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A TRUE COPIE OF THE SENTENCE of Warre pronounced against Sir *Francis Annesley* Knight, and Baron *Mountnorris*, in the Realme of *Ireland*, in the Castle Chamber at *Dublin* in *Ireland*, the 12. of December 1635.

TOGETHER

WITH HIS LORDSHIPS Petition against *Thomas* Earle of *Strafford*, exhibited into the honourable assembly of the Commons house of Parliament the seventh of November, 1640.

LONDON,
Printed for *F. B.* 1641.

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THE HVMBLE PETITION OF SIR FRANCIS ANNESLEY Knight, and Baron *Mountnorris*, in the Realme of *Ireland*.

To the Honorable assembly, the Knights, Citizens, and Burgesses, of the Commons house of Parliament.

HUmbly shewing that whereas Your petitioner for divers yeares past, hath beene imployed by his Majesty, and his late Royall Father in divers offices, and imployments of great trust and eminence within the Realme of Ireland, wherein to the utmost of his power, hee hath faithfully discharged the trust in him reposed with the publike approbation and satisfaction both of this, and that State and Realme, in Testimony whereof, his Majestie was pleased to dignifie your Petitioner with the stile hee now beares. Yet the Right Honourable Thomas Earle of Straford, Lord Lieute-

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name, lately Lord Deputy of the said Realme of Ireland, having conceived a causelesse distaste against your Petitioner, and thereupon indevouring the revenge of some supposed personall neglect, and the undue advancement of his owne ends and instruments by the dishonour and ruine of your petitioner, his Lordship without any just cause at all, not only stript and deprived your petitioner of those honourable imployments with contumely, and reproach, but also of his owne private fortunes, and the birthright, and libertie of a subject: a short view of part, of which your petitioners sufferings hee humbly presents in these ensuing particulars.

1. First, whereas his late Majesty, King Iames, by his highnesse Letters, bearing date the first day of October in 14. yeare of his Majesties Reigne, did appoint your petitioner to be one of the principall Secretaries, and of the Councell of State for that Realme, whereupon your Petitioner was sworne and admitted accordingly; And whereas after, viz. the 8. day of June in the sixteenth yeare of his said Majesties raigne, his said late Majestie by his letters Patents under the great Seale of Ireland did grant unto your petitioner, as well a pention of 200. l. Per annum, for the exercise of the said office, together with the Fees thereunto belonging, as also the office of Custody of the privie Signet, with the incidents thereunto to bee held by your petitioner during his life immediatly after the death, surrender, or forfeiture of sir Dudley Norton, who held the same office & pention during his life, by force of which premisses, as your petitioner faithfully executed the said office of Secretary, without fee during the life of the said Sir Dudley, who was for many yeares infirme, and unable to execute the same; so hee ought to

hold

hold the said office and pention since his decease or surrender, according to the effect of his Majesties said Patent; yet upon pretence of a discourtesie supposed to be done by your Petitioner to his Lordships brother, Sir George Wentworth: his Lordship obtained a surrender to bee made by the said sir Dudley Norton, in or about the 12. day of July, in the tenth yeare of his now Majesties raigne, and contrary to all right and justice procured the said offices, and fees to bee conferred upon sir Philip Manwaring, who notwithstanding your petitioners often requests and petitions to his Lordship for releefe still holds the same under the protection of the power and greatnesse of his Lordship.

Whereas his now Majesty by his Highnesse Letters patents, bearing date the xxx. day of May, in the first yeare of his Highnesse raigne, did appoint your petitioner to be his Vice-treasurer, and generall receiver of his revenues within the said Realme of Ireland during his Majesties pleasure, with the fees and profits thereunto belonging, and appointed your Petitioner to be Treasurer at warres in the said Kingdome by his Majesties Letters of the 13. of Iune 1632. And whereas your Petitioner did refuse at his Lordships solicitation to make a dishonourable sale of the said offices, the said Earle being therewith enraged, and thereupon endevouring to captivate not onely your petitioners said Offices, but also his honour and life, to his Lordships power and pleasure, his Lordship in a time of publike peace and serenity within that Realme, the 12. day of December 1635. did call a Councell of warre, and did accuse your petitioner of some words supposed to be spoken by your petitioner many moneths before, tending in his Lordships strayned construction to the disturbance of

 govern-

government, and without allowing your Petitioner liberty of cleering his innocencie in a Legall manner, or so much as an houres time to make his just defence, proceeded to sentence at the same time, and although the said supposed words were no wayes criminall, yet his Lordship contrary to all justice, did cause the sentence of death to be pronounced against your Petitioner, being a Peere of that Realme, as by the Copy of the said sentence hereunto annexed may appeare.

3. *Though his Lordship for the further advancing of his owne ends did partly forbeare the execution of the said sentence, yet by colour thereof his Lordship forthwith disposed of your petitioners Foot-company; and committed your petitioner prisoner to the Castle of Dublin, where he was conteined from the said twelfth day of December 1635. vntill the sixteenth day of Aprill 1637. And within that time your petitioners papers, Cabinets, trunks, and other places of his house, were strictly searched by some of his greatest adversaries, by his Loraships direction; And your petitioner for the space of twenty dayes was kept close prisoner to the extreme hazard of his life, vntill at last he was forced to purchase his liberty by submission to the said vnjust and illegall sentence, and by the accepting of a pardon for the same.*

4. *His Lordship taking advantage of your Petitioners Condition, and indevouring not onely to justifie his former proceedings, but also to convict your petitioner, and render him a delinquent without a defence, did issue a Commission to Commissioners of his owne choyce and nomination, who during your petitioners imprisonment examined divers witnesses touching some misdemeanours falsely charged upon your petitioner in his office of Vice-*

treasurer:

treasurer? which being returned, and the effect therof transmitted into this Kingdome, his Lordship by this, and other undue practises, brought your petitioner into disgrace with his Majesty, and thereupon procured the said offices of Vice-treasurer, Generall receiver and Treasurer at warres to bee conferred upon Sir Adam Loftus Knight, who had beene formerly one of your petitioners accusers.

5. Whilst thus your petitioner had his offices taken from him, his honour and integritie injuriously calumniated, his libertie restrained, his life not onely subject to the mercy of the said Earle, but extreamely endangered by a continuall sicknesse caused by his imprisonment, his Lordship not therewith content, caused an Information to be preferred against your petitioner in the Castle chamber, touching the severall supposed misdemeanours enquired of by the said Commissioners, wherein though your petitioner was no wayes conscious of any guilt, yet finding his Councell awed by his Lordships power, his Judges to bee such as were formerly his inquisitors, the witnesses pre-engaged by an extrajudiciall examination, could expect no lesse then a sentence against him notwithstanding his innocencie; your petitioner was put to this miserable choyce, either to suffer continuance and addition of his miseries, or otherwise to make such a submission as his Lordship pleased, whereupon your petitioner was inforced in an ignominious manner to make submission, hoping thereby to purchase his libertie, and goe into England according to his Majesties directions, though by so doing he could not effect the same, but his imprisonment was continued notwithstanding.

6. Whereas aswell by the fundamentall lawes of that Realme, as also by his Majesties declaration published in print upon returne of a Commission, and by the advice of

many grave and wise Commissioners sent from hence into Ireland for examination of the grievances of his Majesties Subjects in that Realme; the Lord deputie and Councell are not to meddle upon Titles of Inheritance betweene party and party; or in businesse belonging to the Cognizance of other Courts; or to alter possession: yet his Lordship upon a paper petition to him preferred by Kichard Rolston *against your petitioner touching the mannour of* Teemore *in in the said Realme, after* 18. *yeares quiet possession thereof by your petitioner, hath decreed the said lands to the said* Rolston, *and by his owne warrant removed your petitioner out of possession thereof.*

7. *Whereas also by the said lawes of that Kingdome, and by the said declaration, proceedings before the Lord Deputy and Councell for things remediable in other Courts, or by paper-petitions, and the abuses of* Habeas corpus *within that Realme are prohibited, yet upon a paper Petition preferred to his Lordship, and the Councell by one* Walter Peppard, *touching land of Inheritance in the Petitioners possession, his Lordship hath retained the said Cause for his hearing, notwithstanding your Petitioners legall exception thereunto. And upon the like paper petition preferred to his Lordship by* Arthur Manwaring, *his Lordship hath for divers years delayed, and frustrated the benefit of an execution which your Petitioner had against him for a debt by bond, and yet no end of the said* Manwarings *vexations suites before his Lordship, & such other Referrences as his Lordship appoints.*

8. *His Lordship Rated your petitioner for the payment of his Majesties Subsidies in* 1000. *pounds in the Kings bookes, whereas men of farre greater, visible and knowne estates are not charged with halfe that proportion, your Petitioners estate being very meane to support the condition*

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and qualitie of the honours graciously conferred upon him by his Majestie, and his Royall Father in acceptance of his faithfull services, and his wife and eleven children.

Now, forasmuch as your Petitioner is no wayes guilty of the crymes under which he hath suffered, and yet it hath beene the height of his Lordships indevour, not onely to bereave your Petitioner of his honour and fortunes, but also (as much as in him lay) of his innocence by the said extorted submission, and obtruded pardon, hee hereby relinquisheth all advantage of defence by the said pardon, and freely submits the Crymes to him imputed to the scruting and determination of this honourable and impartiall assembly: and forasmuch as the said oppressions sustained by your Petitioner doe not onely in the highest degree concerne your Petitioner in his innocence, honour, liberty, and fortunes, but also tend to the publike abuse, and scandall of the Lawes, liberties, and justice of both Realmes, and to the introducing an Arbitrary forme of government, your Petitioner humbly offers the premisses to the consideration of this Honourable Assembly; And humbly prayes such reparation therein, as to this Honourable Assembly shall seeme to stand with right and justice,

And your Petitioner shall daily pray, &c.

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BY THE LORD DEPVTY AND GENERALL OF THE ARMY, and Councell of Warre.

WENTWORTH.

WHereas the Kings moſt excellent Majeſtie by his Highneſſe Letters of the 31. of Iuly laſt directed to us the Lord Deputie, hath beene graciouſly pleaſed to ſignifie, that as hee ſhall ever expect that all due Reverence ſhall be given by his Subjects to the Perſon whom he appoints to be his Deputy, and Generall of his Army, within this his kingdome of *Ireland*; ſo on the contrary hee ſhall hold them blame-worthy, eſpecially being perſons who have received their dignities from him, or hold their places of honour, and truſt under his Government, and yet ſhall forget their duty that way in their words or actions, to the ill example of others; And taking notice of the carriage of the Lord *Mountnorris*, his Majeſties Vice-treaſurer, and Treaſurer at warres here (who holds a Captaines place in his Majeſties Army) by uttering ſome ſpeeches inciting a Revenge upon us the Lord Deputy and Generall, from a Lieutenant of this Army for performing the duties of our place, with modeſty and good reaſon,

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in the time of exerciſing our Troope, which his Majeſtie in his ſaid Letters declares to bee an offence much unbeſeeming the gravity of a privy Councellor, to us the Lord Deputy; and the dutie of a Captaine to his Generall, and not to be ſuffered in any well governed Army, where good diſcipline muſt be the Rule and ſquare of every mans actions: And therefore being very ſenſible of the honour of us his Deputy, and Generall of his Army, which may ſuffer herein, and be of ill conſequence in the future: Hee hath by his ſaid Letters willed and commanded us the Lord Deputy and Generall upon receipt of thoſe his Letters, to call a Councell of warre, and after a due examination and proofe of thoſe ſpeeches by the Lord *Mount-norris*, his Majeſties expreſſe will and pleaſure is, that hee ſhould undergoe and be liable to ſuch cenſure, as the ſaid Councell ſhould impoſe upon him, for the full reparation of us his Deputy and Generall, in that point, and that there be no failing in putting the ſame in due and ſpeedy execution: In obedience to which his Majeſties Commandement, Wee the Lord Deputy called a Councell of warre, who being this day aſſembled, Wee the Lord Deputy in the preſence of the ſaid Lord *Mount-norris* did charge him with this offence: That within three or foure dayes, or thereabouts after the end of the Parliament, it being mentioned at the Lord Chancellors table, that after Wee the Lord Deputy had diſſolved the Parliament, being ſitting downe in the preſence Chamber, one of our ſervants in moving a ſtoole, happened to hurt our foot, then indiſpoſed through an acceſſion of the Gout, That one then preſent at the Lord Chancellors table, ſaid to the Lord *Mount-norris* being there likewiſe, That it was *Anneſley* his Lordſhips kinſman, and one of our the Lord Deputy and Generals Gentlemen Vſhers that had done it: Whereupon the Lord *Mount-norris* then publikely, and in a ſcornefull contemptuous manner anſwered, perhaps it was done in revenge of that publike affront which my Lord Deputy had done him formerly, but he has a Brother that would not take ſuch a revenge, which charge being ſo layd, the Lord

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Mount-norris was required by this Councell of warre to make answer therunto, who going about to answer it, and yet neither confessing nor denying them; This Councell after some time spent therein, required him to answer the said charge, either negatively or affirmatively, yet would not confesse or deny them, whereupon the witnesses vouched for proofe thereof, were called, namely our very good Lord, the Lord Viscount *Moore*, and Sir *Robert Loftus* Knight, sonne and heire to our very good Lord, the Lord Chancellor, persons who though they were not the originall relators of his Lordships said discourse to us the Lord Deputy, yet being present when the said words were so spoken, were conceived to be able to give testimony therein: And therefore were called to be interrogated withall thereupon, who being examined before this Councell upon oath ministred unto them by the Clarke of the Councell before us, by commandement of us the Lord Deputy, and their dispositions then reduced to writing, and subscribed by them in our presence, and in the presence also of the said Lord *Mount-norris*, who heard them affirme the same, It thereby appeareth, that the said Lord *Mount-norris* uttered and spoke the said words in manner and forme, and at the time and place aforesaid: The charge layd against him standing then fully proved: The said Lord *Mount-norris* at last submitted himselfe to the judgement of this Councell, protesting that what interpretation soever his words might have put upon them, hee intended no prejudice or hurt to the person of us the Deputy, and Generall, affirming that by these words, but hee hath a *Brother that would not take such a revenge*, his Lordship meant onely, that the said Brother would dye before hee would give us the Deputy and Generall, occasion to give him such a Rebuke. Wee fell in the next place to consider as of the nature of the offence;

ſo of the puniſhment due thereunto: And firſt for the nature of the offence, wee conceive it to containe, firſt a calumny againſt the perſon of us the Deputy and Generall of the Army, inſinuating by theſe words, *the publike affront, or the diſgrace*, which my Lord Deputy had done him formerly, that indeed there had beene ſuch an affront or diſgrace put upon him by us the Lord Deputy, whereas in truth it was nothing ſo, but that which was pretended by the Lord *Mount-norris*, to have beene the ſaid diſgrace, or affront to his kinſman was this: That his ſaid kinſman (being one of the horſe-troope commanded by us the Lord Deputy) in the time of exerciſing the ſaid troope was out of order on horſe-backe, to the diſturbance of the reſt then in exerciſing, for which wee the Lord Deputy in a mild manner reproving him, as ſoone as wee turned aſide from him, we obſerved him to laugh and geere us, for our juſt reproofe of him, which wee diſliking returned to him, and laying a ſmall Cane (which wee then carried) on his ſhoulders (yet without any blow or ſtroake then given him therewith) told him that if he did ſerve us ſo any more, we would lay him over the pate: the truth of which fact appeared unto us by the relation of His Majeſties ſaid Deputy, and our Generall, avowed and confirmed by two of us the Captaines; namely the Lord *Kirkudbright*, and Sir *Frederick Hamilton* Knight, who then ſaw the manner of it, and now ſate as members of this Councell; which ſaid Act was by this whole Councell adjudged to have beene a farre milder proceeding with the ſaid *Anneſley*, then ſuch an Inſolence, and diſobedience to any Commander, much more to his Generall merited, and therefore it was a ſpeech favoring doubtleſſe of malice, to inſinuate that as an affront or diſgrace, which was indeed a juſtly merited, but mild and modeſt reprehenſion, and admonition. Secondly, we conceive the offence to containe

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an incitement to a revenge in these words, *but hee has a brother that would not take such a revenge.* Which incitement might have given encouragement to that Brother, being then and now in this Kingdome, and Lieutenant of the said Lord *Mount-norris*, his foot Company, to the said *Annesley*, himselfe being continually so neare the person of us the Deputy and Generall, or to some other to have taken up resolutions of dangerous consequences, and the manner of speaking the words, doe so farre aggravate them, as there is no place left for any indulgent construction to be made of them, nor indeed any construction but such, as renders the speaker a delinquent in a high and transcendent manner against the person of his Generall, and his Majesties authority; whence wee derive our power. This Councell also tooke it into consideration, that if the like words had beene spoken of the sacred person of our dread Soveraigne Lord the King, they had amounted to little lesse then high treason, which by some rule of relation apply themselves even to his Majesty, being directed to the person of his Deputy, and the revenge thus insolently vaunted to have beene taken upon him, being done when we the Deputy and Generall had that great and high Honour (which we alwayes esteeme our selfe in our selfe, farre unworthy of) as to bee apparelled, and robed with his Majesties owne Robe of Majesty and Soveraignty. We considered likewise the time when these words were spoken, when part of the Army was in motion, and when there were divers Companies of foot, and troops of horse in towne, and daily in exercising and training, whereat for the most part wee the Deputy were present, and the towne full of people from all parts of the Kingdome, as then unreturned back to their owne dwellings, from their sitting in Parliament. In the next place for the punishment due to his offence, we judge it to be an

apparant breach and contempt of the one and fortieth Article of the printed lawes and orders of warre, eſtabliſhed for the good conduct of the ſervice of *Ireland*, dated the thirteenth of March 1633. and publiſhed in print by us the Lord Deputie ſoone after our acceſſe to this Government in theſe words of the ſaid Articles; No man ſhall give any diſgracefull words or commit any Act to the diſgrace of any perſon in his Army or Garriſon, or any part thereof upon paine of impriſonment publike diſarming and baniſhment from the Army, as men for ever diſ-abled to carry Armes. And which is more in like breach and contempt of the thirteenth Article of the ſaid printed Lawes and orders of warre, the words of which Article are theſe; No man ſhall offer any violence, or contemptuouſly diſobey his Commander, or doe any Act or ſpeake any words which are like to breed any mutinie in the Army or Garriſon, or impeach the obeying of the generall, or principall Officers directions, upon paine of death; which Articles are no other then the very ſame Articles this Army had alwaies beene governed by, in the time of the late Lord *Faulkland*, Lord *Wilmot*, and other the Generalls before them; And therefore this Councell of Warre in conformitie to his Majeſties gracious pleaſure ſignified as afore-ſaid, and as well to vindicate the honour of Vs his Majeſties Deputy and Generall of his Army, from the wrong and contempt under which wee now ſuffer, to the ſcandall of this Government, and to the ill example of others, as alſo to deliver over to all which beare Office, or are liſted as members of the Army, under the rule and government of us his Generall an example of Iuſtice, for them to take warning by, how they preſume to offend againſt the authority intruſted with us by his Majeſtie, doe hereby adjudge, order and decree, that the ſaid Lord *Mountnorris* ſtands juſtly and deſervedly lyable to undergoe, the

the censures, paines, and punishments by the said fortie one, and thirteenth Articles provided against the breakers of all good Discipline, and the transgressors against those orders, which are by the said fortie one Article Imprisonment, publike disarming, and banishment from the Army, as a man for ever disabled to carry Armes, and by the said thirteenth Article death; And therefore according to the said Articles this Councell do unanimously, with one joynt consent (not one of us being of other opinion) adjudge the said Lord *Mountnorris* for his said high and great offences, to be imprisoned, to stand from henceforth deprived of all the places, with the Intertainments due thereunto, which he holds now in the Army, to be disarmed, to be banished the Army, and dis-inabled for ever bearing office therein hereafter; And lastly, to be shot to death, or to lose his head at the pleasure of the Generall. Given at his Majesties Castle of *Dublin* the twelfth day of December 1635.

Valentia, Tho. Cromwell, R. Ranelagh, R. Dillon.
Lau. Esmond, Kirkud Bright, Io. Borlase, Cha. Coote.
Tho Weinman, Ar. Tiringham, Ar. Blundell,
Faith: Fortescue, Ro. Farrer, Io. Borlase, Tho. Roper.

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WITH HIS LORDSHIPS Petition against *Thomas* Earle of *Strafford*, exhibited into the honourable assembly of the Commons house of Parliament the seventh of November, 1640.

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