzhardinge (Gulargambone). The interment took place at the Field of Mars Cemetery and was preceded by a service at the house, conducted by the Rev. W. M. Gurmett (Church of England), who also officiated at the graveside. There was a representative gathering, the Chief Justice (Mr. Justice Street) being represented by his associate, Mr. A. H. Curlewis.**19**

On 23rd July 1939, at his residence *Redhill*, Pennant Hills, Grantley Hyde Fitzhardinge, M.A., District Court Judge, retired, died aged 94 years.

He was well-known in Maitland and in the Northern district.

From time to time he acted as a Judge of the Supreme Court.

‘On circuit, he always adjourned early to Twofold Bay, so that he could get to his beloved sport, fishing. He would put away his wig and gown, and then dress in a battered old guernsey and a torn pair of sandshoes - clothes that would stamp him, even according to modern custom, as a real fisherman.’

‘Even in the eventide of his life there was clearly discernible in him something of the once sturdy physique that stood to him in the days when, as Crown Prosecutor, and later as Judge, he either rode on horseback or drove In a sulky on outback circuit.’

‘The death of Judge Fitzhardinge yesterday at the age of 94 leaves now only one alive of the "Big Five" who impressed their colourful personalities on the District Court and Quarter Sessions proceedings of a score and more years ago. The last of these five judges is Judge Backhouse, now growing gerberas and still following aquatic sports in his retirement.’

His remains were cremated at the Northern Suburbs Crematorium.

The chief mourners were Miss J. Fitzhardinge (daughter), Dr. John Fitzhardinge, Dr. T. Fitzhardinge and Mr. R. Fitzhardinge (sons), Messrs. Grantley Fitzhardinge (grandson), Moreton Fitzhardinge (brother), Vivian Fitzhardinge, Arthur Fitzhardinge Noel Fitzhardinge, Eric Fitzhardinge, Ashley Gilfillan, Robin Gilfillan, Allan Yeomans, Clyde Yeomans, B. Bryant, E. R. Day, D'Arcy Roberts, Chas. Roberts and Clive Fitzthardinge; Misses Janet Fitzhardinge, Dorothy Fitzhardinge, Thelma Long, Helen Gilfillan, Mr. and Mrs. St. John, Mrs. C. Tiley, Mr. and Mrs. Wilfred Sheppard, Mr. and Mrs. Seton, and Mr. Peter Seton, Mrs. K. Stillman, Mr. and Mrs. R. J. Yeomans, Dr. and Mrs. H. Fitzhardinge, and Mr. and Mrs. H. Dean (nephews and nieces).

LEGAL MEMORIES.

‘Recalling legal memories, Judge Fitzhardinge would speak of the occasion when the hearing of an important case before the court was adjourned because of the sudden illness of Mr. Edward Butler, then one of the leaders of the Bar. On his return to court at a later date, Mr. Butler was congratulated by the then Chief Justice (Sir James Martin) on his recovery. Mr. Butler then explained to the court that it was against his doctor's orders that he had resumed practice, but that he had done so in the interests of his client. With that, Mr. Butler fell forward on the table. Judge (then Mr.) Fitzhardinge, with others, went to his assistance, but he was beyond aid.

Turning to life's lighter side, Judge Fitzhardinge recalls the eventful day when, on circuit at Walgett, in his judicial capacity, there was an extraordinary heavy list of cases. The court officials informed the Judge that it would be impossible to provide light if he sat after the usual adjournment hour. The Judge decided to find a way out of the difficulty, and the court sat at night under the fitful light of candles stuck in the necks of beer bottles.

The Judge would recall the days when he had either to ride, with a pack horse behind, or drive a sulky to keep his circuit engagements over long stretches of primitive country. On one occasion, after an eventful journey he took his seat in Court in his riding breeches at 10 a.m. to open the Court. He then adjourned proceedings for about half an hour so that he could have a "brush up."

LONG JOURNEY.

On another occasion, in an endeavour to open the Court at Wilcannia on a specified day, he had, in his capacity as Judge, to travel down the river to Morgan, about 400 miles away; then take train to Adelaide; proceed by train from Adelaide to Broken Hill, and, finally, go by coach from Broken Hill to Wilcannia. The Judge was a day late, after all, but he had taken the precaution to advise the Crown law authorities of the possibility of his being behind time. The department thereupon issued a fresh proclamation, synchronising the sitting of the Court with the date of his arrival in Wilcannia.’**20**

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4 NSW Registry of Births Deaths & Marriages; Sydney Morning Herald, Wed 25 Oct 1882

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8 Sydney Morning Herald, Sat 13 Sep 1884; Wagga Wagga Advertiser (NSW), Tue 16 Sep 1884

9 Sydney Mail and New South Wales Advertiser, Sat 25 Oct 1884

10 Clarence and Richmond Examiner and New England Advertiser (Grafton, NSW), Sat 3 Dec 1887

11 Maitland Daily Mercury (NSW), Mon 24 Jul 1939

12 Daily Telegraph (Sydney, NSW), Fri 1 Dec 1893; Cumberland Mercury, Sat 19 May 1894; Cumberland Free Press, Sat 19 Oct 1895

13 Evening News (Sydney, NSW), Sat 14 Nov 1896

14 Cumberland Argus and Fruitgrowers Advocate, Sat 2 Oct 1897; Cumberland Argus and Fruitgrowers Advocate, Sat 16 Dec 1899; Cumberland Argus and Fruitgrowers Advocate, Sat 21 Jul 1900; Cumberland Argus and Fruitgrowers Advocate, Sat 10 May 1902

15 Hornsby Council Ratepayers List 1907; Government Gazette of the State of NSW, Wed 24 Sep 1913

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17 Daily Telegraph (Sydney, NSW), Wed 1 May 1918

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20 Sydney Morning Herald, Mon 24 Jul 1939; North Western Courier (Narrabri, NSW), Mon 24 Jul 1939; Maitland Daily Mercury (NSW), Mon 24 Jul 1939; Muswellbrook Chronicle (NSW), Tue 25 Jul 1939; Sydney Morning Herald, Tue 25 Jul 1939

**NOTE**: Additional information contained within Beecroft Cheltenham History Group website and book ‘Beecroft and Cheltenham, the Shaping of a Sydney Community to 1914’.

**Further References:**

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