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B E T W E E N
S^r. H I E R O M S A N K E Y
A N D
D^r. W I L L I A M P E T T Y .

W I T H
The State of the Controversie

B E T W E E N T H E M
Tendered to all Indifferent Persons.



L O N D O N .

Printed in the Year , M . D C . L . I X .



TO THE
READER.



THE Employments wherein Doctor Petty hath served in Ireland, have been Many and Intricate; The Persons concerned in his well or evil Administrations, numerous; The occasions of jealousie concerning Him, almost infinite, and consequently the various Articles Exhibited against Him, with his Answers and other Proceedings thereupon, must needs be tedious. You have therefore what is most material and pertinent, of every thing relating to Sir Hierom Sankey's and the said Doctors Proceedings, faithfully reduced into the narrowest compass consistent with perspicuity, to the end that all lovers of Truth and Justice, may be encouraged to unravel the perplexed Knots of this Business, and learn by this Example to understand the Weight and Reasons of other Popular jealousies and discontents hereafter, and withal the Error and Vanity of them, who hope to please Multitudes, by their most cautious and upright Endeavours.



A

BRIEF of PROCEEDINGS
 BETWEEN SIR
HIEROM SANKEY
 AND DOCTOR
WILLIAM PETTY.

On the 24th. of March 165³/₉. Sir HIEROM SANKEY after an affrighting aggravating Preface, exhibits the following Articles against Doctor WILLIAM PETTY, in a Parliamentary Assembly of above Four hundred Honourable Persons. *Viz.*

1. That he the said Doctor had received Great Bribes.
2. That he had made a Trade of buying Debenters in vast numbers against the Statute.
3. That he had gotten vast Summes of Money, and Scopes of Land by Fraud.
4. That he had used many foul Practises, as Surveyour and Commissioner, for Setting out Lands.
5. That he and his fellow Commissioners, had placed some Debenters in better places than they could claime, denying Right to others.
6. That he and his fellow Commissioners had totally disposed of the Armies Security; the Debt still remaining chargeable on the State.

On the 21. of April, The said Doctor, being come (upon Summons) out of Ireland Answers the said Articles, in the said Assembly to the following Effect. *Viz.*

To the First.

Hat he had acted as Secretary to the Lord Lieutenant, and as Clerk of the Council of Ireland, in both which capacities he had faire opportunities of taking Bribes, but was never taxed therewith. That as Commissioner for distributing Lands, he shunned the receiving of any Obligation, avoided all Bargaines, but by leave, &c. to the end he might avoid the very appearance of this evil.

To the Second.

That he never bought Debenter without leave, those at dearest rates, and of Brokers

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Brokers, and not till the Body of the Army was satisfied; That none who ever sold him any, did ever complain of the least hardship put upon them, and that it was not possible for him so to do.

To the Third.

That he never received Penny from the State but according to Contract, and not till he had past all kind of Examinations. That the Work he hath done is even now worth more then the State hath paid for it, &c. That he had no Land by his own assumption, but all by Orders from other Commissioners, and the Council, in a way not repugnant to Law, and not at lesse Rates or Considerations then others; and if there was any singularity in the manner, 'twas to his one damage onely.

To the Fourth.

That for the generality of the Actions he had done, as Commissioner and Surveyour, he hoped he might without much vanity, glory in them; Instancing his Measuring twenty two Counties in thirteen Moneths, Satisfying twenty thousand Debenters, without alteration, using strictness towards the greatest Persons, &c.

To the Fifth.

That his fellow Commissioners were Persons of Integrity and Ability; and that he would not prevent them of the Honour to clear themselves.

To the Sixth.

That above three hundred thousand Acres of Land were yet undisposed, and that what was already set out, had satisfied more Debt then needed to have been charged upon it.

After the above said Defence of the said Doctor, and when the said Sir Hierom (being newly come from seeking Proofes out of *Ireland*) was urged in the Parliament to instance particulars, with reference to the above Charge, He alledged as followeth :

1. That Lieutenant Colonell Flower bringing an Order for Land, The said Doctor asked, what he would give him to set it out to him. Flower answers, 100. l. The Doctor replied, 'twas an inconsiderable Reward, demanding half the Rents, at length they conclude for 100. l. per annum, as a Rent Charge, The said Sir Hierom calling the same, an Horrible Bribe.
2. That Captaine Sands producing the like Order, could not have his Lands untill he had given the Doctor a faire house in Dublin, calling the same, an Inducement to a Bribe.
3. That Lieutenant Colonell Brayfield demanding Land, was told, his Lands were beyond the Moon.
4. That Captain Winckworth doing the like, was told, that the Lands he desired were kept for my Lord Deputy.
5. That the Debenters of the Souldiers commonly amounting to five shillings two pence, the said Doctor would pay the five shillings, but keep the two pence for himself.

6. That the said Doctor had seven thousand Acres in the Barrony of Ballebuoy more then he had either Order for, or Right unto.
 7. That the said Doctor received 1100. l. for a Duplicate of Straffords Survey, which never cost him 20. l. the transferring.

To which Instances the said Doctor intended to have said. *Viz.*

To the First.

That *Flower* was a vicious wretch and notoriously guilty of Covetousness; That he by tricks, and abusing the Lord Lieutenants kindness had trappaned him, the said Doctor, out of an Estate worth 500. l. per annum, for a rent charge of 100. l. per annum only, which he never yet paid, and has been the Author of all the said Doctors troubles, meerly to work him out of the said 100. l. per annum; That he had been damned by that transaction with *Flower* above one thousand pounds, and that without hopes or design (from first to last) of ever gaining any thing by him, and much lesse of being bribed.

To the Second.

That he had done great Acts of Kindness and Charity for the said Captain *Sands*, That he was to give the said *Sands* eight hundred acres of Land for a House, and some imaginary benefit of an Order of his, which he needed not; the said house not being worth 200. l. That the reason of *Sands* his complaint, was his own great guilt in seeking to abuse the State, and the said Doctor, in a most unchristian manner.

To the Third.

That he doth not remember any such expression as *Land beyond the Moon*, but that if it were used, 'twas in kindness towards the said Liuetenant Colonel *Brayfield*; That if he had not his Order served so soon as he desired, 'twas because the said Doctor could find nothing good enough for him. For the said Doctor ever affected the person of the said *Brayfield*, was commanded by the Lord Lieutenant to assist him, and was desired the same by his then Partner and Friend, Sir *Thomas Herbert*.

To the Fourth.

That *Winkworth* is a very weak mistaking Person, who had no more wit then to think by this device to withhold the Doctor from Questioning him for the razure of an Order made in his own case.

The others he needed onely to have denyed with some explication, Sir *Hicrom* having upon more mature thoughts declined them himself.

Sir *Hicrom* after many threatnings of the said Doctor to question him again, sometimes in one place, and sometimes in another, did at length upon the twelfth of July 1659. procure the following
 Articles

Articles to be put into this present Parliament, without reading them (as he himself boasted) beyond the first Article, the which Article cunningly suggesting a fraud of about 7000. l. got acceptance to the whole, and a reference into *Ireland*, although the chief Witnesses (for trying all the pretended frauds of the State and Army amounting to about twenty thousand pounds) as also authentic Copies of Records be here in *England*, sufficient for that purpose.

The First of which Articles is,

That he the said Doctor had as much Land for 3480. l. as comes to 10188. l.

To which the said Doctor Answers generally, and briefly.

That it will rather appear, that he had paid 20000. l. for 8000. Acres.

2. Article.

Whereas the said Doctor had Licence to purchase Lands charged with more Incumbrance than they amounted unto at the Act Rates. He hath taken some incumbered for lease, some he hath gotten by collusion and paid nothing, and hath wrested others out of an Officers hand of the Army.

Answer.

The Doctor hath paid above 1300. l. for what many have had for four hundred pounds, and hath proceeded according to Orders, throughout the whole business.

3. Article.

Whereas Rates higher and lower then the Act Rates were put on Lands by consent of the Persons concerned, the said Doctor hath taken to himself the benefit of the Enhancements.

Answer.

That the Doctor hath no benefit by the said Enhancements, nor desires to have any; The scope of this Article being to wind out of the States hands about 12000. l. which belongs to them.

4. Article.

That he left out of the Souldiers Lot, the chiefest seats ~~an~~ incumbered, putting in others incumbered as clear, and afterwards takes those choice seats to himself.

Answer.

That the Design of leaving out certain Lands here mentioned was good,
and

and orderly, & the Doctor believes that the practice of it was so to, though he never medled with it, That 'twas not his Interest to abuse the said Design, neither hath he gotten any thing in consequence of the Errours complained of, if any such be.

5. Article.

That many of the Conditions for which he had received above 8000. l. were never performed, but that he got up his Bond and Contract concerning the same, surreptitiously.

Answer.

This whole Article is a grosse mistake of the Fact : For there were two Contracts, by one whereof 17000. l. was due, whereof the Doctor never received but 10600. By the other Contract about 8000. l. was due, whereof he never received 5500. l. Moreover the defects here mentioned were neither the Doctors faults nor profit : And the useful Overwork, he hath done deserves several thousand pounds in recompence. Lastly, his Bonds and Contract were kept from him above nine months longer then they ought to have been, out of abundant caution onely, and at length were delivered by the consent and knowledge of the Council, the Army, the Attorney General & Surveyor General, after many debate concerning the same.

6. Article.

That the Doctor hath received 2665. l. three times over, and 516. l. more by a falsification, as also 421. l. and 440. l. more then in strictness he could demand, to the conveneage of the State of 5846. l.

Answer.

What is said to have been paid thrice, was never paid once, and if he hath received any thing which in strictness of Law he might not, in Equity and Conscience he ought to have received twice as much for those very things. As for the 516. l. said to be forged, 'tis a rash mistake proceeding from too much desire to find faults.

7. Article.

That after all these Frauds both as to Money and Land, he so amused a certain Committee, as they allowed him 3796. l. more for nothing.

Answer.

Upon a full reveiw of all matters relating both to the Land and Money, between the State, Army, and the said Doctor himself, a Committee of most judicious and honest persons allowed him 3790. l. over and above all he then had, or now hath received, and even when the cry of the abovementioned frauds and many others, was highest : Neither is any reason to the contrary yet detected.

8. Article.

That by delays, feigned scruples, and derisions he wrought men to sell him their Debentures at under Rates, and to give him part of whatsoever he assigned them.

Answer.

The delays here mentioned were inevitable, the derisions a frivolous complaint; That of working men to a Composition, a very slander. The contrary of all these Allegations being true.

9. Article.

Whereas he had greater Rates for surveying then ever were given, he gave lesse to his under Surveyours then was ever taken, and yet retrenched much of that too.

Answer.

The said Under-Surveyours were not duly punished for their treacheries against the said Doctor: They were payd more than they deserved, more than they durst claim by Law, more than Arbitrators allowed them, and twice more than they will have againe for the like work, they were used better than they used others, besides, the Doctor gave them more, then the State it self hath since given them, nor did they ever complain, till now they were Instigated for a supply instead of other declined Articles.

10. Article.

That he hath not walked by the Rules and Instructions given him; but slighted them all.

Answer.

A General Slander; to which there need only to be said, that *dolosus* *resertur in generalibus*.

11. Article.

That he with-holds his original Books and Plots, as also the Duplicates of his fair Books contrary to an Act of Parliament.

Answer.

This is a demand never till now thought fit to be made, an absurd and uselesse desire; a meer device to enable some hereafter to abuse the State and subject at their pleasure, and a pretended crime that the Doctor can make no benefit by.

Observations upon the whole Matter, Viz.

1.

That since it appeared to the World (and never before) that he the said Doctor was like to gain by his hazardous undertaking, he never wanted some great Crime or other : As for example, one while the returning unprofitable Land for profitable ; Another while keeping all men in the dark, Another while taking great Bribes, of 500. l. at a time ; Another while satisfying of the same Debenters twice over ; Another while suppressing Petitions at the Council, &c. None of all which are now mentioned.

2.

It is a wonder that no Magistrate, Law, Judge nor Jury, nor no injured Souldier or Surveyour had in four years time the skill and courage to bring him to punishment.

3.

That though he had been Questioned, before the Council, and hath had many cases which might have been tried before the Court, set up for deciding Controversies, between souldiers and souldiers, yet never had cheque or rebuke, for any thing he ever did ; though he ever urged all men to form their jealousies into a Charge, as willing to be Questioned any where ; yet that he should (before any other Remedy was tried) be brought into two several Parliaments to be punished, seems hard and needless.

4.

That this charge should be undertaken by a person of little Conversation in these matters, One who having talked incredibly high upon his six first Articles was forced to decline four, *viz.* That of bribes, buying Debenters without licence, wrong placing Debenters, and imbezelling the Armies security, leaving onely the two, that contained but general furnishes. And that when he returned out of *Ireland* (where he had been instructed by seven the most diligent and subtle persons that ever acted in such a business) could instance at his return but in seven particulars, three of which, and the greatest, *viz.* The said Doctor having 7000. Acres without Order, That of *Straffords* Survey, and devouring the odd pence of the Souldiers Debenters, he was fain to quit upon further considerations, leaving only a few jests and mistakes for the Parliaments Judicature, and in his last charge making three or four Articles of one and the same matter.

5.

That the said Sir *Hierom* should accuse the said Doctor for perswading the Council and Commissioners to signe Orders for his satisfaction, and for amusing the Referres mentioned in the seventh Article, to give him 3796. l. for nothing, and yet never taxt any of them, for their negligence or ignorance in reference to the Premises, nor the superior Powers for making use of such Instruments, and for employing the said Doctor, the supposed worst of them all.

6. That

That when the said Doctor laboured to be tryed in *Ireland*, before those who had been Witnesses, of his *Assaults*, (wearing his priviledge as a member of Parliament for that purpose) that he should be hurried on a suddain to the highest and last Judicature in *England*. That when he would go back into *Ireland*, should be hold in *England*, and endeavours used for his being sent back thither ignominiously; And now he is in *England*, and desires to be tryed here, should be remanded into *Ireland* by an Order only gotten, and as it were upon Sir *Hieroms* stealing in the Articles into the House contrary to his own promise, without so much as having them read through, before they were referred, as himself related.

Out of all which, 'tis hoped no impartial Considerer of these things will think it impossible, but that the said Doctor may be an honest man, nor will judge him before he be heard, nor will have so little curiosity, as not to desire he may be heard; but on the contrary will think, that a man coming from smal and unlikely beginnings to the management of many considerable Trusts, to the favour successively of all in chief Power in his time, and to a competent Estate, may be envied. Nor that among 20000. persons, who envy one anothers Portions and Lotts, there may grow up an Epidemical malice, and a pannick fear of strange Wrongs done and intended unto them; especially it being so natural in us all, to supplant those, to whom God hath given any Eminency, either in Riches, Power, or Parts, above our Selves, which (by the way) is often cunningly and improperly said concerning him, to prejudice all those unto whom he may endeavour to vindicate himself, or at least to keep Neuters, till the bottome of the whole be laid open. And lastly, it is very probable from the times of his Impeachment, the sparing him some years after the Body of his Employments and Undertakings were over; the appearing of such a person as Sir *Hierom Sankey* in the cause; the shifting of Articles from one nature and form to another, the vehemence of the prosecution; the accusing him in Parliaments, before any Remedy was sought elsewhere; the interest of the Parties; the emptiness of the Complaints when scan'd; the fewness of the miscarriages, (though all allegations were proved,) if compared with the infinity of the occasions from whence they arose; the Endeavours to have him Fryed sometimes in one place, sometimes in another, with the forbearance of others equally taxable. Truly from all these Considerations, 'tis very probable, that some more secret and private interest, is the true cause of the Doctors tribulations. A strict Enquiry whereinto, would perhaps make much for the publick profit, and well become the Justice and Wisdome of the Parliament; that the innocent Subjects and painful Servants of this Common-wealth be not Sacrificed to private Spleen and Animosities, nor any man ruined to make good the rash Engagements of others.