

ART. I.—*Some Notes on the Lowthers who held Judicial Office in Ireland in the Seventeenth Century.* By Sir EDMUND T. BEWLEY, LL.D., late a Judge of the Supreme Court of Judicature in Ireland.

Read at Durham, June 20th, 1901.

IN the pedigree of Lowther of Lowther recorded at the Visitation of Cumberland and Westmorland of William Dugdale, Norroy, King-of-Arms, in March, 1664 (Add. MS. Brit. Mus. 32,116), the fourth son of Sir Richard Lowther, the Lord Warden of the West Marches, is described as "Sir Gerard Lowther, Kt., Chief Justice of the Common Pleas in Ireland," to which Mr. Foster, in his edition of the Visitation (*Foster's Visitations of Cumberland and Westmorland*, p. 85), has added from another source* :—"mar. dau. of Clyborne of Westmorland, and after dau. of Welby, Yorks;" and a somewhat similar description is given in the principal county histories of Cumberland and Westmorland (Nicolson & Burn, vol. i., p. 432; Hutchinson, vol. ii., p. 74).

In Burke's *Extinct Baronetcies*, at p. 327 Sir Gerard Lowther is represented as a son of Sir Christopher Lowther (the eldest son of Sir Richard), by his wife Eleanor Musgrave, and is described as "of St. Michael's, Dublin, Chief Justice of the Common Pleas in Ireland, and afterwards (1654) Lord Chancellor of that Kingdom;" while in the pedigree of Lowther, given under the Lonsdale peerage in the edition of Burke's *Peerage for*

* See the copy of the Visitation of Cumberland by Richard St. George, Norroy, in Harl. MS., 1435, f. 9.

1900, Sir Gerard's name is accompanied by the statement —“of St. Michan's, Dublin, appointed (1610) Judge of Common Pleas in Ireland; d.s.p. 3 April 1660.”

Sir Gerard Lowther, Chief Justice of the Common Pleas in Ireland, was a well-known character in Ireland towards the close of the reign of Charles I. and in the time of the Commonwealth, but he was not a son of Sir Richard Lowther; and it will be shown in the course of the following notes that in the pedigree given by Dugdale he has been confounded with another Sir Gerard Lowther, who had been a puisne Judge of the Common Pleas in Ireland in the reign of James I., and that in the reference in Burke's *Peerage* these two Judges have been rolled into one. It is right, however, to add that when this error was brought under the notice of the editor of the *Peerage* by the writer of these notes immediate steps were taken to have it corrected.

Sir Lancelot Lowther, who was appointed a Baron of the Exchequer in Ireland in 1617, was a son of Sir Richard Lowther, and a younger brother of Sir Gerard Lowther, Justice of the Common Pleas.

These three Lowthers will now be noticed in the order in which they obtained judicial office.

(1) SIR GERARD LOWTHER, ONE OF THE JUSTICES OF THE COMMON PLEAS IN IRELAND (1610-1624).

This Gerard Lowther was a son of Sir Richard Lowther by his wife Frances, daughter of John Middleton, and is stated to have been the fourth son of the marriage.

He appears to have practised at the English Bar, and in the King's letter directing his appointment as an additional Judge of the Common Pleas in Ireland he is described as an ancient counsellor, and by the advice of the Lord Chancellor of England and some of the Judges meet for the office.

The appointment was necessitated by the then state of the Court of Common Pleas, the existing judges being

apparently disabled by age or infirmity from active work. The patent appointing Gerard Lowther is dated the 12th October, 1610, and by the King's directions he was given an allowance of £100 English over and above the usual fees "for his better enablement in His Majesty's service."

Mr. Constantine J. Smyth, in his *Chronicle of the Law Officers in Ireland* (London, 1839), and the editor of the *Liber Munerum Publicorum Hiberniæ*, speak of him as "Gerald" Lowther, and he appears to have been so called in several public documents; but as his name is given as "Gerard" not only in his patent of appointment and the Privy Seal directing its issue, but also in his will (afterwards referred to) and in an inscription on a memorial tablet in honour of his father Sir Richard Lowther in Lowther Church, and in his funeral certificate in Ulster's office, it must be taken that this is the correct version.

A document of 1611, published in the State Papers (Ireland), temp. Jas. I., 1611-1614, p. 79, enables us to see what an important addition to his Court Gerard Lowther must have been:—

"THE LIST OF THE JUDGES AND BARONS WHICH SERVE IN HIS
HIGHNESS' COURTS OF JUSTICE IN IRELAND.

.

IN THE COMMON PLEAS.

Nich. Welche, Knight, a native of Ireland, of His Majesty's Privy Council in that country, now old and weak.

Pet. Palmer, an old man; hath served in that place many years; is now a suitor for an increase of his pension.

Cha. Coltrope, Knight, an old weak man, unable to serve.

The fourth is Garat Lother, lately sent over, who is like to do good service in his place."

At this time it was customary for all the Irish Judges, whether their legal education had been conducted in Ireland or not, to become members of the King's Inns, Dublin, and accordingly Gerard Lowther was admitted to

the King's Inns on 7th November, 1610, and he subsequently took a lively interest in that institution. He was treasurer in 1616, and acted on at least one occasion as an auditor of its accounts, and he was also one of the trustees in whom its property was vested.

Gerard Lowther, while attending to the duties of his office, was not negligent of his private concerns. By purchase of the interests of some of the original patentees he became an undertaker in the plantation of Ulster, and an owner of extensive estates in the counties of Tyrone and Fermanagh.

On 3rd May, 1618, he received the honour of knighthood, and is entered in the Register of Knights in Ulster's office as "Sir Garret Lowther," *Garret* being at that time a colloquial rendering of Gerard.

Among the MSS. in the British Museum is a "Muster Book of all the Undertakers, Servitors, and Natives of Ulster" (Add. MS., No. 18, 735: State Papers [Ireland], temp. James I., 1615-1625, p. 220).

In this, which is stated to be of the year 1618, are the following passages:—

P. 221.

"THE MUSTER ROLL OF THE COUNTY OF TYRONE.

BARONY DE CLOHER.

* Sir Gerrand Lowther... 1,000 acres"

P. 223.

"THE MUSTER ROLL OF THE COUNTY FERMANAGH.

BARONY DE LURGH.

* Sir Gerrand Lothor 1,000 acres

[*Note*.—Those with an asterisk in the margin appeared not either with men or arms upon their summons.] "

Another muster roll in the British Museum (Add. MS. 4770, f. 276; printed in Gilbert's *History of Affairs in*

Ireland, 1641-52, i., p. 333) gives the following particulars:—

THE COUNTY OF FARMANAGH.

	Acres.	Men.	Swords.	Pikes.	Musketts.	Cullevvers.
Sir Gerard Lowther out of his undertaker's lands ...	2,000	47	40	17	9	13

In an inquisition of the 28th February, 1623-4, taken at Enniskillen, published in *State Papers temp. James I.*, 1615-25, pp. 464-8, the name of "Gerrald Lowther" appears as one of the British undertakers in respect of certain lands in the Barony of Lurge and County of Fermanagh.

The particulars of Sir Gerard Lowther's acquisitions in the counties of Tyrone and Fermanagh will be found in Nicholas Pynnar's "Survey," made between 1st December, 1618, and 21st March, 1619, published in the *Carew Papers*, 1603-24, pp. 392, 400, 409, 411. In the notes to Pynnar's "Survey," given in the *Rev. George Hill's Plantation of Ulster*, Sir Gerard Lowther is in the usual manner confounded with his namesake, who became a Baron of the Exchequer in 1628.

Upon these lands in Fermanagh, in pursuance of the conditions* laid down by the King and Privy Council in 1608 for the undertakers upon the plantation of the escheated lands in Ulster, Sir Gerard Lowther built a castle or fort with a strong court or bawn about it, and close to it a village was established which received the name of Lowtherstown. By letters patent of the 20th February, 1618, the right to hold a market and fairs there was granted by the King to Gerard Lowther (therein erroneously called Gerald Lowther), a Justice of the Common Bench, in consideration of his good and faithful

* For the orders and conditions to be observed by the undertakers, see *A Concise View of the Irish Society*, printed by order of the Society in 1822.

service. As under the conditions above referred to, an undertaker for the space of five years next after the date of his letters patent was bound to be resident in person on his portion, or to place some such other person thereon as should be allowed by the State of England or Ireland, Sir Gerard Lowther put his brother Captain Hugh Lowther in occupation of the castle, and made him an annual allowance for looking after the property.

Sir Gerard Lowther married, first, Grace, daughter of Alan Bellingham, Esq., of Levens, Westmorland, and widow of Edmund Cliburn, Esq., of Cliburn, Westmorland; and, secondly, Anne, daughter and co-heir of Sir Ralph Bulmer, Knight, of Wilton, County Durham, and widow of . . . Welbury, Esq., of Castle Eden, in the same county (Funeral certificate in Ulster's office), but there was no issue of either marriage. The following epitaph on his first wife was inscribed on a tablet in the chancel of Catterick Church, Yorkshire:—

“ Gratia, Bellingamii filia, vidua Cliburni, Gerardi Lowtheri uxor, lectissima fœmina, summæ pietatis, invictæ patientiæ, charitatis in pauperes maximæ, verborum parciore, eximiæ prudentiæ, singularis in maritos obsequii, mortis adeo memor, ut septem postremis hujus peregrinationis suæ annis nunquam iter faceret quin linteum sepulchrum circumferret. Obdormivit in Domino anno ætatis suæ 36, 1594.”—(Whitaker's *History of Richmondshire*, vol. ii., p. 30.)

Mr. Foster, in his *Peerage of the British Empire* (ed. 1883, p. 442), has treated this lady as the wife of Captain Hugh Lowther, of Lowtherstown, one of Sir Gerard Lowther's brothers; but, according to the records in Ulster's office, the latter married “the widow Borough.”

Sir Gerard Lowther made his will, dated the 24th September, 1624, and is therein described as “Sir Gerrard Lowther, Knight, one of His Majestie's Justices of the Court of Common Pleas in Ireland.” The following extracts from it throw light on the family pedigree and history:—

"And as concerneing my manors, lands, and estate in England I have already disposed thereof by conveyance duly perfected, onely I have putt in writing and signed with my owne hand certaine directions to my right welbeloved brother William Lowther of Ingletoune which I desire and charge him to observe as my last will, and performe the same as if they were inserted in this testament. And for my houses, lands, tenements and hereditaments in Penrith and elsewhere within the Counties of Cumberland and Westmorland, which were the inheritance of my uncle Gerard Lowther, late of Penrith Esquier, deceased, and which I purchased from my father Sir Richard Lowther, Knight, for very valuable consideration truly and really by me paid unto him for the same, I give and bequeath the said houses and all the said lands and tenements of inheritance, with all and every their rights, members and appurtenances, and all my right, use, title, interest and estate therein unto my welbeloved god sonne Gerard Lowther of the King's Inns Court in Dublin Esq. and to his heirs and assigns for ever.

Item. For my lands of inheritance, I have already estated them by conveyance duly executed upon my nephew Richard Lowther, eldest son and heir apparent to my good brother William Lowther of Ingletoune Esquier."

And after a bequest of his leases, goods, chattels, debts, &c., to his said nephew Richard Lowther, is the following provision :—

"Nevertheless my will is that my good brother Captaine Hughe Lowther, as a memory of my brotherly, kynde love unto him, shall dureing his life (if he be so pleased) continue at Lowtherstowne in farmanaghe, as now he doth, and have the custody of the forte and bawne there, with the same allowance he now receaveth; and in token of my true respect of and deare affection unto my ryght loving brother Mr. Barron Lowther I release unto him all such interest, covenants, and agreements as I have from him concerning his lands and farms in the Co. of Meath, and one bond of one thousand pounds I have of his for the paiement of a lesser sume, and another debte of two hundred pounds, for which I have a note under his hand, and all demands concerning the same, excepting onely one debt of six score pounds of sterling Englishe moneys now due to me at the feast of St. Michael the Archangell now next and immediately ensuing for some corne by him sold to my use.

I constitute and ordaine my said brothers supervisors of this my

last will and testament, and desire them to see the same truly performed and to be not only as freinds and kinsmen but as fathers to my executors, and especially to my said nephewe Richard, whom I leave to them as the true and living memory of my selfe."

The will then contains a bequest to the testator's cousin, Thomas Hutchinson, of £200, charged upon certain lands in the County of Kildare therein mentioned, and bequests to the testator's servants, and proceeds:—

"And lastly I constitute and ordaine my said nephewe Richard Lowther and my said god sonne Gerard Lowther executors of my last will and testament."

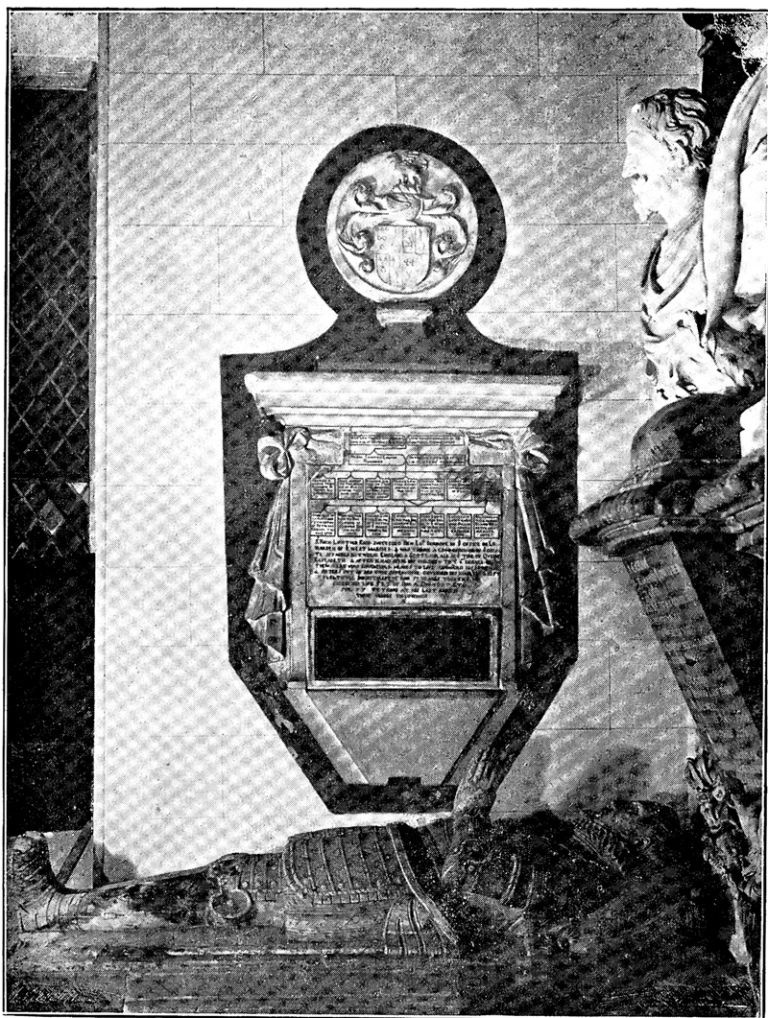
The original will is in the Public Record Office in Dublin. It is engrossed on one side of a skin of parchment, and bears at foot the signature "Ger^d. Lowther," and has the remains of a large pendant seal attached.

The publication of the document as the last will of Sir Gerard Lowther, Knight, is attested on the back by three witnesses, one of whom is Lancelot Lowther, who is evidently the testator's brother, the Baron of the Exchequer.

At this period executors took a beneficial interest in the residuary personal estate of the testator, and supervisors were frequently appointed to look after the executors and see that they paid the legacies given by the will, and discharged the testator's liabilities.

It will be seen that the principal objects of the testator's bounty, so far as they are disclosed by the will, were his godson Gerard Lowther and his nephew Richard Lowther. There appears to have been some secret trust affecting the testator's English estates, which his brother, William Lowther, was charged to carry out.

No indication is given by the will as to the relationship (if any) between the testator and his godson Gerard Lowther, but it will be shown presently that the latter is



THE LOWTHER MONUMENT IN LOWTHER CHURCH,^o
WESTMORLAND,

TO FACE P. 9.

the Gerard Lowther who afterwards became a Baron of the Exchequer in Ireland, and subsequently Chief Justice of the Common Pleas in Ireland.

The references in the will to the testator's father, Sir Richard Lowther; his uncle,* Gerard Lowther, of Penrith; and his brothers William of Ingletoun, Captain Hugh of Lowtherstown, and the Baron of the Exchequer, demonstrate that the testator was Sir Gerard Lowther, son of Sir Richard Lowther of Lowther and Frances Middleton, his wife. There is abundant evidence *aliunde* to show that this son had relations answering the above descriptions.

In the south transept of Lowther Church, Westmorland, above the recumbent effigy of a Knight in plate armour, there is a tablet inscribed with the pedigree of the Lowther family, from which the following extracts have been taken:—

<div> <div>RICHARD LOWTHER=FRANCES the Knight married daughter of John and had issue by Middleton of Middleton Esq</div> </div>			
ANN married to Alexander Fetherston of Fetherst. Esq they Have issue	FRANCES married to Tho: Cliborne of Cliborne Esq and hath issue	GERARD LOW THER Esq: one of ye Justices of ye Common Pleas in Ireland	Sr. CHRISTOPH LOWTHER Knt married Eli- nor Musgrave and hath issue
HUGH LOWT HER Capitay: ne in ye voyage of Portugale A Dni	LANCELOTT LOWTHER Es: qvire Sollici: tor General to Qveene Anne	WILLIAM LOW THER married Elinor Wel: berye and by Her hath issue	

"Sr Rich. Lowther Knig: succeeded Hen: Lo^d Scroope in ye office of Lo: Warden of ye West Marches, and was thrice a Commissioner

* In the pedigree of Lowther of Lowther, recorded by Richard St. George, Norroy, King-of-Arms, at his Visitation of Cumberland in 1615 (as published in vol. vii., p. 3, of the Harleian Society's publications), the Christian name of the testator, as well as that of his uncle, Gerard Lowther, of Penrith, is given as "Edward." This, however, is an error. The original MS. from which the Visitation has been printed (Harl. MS., 1536) has been examined, and the name in each case is "Gerrard."

in y^e greate affayres between England and Scotland, all in y^e time of Qveene Elizabeth, and after he had seene his children to y^e fourth degree, given them vertuous education and meanes to live, advanced his brothers and sisters ovt of his owne patrimonye, governed his family, and kept plentifull hospitalyte for 57 yeares, he ended his life y^e 27 of Jan A^o Dni 1607, Ætat. suæ 77, vttring as his last breth these verses following."

The verses were never added, though a brass plate was inserted for their reception. (For a copy of the inscription, see Llewellyn Jewitt's *Reliquary*, vol. xvii., p. 191.) From the description given in the tablet of Gerard and Lancelot Lowther, it would appear to have been put up after Gerard Lowther had become a Justice of the Common Pleas in Ireland and before Lancelot Lowther had been appointed a Baron of the Exchequer, and therefore at some date between October, 1610, and July, 1617.

Sir Gerard Lowther died on 14th October, 1624, and was buried on 19th October, 1624, in Christ Church Cathedral, Dublin (Smyth's *Chronicles of the Law Officers of Ireland*, pp. 127 and 218; and Funeral certificate in Ulster's office); and on 19th January, 1626, Samuel Maiart was appointed a Justice of the Common Pleas in his place.

The arms of Sir Gerard Lowther, as emblazoned in his funeral certificate in Ulster's office, are:—"Or, 10 annulets, 4, 3, 2, and 1, sable," with a crescent for cadency; and the arms of his brother Captain Hugh Lowther in his funeral certificate are the same, with a mullet instead of a crescent for cadency. The arms of the Irish Lowthers appear to have been differenced from those of the Lowthers of Lowther by the addition of four annulets.

(2) SIR LANCELOT LOWTHER, ONE OF THE BARONS OF THE EXCHEQUER IN IRELAND (1617-1637).

Lancelot Lowther was the seventh son of Sir Richard

Lowther of Lowther, and junior both to Sir Gerard Lowther, Justice of the Common Pleas in Ireland, and Captain Hugh Lowther of Lowtherstown.

Like his brother Gerard, he appears to have practised at the English Bar with some success, and he was Solicitor-General to Queen Anne, the consort of James I.

He was appointed a Baron of the Court of Exchequer in Ireland by patent dated 3rd October, 1617, in the place of Sir John Elliott, deceased; and in the Privy Seal of 9th July, 1617, under which the appointment was made, it is stated that he "hath been recommended unto us by our right trustie and welbeloved counsellor Sir ffrauncis Bacon, Knight, Keeper of our greate seale of England, to be a man learned in the profession of the lawe and otherwise worthie and well quallified to performe that ymployment."

He was admitted a member of the King's Inns on 4th November, 1617, and obtained the degree of B.A. from Trinity College, Dublin, *Æstiv.* 1624. He was incorporated as a B.A. from Dublin at Christ Church, Oxford, on 11th October, 1624, and obtained the degree of M.A. there on 20th June, 1625.

As according to the usual practice of the day, he was appointed during pleasure, his appointment came to an end on the death of James I., and upon the accession of Charles I. a fresh patent was issued, dated 16th April, 1625, continuing him in his office. He was knighted on 4th December, 1631; and he married, first, Elizabeth, daughter of Anthony Welbury, Esq., of Castle Eden, Co. Durham, by whom he had no issue; and, secondly, Anne, daughter of Thomas Coote, Esq., by whom he had a son, who predeceased him. (Funeral certificate in Ulster's office.)

He died on 10th January, 1637, and was buried at Skryne, in the Co. of Meath, on the 13th of the same month.

- (3) SIR GERARD LOWTHER, ONE OF THE BARONS OF THE EXCHEQUER IN IRELAND (1628-1634), AND CHIEF JUSTICE OF THE COMMON PLEAS IN IRELAND (1634-1660).

The parentage of this Gerard Lowther is involved in obscurity. From an unofficial MS. pedigree of the Lowther family in Ulster's office, compiled by Sir William Betham, Ulster, King-of-Arms, it would appear that he was a natural son of Sir Christopher Lowther of Lowther, brother of Sir Gerard Lowther, the puisne Judge of the Common Pleas. He was probably the Gerard Lowther who matriculated at Queen's College, Oxford, on 7th June, 1605, and was then described as "of Cumberland, *arm. fil. nat. max:* aged 15." (Foster's *Alumni Oxonienses*.) He appears to have been admitted a student of Gray's Inn on 16th February, 1607-8, when he was described as "Gerrard Lowther of Penrith, Cumberland, gent." (Foster's *Register of Admissions to Gray's Inn*, p. 116), and he was called to the Bar at Gray's Inn in 1614. He was admitted at the King's Inns, Dublin, on 20th April, 1619, and was resident there at the time Sir Gerard Lowther, the puisne Judge of the Common Pleas in Ireland, made his will. In the entry of his admission to the King's Inns he is merely described as "Gerardus Lowther, armiger."

The King's Inns was and is the only Inn of Court in Ireland, and at this time was situate on the north bank of the Liffey where the present Law Courts, known as the Four Courts, now stand, on the site of an ancient Priory of the Friars Preachers.

The King's Inns for some time contained the Courts of Law, as well as chambers for the Judges and members of the Bar; and it seems probable that for some years before the death of the first Sir Gerard Lowther his godson, Gerald Lowther, had been settled in Dublin, and was practising at the Bar. By letters patent, dated 26th

November, 1622, the office of Attorney-General of the province of Munster was granted to Gerard Lowther, Esq., to hold during good behaviour, with the yearly fee of 20 marks; and this office would, of course, necessitate a residence in Ireland.

Sir Gerard Lowther, the puisne Judge of the Common Pleas, had devised to his godson, Gerard Lowther, the houses in Penrith which had been the inheritance of his uncle, Gerard Lowther, late of Penrith. Amongst these was the house known originally as Newhall, and afterwards as Dockray Hall, described by Mr. William Jackson in the Cumberland and Westmorland Antiquarian and Archæological Society's *Transactions*, vol. iv., p. 410. In a paper by Mr. George Watson on "Gerard Lowther's House, Penrith (Two Lions Inn)," read before this Society in June, 1900, and now printed in *Transactions*, vol. i. (N.S.), p. 94, he shows amongst other things that it was purchased by Gerard Lowther—brother of Sir Richard—in 1584, and was sold and conveyed on 9th September, 1626, by "Gerard Lowther of Dublin in the realm of Ireland Esquire," to Mrs. Mary Grame; and a subsequent deed of conveyance of the same premises, dated 7th May, 1659, from Thomas Bewley, of Woodhall, in the Parish of Caldbeck and County of Cumberland, and Mungo Bewley, his brother, of Ivegillhead, in the Parish of Hesket and same county, to Thomas Langhorne (an extract from which has been kindly furnished by Mr. George Watson), contains a recital of a deed of 5th May, 1632, whereby Mary Grame and William Lancaster, her son-in-law, granted to William Bewley, of Penrith, and Elizabeth Grame (afterwards Elizabeth Bewley, his wife), and their heirs, "all that capital messuage and tenement called Dockray Hall in Penrith, which Mary Grame had purchased from Gerrard Lowther, Knight, one of the Barons of His Majesty's Court of Exchequer in Ireland," to hold to the use of Mary Grame for her life, and after her death to the

use of William Bewley and his wife Elizabeth and their heirs.

In the interval between the deeds of 9th September, 1626, and 5th May, 1632, Gerard Lowther had been appointed a Baron of the Exchequer in Ireland, viz., by patent dated 14th September, 1628, and had on 9th November, 1631, received knighthood. Hence, although his designation was "Esquire" when he sold the premises to Mrs. Mary Grame in 1626, he was referred to in the deed of 1632 by the judicial title he then bore.

The identity of Gerard Lowther, the godson of the first Sir Gerard Lowther, with Sir Gerard Lowther, the Baron of the Exchequer in Ireland, is clearly proved by these transactions. The will of Sir Gerard Lowther, the puisne Judge of the Common Pleas, shows that the houses in Penrith of freehold tenure that had belonged to his uncle, Gerard Lowther, passed on the death of the latter to his elder brother, Sir Richard Lowther, and were bought from him by the testator. The testator gives them to his godson, Gerard Lowther; and the latter disposes of the principal one—Dockray Hall—to Mrs. Mary Grame.

In Smyth's *Law Officers in Ireland* and Foster's *Peerage of the British Empire*, Sir Gerard Lowther is stated to have been a serjeant-at-law in England, but his name does not appear in the list of serjeants given in Pulling's *Order of the Coif*, and no authority for the statement has been found.

In 1633 the Chief Justiceship of the Common Pleas in Ireland became vacant, Chief Justice Sarsfield having been deprived of that office by a decree of the Star Chamber in England; and on 5th March, 1633-4, Secretary Windebank, in a letter to the King, reminds him of supplying the place of Chief Justice of the Common Pleas in Ireland, "whereof there will be a necessity if the King resolve upon a Parliament there. The Lord Deputy made suit for its bestowal upon Sir Gerard Lowther, second Baron of the Exchequer here. Begs the King to

consider how much it imports his service to vouchsafe the Lord Deputy contentment herein." (State Papers temp. Chas. I., 1633-34, p. 488.)

The King accepted this significant hint, and by letter under his private signet, dated 13th March, 1633-4, appointed Sir Gerard Lowther, Chief Justice of the Common Pleas in Ireland, and directed that he should be sworn a Privy Councillor, as his predecessors had been. The patent of appointment bears date 24th April, 1634.

In 1640, articles of impeachment for high treason of Sir Richard Bolton, Knight, Lord Chancellor of Ireland; John, Lord Bishop of Derry; Sir Gerard Lowther, Lord Chief Justice of the Common Pleas; and Sir George Ratcliffe, Knight, were prepared by order of the House of Commons in Ireland, dated 27th February in that year. The Lord Chancellor and the Chief Justice presented a petition to the House with the view of clearing their characters, whereupon, after debate, it was resolved "that the House should proceed no further upon the said articles of accusation against the said Lord Chancellor and Lord Chief Justice." (O'Flanagan's *Lives of the Lord Chancellors and Keepers of the Great Seal of Ireland*, vol. i., p. 338; *Commons Journal* (Ir.), vol. i., p. 298.) Further particulars of these proceedings will be found in Lord Mountmorres's *Irish Parliament*, vol. i., pp. 347-354; vol. ii., pp. 43 and 75.

In October, 1641, a rebellion broke out in Ireland, and soon afterwards England was in a state of civil war.

In September, 1643, the Irish Judges were consulted by the Government as to the advisability of dissolving the Irish Parliament, and in a document dated the 13th September, 1643, signed by Sir Gerard Lowther amongst others, they reported against doing so, on the grounds that the knights and burgesses should be elected by the freeholders and inhabitants, most whereof were then in rebellion. (Edmund Borlase's *History of the Irish Rebellion*, p. 171.) The Chief Justice seems to have

gained the confidence of the King, for in October, 1643, the following Royal letter was transmitted to him :—

“Whereas we have special occasion to use your advice in matters which very much import our Kingdom of Ireland, our will and command is, that upon receipt of these our letters you prepare yourself to repair to attend our further pleasure here at such time as you shall receive directions from our Justices there to that purpose, and thereof you are not to fail, as you tender the good of our service, and the restoring of that poor Kingdom to some degree of happiness. Given at our Court at Oxford 17 day of Oct. 1643. To our trusty and right well beloved Sir Gerard Lowther, Knight, Chief Justice of our Court of Common Pleas in Ireland.”

The attendance of Sir Gerard Lowther at Oxford was not, however, required for several months afterwards. On the 18th December, 1643, a proclamation was issued by the Lords Justices and Privy Council in Ireland condemning the solemn league and covenant, and this bore the signature of the Chief Justice as one of the Council.

On the 21st January, 1643, James, Marquis of Ormond was sworn in as Lord Lieutenant of Ireland, and during his tenure of office he appears with the King's approbation to have made use of the services of Sir Gerard Lowther, both at Oxford and Westminster, on affairs of grave political importance. (Borlase's *History*, p. 377). In April, 1644, a committee from the Privy Council in Ireland was sent by the King's commands to Oxford “to inform His Majesty of all matters of fact which had passed and of all the laws and customs necessary to be weighed upon what the Catholics should demand or propose.” The committee consisted of Sir William Stewart, Sir Gerard Lowther, Sir Philip Percival, and Justice Donnelan, to which were added—being already at Oxford—Sir George Radcliffe and Sir William Sambach. (Borlase's *History*, p. 182.)

In July, 1646, articles of peace were concluded between James, Marquis of Ormond, Lord Lieutenant of Ireland, and His Majesty's Commissioners, with Commissioners

for the Roman Catholic Confederates, and were published by a proclamation of the Lord Lieutenant and Council, dated the 13th July, 1646, to which Sir Gerard Lowther's name amongst others is appended. (Borlase's *History*, pp. 208-9.)

The peace so made was almost immediately repudiated by the Confederate party, and an attack on Dublin was threatened. Thereupon Sir Gerard Lowther, Sir Francis Willoughby, and Sir Paul Davis were sent by Ormond in September, 1646, as Commissioners to the Parliament in England to treat for the surrender of Dublin to the Parliamentary forces upon certain terms (Borlase's *History*, p. 219); and eventually in June, 1647, Dublin was delivered by Ormond to the Parliament's Commissioners, Arthur Annesley, Sir Robert King, Sir Robert Meredith, Colonel John Moore, and Colonel Richard Jones. (Borlase's *History*, pp. 232, 235.)

As Ormond stipulated as a condition for this surrender that he should have £5,000 in hand and £2,000 per annum for five years, until he could receive so much out of his own estate, it is not, perhaps, surprising that Sir Gerard Lowther should have exerted himself to retain his judicial office. In the *History of the King's Inns*, by Bartholomew Thomas Duhigg (Dublin, 1806), the author states at p. 190 that "Sir Gerard Lowther acquired a large property by steering with unprincipled craft through the boisterous ocean of contemporary troubles," and this somewhat rhetorical statement is repeated in the same words by Constantine J. Smyth in his *Chronicle of the Law Officers of Ireland*, p. 291. Sir Gerard undoubtedly not only submitted himself to the Parliamentary régime, but seems to have done all in his power to ingratiate himself with the new rulers.

There are many references to him in the published State Papers of the time of the Commonwealth, and he appears to have undertaken several duties outside judicial work for which he received payment. (See *inter alia*

State Papers (Domestic), 1650, pp. 334 and 601; State Papers (Domestic), 1651, p. 574.) A general judicial Commission, in cases civil and criminal, for the Province of Leinster, conferring jurisdiction also in testamentary matters was granted to him and others by the Commissioners of Parliament on 16th March, 1651 (MSS. in Archbishop Marsh's Library, Dublin, I., 28), and he presided at the trial of Sir Phelim O'Neil in February, 1652. His speech at the opening of the High Court of Justice on this occasion contains an elaborate disquisition on the crime of murder, occupying eleven folio pages in Borlase's *History*, pp. 367-377.

No steps appear to have been taken for the reappointment of Sir Gerard Lowther as Chief Justice of the Common Pleas until June, 1655. In the minutes of the proceedings of the Council of 13th June, 1655, appears:—

“To advise that Justice Cooke be a Justice of the Court of Upper Bench in Ireland, Justice Lowther Chief Justice of the Common Pleas, and Justice Donnelan a Justice of Common Pleas.

Approved 13th June.

(State Papers [Domestic], 1655, p. 206.)”

In 1655, when the office of Lord Chancellor became vacant, Cromwell appointed Sir Gerard Lowther one of three Commissioners for the custody of the Great Seal of Ireland.

The Protector's letter to Lieutenant-General Charles Fleetwood, the Lord Deputy, is dated 14th June, 1655, and he thereby appoints:—

“Richard Pepys, our Chiefe Justice assigned to hold pleas before us in our Court of Upper Bench in Ireland, Sir Gerrard Lowther, Our Chiefe Justice of our Court of Common Bench in Ireland, and Miles Corbet, our Chiefe Baron of our Exchequer there, to be Commissioners of our greate seale of Ireland, and have power to rule and manadge the businesse of and in our Chancery within that our Dominion, as the Chancellor or Keeper of the Greate Seale there

hath in time past, and shall so continue untill wee shall otherwise order.”—(*Liber Munerum Publicorum Hiberniæ*, p. 16 of part relating to Establishments in Ireland.)

Sir Gerard Lowther continued one of the Commissioners until William Steel, Esq., was appointed Lord Chancellor on 23th August, 1656; and on this ground several writers have erroneously described him as having been Lord Chancellor of Ireland.

Whenever the office of Lord Chancellor of Ireland is vacant, or the Lord Chancellor has to leave the jurisdiction, the Great Seal of Ireland is put in Commission, but the Commissioners, who are usually members of the Judicial Bench, do not thereby become Lord Chancellors. For example, the Right Hon. Sir Joseph Napier, Bart., ex-Lord Chancellor; the Right Hon. Mr. Justice Lawson, one of the Judges of the Common Pleas; and the Right Hon. William Brooke, Master in Chancery, were Commissioners of the Great Seal of Ireland from 11th March, 1874, to 1st January, 1875, Judge Lawson and Master Brooke retaining at the same time their previous judicial offices.

In acknowledgment of some special benefit, the following rambling and fulsome letter was written by Sir Gerard Lowther to Henry Cromwell, then Lord Deputy of Ireland, on 28th June, 1656 (Lansdowne MS., Brit. Mus., No. 822, f. 299):—

“Right Honorable and my very good Lord

Since y^t by reason of my present Infirmities I cannot waite on you to paye y^t Duty and Thankfullnesse I owe, for your many honorable favours, and for your last Bounty, extended unto mee, upon my humble petition which you were pleased to take into your owne care and custody; and to effect my orders thereupon: I most humbly beseeche your Honor to accept y^e tender of my Hart's true Thankfullnesse by those Lines; for y^t and all your favours towards mee. Your noble freedome and manner of effectinge y^t my suite Beeinge as much content to my Hart as y^e Bounty it selffe which you gave me, ffor all which I can make no other Retribution; But

with my Prayers to sollicite y^e Throne of Grace to multiply daily Blessings upon you; in y^e Increase of all Honor and Happiness upon you and your vertuous and right Honorable Lady and ffamily

And to remaine
Your Honor's
Most ffaithful and humble Servant
Gerrard Lowther

28 June 1656 "

On the death of Oliver Cromwell, Sir Gerard Lowther's appointment as Chief Justice of the Common Pleas was continued by Richard Cromwell, the Protector, by patent dated 7th October, 1658.

Sir Gerard Lowther married, first, Ann, daughter of Sir Laurence Parsons, a Baron of the Exchequer in Ireland; and, secondly, Margaret, daughter of Sir John King, Muster-Master General of Ireland, but he left no issue. (Records in Ulster's office.)

When considering the influence that led to his sudden change in politics, may not one say *cherchez la femme*? Sir Robert King, a brother of Sir Gerard Lowther's second wife, was one of the Commissioners appointed by the Parliament in 1645 to manage their affairs in the Province of Ulster and also one of the Commissioners appointed to receive the surrender of Dublin and of the sword of State from the Marquis of Ormond in June, 1647; and Sir Robert Meredith, who was connected with Sir Gerard Lowther's wife through her niece Mrs. Mary Meredith, was one of the Commissioners appointed by Parliament in 1647 to carry on the executive government of Ireland.

Sir Gerard Lowther lived in Oxmantown, then a suburb of Dublin, near to the only bridge that then spanned the Liffey in Dublin, and a short distance from the site of the present Four Courts. His house was in the Parish of St. Michan's, which then included all Dublin north of the Liffey. In a fine levied by him in Michaelmas term, 1658, he states that this dwelling-house was "lately vulgarly called and known by the name and

signe of the Phenix." It must have been at the corner of Church Street—the street running northwards from the Liffey by St. Michan's Church—for in an inquisition taken on 31st October, 6 William and Mary (1694), on the attainder of Sir William Ellis, he was found to have been seized of a large house in Church Street, in Oxmantown, formerly the property of Sir Gerard Lowther.

Dame Margaret Lowther, the second wife of the Chief Justice, died on 20th August, 1658, and was buried on the 24th of the same month in St. Michan's Church.

Sir Gerard Lowther made his will dated the 14th November, 1659, and after bequests to the poor Protestants of St. Michan's in Oxmantown, and to the churchwardens of the parish towards the reparation of the Parish Church, he devised to Mrs. Mary Meredith* niece to his late wife, Dame Margaret Lowther, his capital mansion and dwelling-house in Ostmantowne, otherwise called Oxmantowne, in the suburbs of the City of Dublin, situate at the north end of the great stone bridge of the said city over the river of the Liffey, and also the Manor of Donomore in the County of Meath, and all his messuages, lands, leases, &c., in the counties of the City of Dublin and Meath, to hold the said capital messuage in the City of Dublin and the said Manor of Donomore, in the County of Meath, to the said Mary Meredith and the heirs of her body, with remainder to her sister, Mrs. Frances King, and the heirs of her body, with remainder to Sir John King,† of Aby Boyle, in the County of Roscommon, and his heirs for ever.

The will then contained a proviso that such of his legatees, viz.:—Mary Meredith, Frances King, and Sir

* She was a daughter of Sir Robert King, Muster-Master General for Ireland, brother of Sir Gerard Lowther's second wife. She married, first, William, son and heir to Sir Robert Meredith of Greenhills, in the County of Kildare, Bart.; and, secondly, William, Earl of Denbigh and Desmond.—*Lodge's Peerage of Ireland*, by Archdale, vol. 3, p. 230.

† Eldest brother of Mrs. Mary Meredith; created Baron Kingston, 4th September, 1660.—*Lodge*, vol. 3, p. 226.

John King, as should have and enjoy the possession of his dwelling-house in Dublin and his Manor of Donomore, should within three years after his death distribute £500 amongst such of his mother's kindred in England as were householders and stood in need thereof, the said distribution to be made by the direction and appointment of his cousin Henry Lowther, of Cockermouth, merchant, and his cousin, Richard Fallowfield, Esq., or either of them.

And as for and concerning his manor of St. John's *juxta* Inishcorthy, in the County of Wexford, and the rectories and tithes in the territory of the Murrough in the said county, his will was that his cousin, William Cleburne, and his executors should enjoy the same according to the true intent of the indenture of lease for 31 years made to him by the testator, dated 25th September, 1659; and he bequeathed the reversion of the same to his godson, Lowther Parsons, one of the sons of his brother-in-law, William Parsons, late of Parsons-towne, *alias* Birr, in the King's County, Esq., and unto the heirs male of the body of the said Lowther Parsons, with remainder to his godson Gerrard Parsons, one of the sons of the said William Parsons, and the heirs male of his body, with remainder to the right heirs of the said William Parsons. A proviso then followed that within three years after the expiration of the lease the said rectories and tithes should be restored to the church.

The testator devised the Manor of Lowther, in the County of Farmanagh, and all his other manors, &c., unto Henry Lowther, of Cockermouth, in England, merchant, and the heirs male of his body, with remainder to Thomas Lowther, brother of the said Henry Lowther and the heirs male of his body, with remainder to George Lowther, younger brother of the said Henry Lowther, and the heirs male of his body, with remainder to Edward Lowther, son unto George Lowther, late of Screene in Ireland, deceased, and the heirs male of his body, with

remainder to the right heirs of the said Henry Lowther, of Cockermouth.

The testator released his cousin, Elizabeth Hutchinson, of all debts owing by her to him, and gave her the mortgage he had on her lands in the County Kildare; and he gave to his godson Richard Lowther, son unto his cousin Robert Lowther, merchant, late of London, the sum of £20.

And after certain gifts for mourning and gifts to his servants, the testator constituted and appointed William Basill, Esq., Lord Chief Justice of the Court of Upper Bench in Ireland; John Bisse, Esq., Recorder of the City of Dublin; and the said Mary Meredith, and his cousin William Sands, Esq., of Dublin, to be his executors.

He bequeathed £30 to each executor, and to his cousin* Basill, wife unto the Lord Chief Justice, one of his diamond rings; and another of them unto his sister† Bisse, wife unto the Recorder; and he gave to his cousin Sands his wife one of his mourning rings. The residue of his estate and effects he bequeathed to his executrix Mary Meredith.

The testator executed a codicil, dated 28th March, 1660, to his said will, the provisions of which are not material to be stated for the purposes of these notes. He died on the 3rd April, 1660, and was buried in St. Michan's Church, Dublin; and on 18th May, 1660, probate of his will and codicil was duly granted at Dublin to the executrix Mary Meredith, *alias* King, reserving the

* The expression "Cousin" is used in a wide sense. The second wife of William Basill, Lord Chief Justice, was Mary Caulfeild, daughter of William Caulfeild, second Baron Charlemont, by his wife Mary, daughter of Sir John King, Knight., and sister of Margaret King, Sir Gerard Lowther's second wife. Mrs. Basill was thus a niece of Dame Margaret Lowther.—Lodge, vol. 3, pp. 135, 138.

† "Sister" is not used here in a strict sense. The wife of John Byssie, Recorder of Dublin, and afterwards Lord Chief Baron, was Margaret, daughter of Francis Edgeworth, Clerk of the Hanaper, and widow of John King, Esq., brother of Dame Margaret Lowther.—(Records in Ulster's office.) Mrs. Byssie, therefore, was not a sister of Sir Gerard Lowther, but a sister-in-law of his wife.

rights of the other executors. The original will is in the Public Record Office, Dublin.

It will be noticed that in the three sets of limitations of his real estates the ultimate remainder in each case is not to the testator's own right heirs, but to the right heirs of one of the devisees. An illegitimate person has no heir-at-law, and the frame of these limitations, taken in connection with the peculiar bequest to his mother's kindred and other circumstances, tends to support the statement in Sir William Betham's pedigree of the Lowther family that Sir Gerard Lowther was not legitimate.

As the testator by his will disposes of the Manor of Lowther, in the County of Fermanagh, he must have purchased it from Richard Lowther, on whom it had been settled by the first Sir Gerard.

An inquisition, taken at Lowtherstown on the 2nd September, 1662, finds that Sir Gerard Lowther, the Chief Justice, was seized in fee simple of the Manor of Lowther at the time of his death; and after stating the provisions of his will in respect of these lands, it finds that Henry Lowther, of Cockermouth, by virtue of the said will, is the right heir of all the said premises, and was of full age and married at the time of the death of the said Gerard.* (*Inquis. in Off. Rot. Canc. Hib. Asser. Repertorium*, vol. ii.)

The arms of the Chief Justice, emblazoned in his funeral certificate in Ulster's office, are identical with those of the first Sir Gerard, with the same mark of cadency.

The error in the pedigree of Lowther of Lowther, recorded at Dugdale's Visitation of 1664, in confounding Sir Gerard, the puisne Judge of the Common Pleas, with Sir Gerard, the Chief Justice, has been adopted in a

* By a deed dated 23rd October, 19 Car. II. (1667), the manor of Lowther was sold and conveyed by Henry Lowther of Cockermouth to Gerard Irvine of Ardsгарth, in the Co. Tyrone; and the village of Lowtherstown came afterwards to be known as Irvinestown.

number of books in addition to those mentioned at the commencement of these notes.

In Sir Egerton Brydges' edition of Collins' *Peerage* (London, 1812), vol. v., p. 700, in the Lowther pedigree Sir Gerard Lowther, the fourth son of Sir Richard, is described thus :—

"4. Sir Gerard of St. Michar's Dublin, was seised of the manor, town, and park of Lowther in the County of Fermanagh; and of the manor of Dunamore in the County of Meath; and of St. John's, Inishcorthy, in the County of Wexford; and the rectories and tythes in the territory of Murrough, which he restored to the Church, as appears by his will and Lodge's *Irish Peerage*. He was Chief Justice of the Common Pleas in Ireland and one of the Lords Justices there; and in 1654 became Lord Chancellor of Ireland. (See Harris's history thereof, p. 112.) He married, first, Anne, daughter and co-heir of Sir Ralph Bulmer, relict of Welbury, Esq.; secondly, Anne, daughter of Sir Laurence Parsons (ancestor to the Earl of Ross), to whose grandson, Lowther Parsons, he left his manor of St. John's. His third wife was Margaret, daughter of Sir John King, ancestor to Lord Kingston; but he died without issue."

In Foster's *Peerage of the British Empire*, ed. 1883, p. 442, in dealing with the descendants of Sir Richard Lowther, Sir Gerard is thus described :—

"Sir Gerard, of St. Michael's, Dublin, and St. John's, Co. Wexford, Serjeant at law, England, admitted to the King's Inns 10th May 1610, baron of the Exchequer, Ireland, 1628, Chief Justice of Common Pleas, Ireland, 1634/60; lord chancellor 1654; d.s.p. 3, bur. at St. Michan's, Dublin, 10 April 1660, will dated 14 Nov. 1659; he m. 1st Ann dau. and coheir of Sir Ralph Bulmer of Wilton Co. Durham, and widow of Welbury of Castle Eden, same Co: he m. 2^{ndly} Anne dau. of Sir Laurence Parsons; he m. 3^{dly} Margaret dau. of Sir John King: she d. 20 Aug. 1658 bur. at St. Michan's 25th."

* The only entry of the admission of any Lowther to the King's Inns in 1610 is that of Gerard Lowther, Esq., a Justice of the Court of Common Pleas, on 7th November, 1610, on which day (as therein stated) he was sworn into office as such Justice.

The same statements are found in the Lowther pedigree given in Foster's *Pedigrees of County Families in Yorkshire*.

In the *Dictionary of National Biography*, vol. xxxiv, p. 223, in an interesting article on Sir Richard Lowther, his fourth son is represented to be Sir Gerard Lowther, Baron of the Exchequer, and Chief Justice of the Common Pleas in Ireland, of whose career the principal particulars are then given in detail.

In *The Irish and Anglo-Irish Landed Gentry, when Cromwell came to Ireland*, by John O'Hart (Dublin, 1884), a pedigree of the Lowther family is given at p. 98, and it contains the following description of Sir Gerard Lowther, son of Sir Richard Lowther and Frances Middleton :—

"Sir Gerard,* b. 1561 d.s.p. 1624. Chief Justice of the Court of Common Pleas in Ireland, who was the 2nd husband of Grace Bellingham. This Sir Gerrard's 2nd wife was Ann Bulmer, and his 3^d wife was Anne, dau. of Laurence Parsons, an ancestor of the present Earls of Rosse. (See the Parsons pedigree.) To the said Anne Lowther's nephew, namely, Lowther Parsons, the said Sir Gerard bequeathed his manor of St. John's, Co. Wexford."

At the foot of the page is this note :—

* "Gerard.—According to Burke's *Peerage* and Foster's *Yorkshire Pedigrees*, the first wife of Sir Gerard Lowther, Chief Justice of the Common Pleas in Ireland, was Anne Welbury, widow (daughter and co-heir of Sir Ralph Bulmer); the second wife, Anne Parsons; and the third wife, Margaret, daughter of Sir John King. But this Sir Gerard is, perhaps, mistaken for the Sir Gerard (d. 1660), who was also a Judge in Ireland, and who was a natural son of Sir Christopher."

And on the same page amongst the other sons of Sir Richard Lowther is :—

"Sir Christopher, who m. Elinor Musgrave, d. 1603, and with other children had: Sir Gerard Lowther, a Judge in Ireland, a natural son."

Of the many writers who have treated of the Lowther pedigree, Mr. O'Hart appears to be the only one aware of the existence of two Sir Gerard Lowthers who had been

Judges in Ireland; but though he rightly suggests that the editor of Burke's *Peerage* and Mr. Foster may have mistaken one Sir Gerard for the other, he falls into the very same error himself. He gives correctly the date of the death of Sir Gerard, the son of Sir Richard, but he not only describes him as Chief Justice of the Common Pleas in Ireland, but assigns to him one of the wives of the Chief Justice; and the devise of St. John's to Lowther Parsons, contained in the will of the Chief Justice made in 1659, is stated as the act of the Sir Gerard who had died a quarter of a century before.

In the account of the Lowther family in *The Great Governing Families of England*, by John Langton Sanford and Meredith Townsend (Edinburgh, 1865), vol. i, p. 56, when dealing with the children of Sir Richard Lowther, the Lord Warden of the West Marches, it is stated:—

"His fourth son Sir Gerard, who possessed the manor, town, and park of Lowther in Fermanagh, besides other property in Ireland, became Chief Justice in that kingdom, was *ex officio* one of the Lords Justices who carried on the Government, and in 1654 was appointed by Cromwell Lord Chancellor. Another son, Sir Lancelot, of Co. Kildare, was also a Baron of the Exchequer in Ireland, but the main line were Royalists, and only kept their estates by living in close retirement. Their head in the earlier part of the reign of Charles I. was Sir John Lowther, nephew of the Irish Chancellor."

Many more instances* might, no doubt, be given of the confusion between the two Sir Gerard Lowthers, which seems to have prevailed for the last 236 years or thereabouts; but enough has been stated to show how widespread it has been, and how in course of time Sir Gerard, the Chief Justice, has virtually supplanted the earlier Sir Gerard. The principal events in the life of the Chief

* See, for example, *Loidis and Elmete*, by Thomas D. Whittaker (Leeds, 1816), p. 258; *The Household Books of Lord William Howard*, Surtees Society's Publications, vol. lxviii, p. 371 *in notis*; Sharpe's *Peerage of the British Empire*, vol. ii. (Lonsdale Peerage); Jefferson's *History of Allerdale Ward above Derwent*, p. 372; Whellan's *History of Cumberland and Westmoreland*, p. 796.

Justice, his change of politics, his marriages, and his testamentary dispositions have all been attributed to Sir Gerard, the son of Sir Richard.

As neither of the Sir Gerard Lowthers left any issue, the correction in the Lowther pedigree made by these notes does not affect any question of descent.

It is but right, however, to rescue Sir Gerard, the son of Sir Richard, from oblivion, and restore him to his true position. He was a man of unimpeached honour and blameless life, and the provisions of his will betoken a generous and affectionate nature. *Magistratus indicat virum*—the motto of the Lowthers—was exemplified in his judicial career. He appears to have been in all respects a worthy son of a worthy sire, and one cannot but feel satisfaction in demonstrating that he was in no way responsible for the *volte face* of the time serving Chief Justice.

