

Appeals to the Privy Council

Calendar of State Papers Colonial Series

Vaughan v [Martin]

Vaughan v [Mason]

Vaughan v [Rex]

[*In re The Diligence*]

06_1684_00

New Hampshire

Calendar of State Papers Colonial, America and West Indies, Volume 11: 1681–1685, J. W. Fortescue, ed. (London: Longman, 1898), no. 1800, p. 666–67:

July 11. Hampton Court.	1800. Order of the King in Council. Referring the petitions of Nathaniel Weare and of the inhabitants of New Hampshire against Governor Cranfield to Lords of Trade and Plantations for report. <i>Signed</i> , Phi. Lloyd. 1p. <i>Annexed</i> ,
	1800. I. The petition referred to. Governor Cranfield on his first entrance into the Government of New Hampshire engrossed the whole power of erecting Courts to himself, excluding the General Assembly. His Commission ordained that the General Assembly should be included, but he declared that the words were a copyist's error and caused a minute to that effect to be entered in the Council Book. Again, Mr. Cranfield was directed by his Commission that, if he could not end the differences between Robert Mason and the inhabitants, he should transmit the papers home for decision by your Majesty and the Privy Council. Instead of doing so and remaining impartial between the parties, he has by purchase and mortgage from Robert Mason made himself owner of the best part of the province. Having done so and erected the Courts as aforesaid, he has deprived us of our estates and of any remedy except by application to your Majesty. Again, to keep persons from prosecuting and defending their rights, he has received defendant's costs in my action from twenty shillings to six pounds to be paid in coin, though coin is scarce; and though goods be tendered in payment as heretofore, yet they are not accepted, but the persons are imprisoned. Again, he takes upon himself without authority to fix the value of money, making pieces-of-eight, however wanting in weight, to pass for six shillings though often worth sixpence or a shilling less. Again, he has without lawful cause committed several men and particularly William Vaughan and Joseph Dow to prison till they give bond for their appearance and good behaviour, with nothing further objected against them. Again, he and his Council made laws and put them into execution without the Assembly. To procure proof of these articles, we have successfully endeavoured to procure warrants or summons from the Secretary to call their witnesses to be sworn (which cannot otherwise be so); but the seeking of such summons has caused men to be bound to good behaviour, so that complaint of a wrong done under Mr. Cranfield's mismanagement draws new punishment on the afflicted but no

	redress. We beg that we may be empowered to examine witnesses on oath, and that, meantime, Mr. Cranfield be admonished not to exceed his Commission. <i>Signed</i> , Nathaniell Weare. <i>Large sheet. [A précis in Col. Entry Bk., Vol. LXVII., p. 107.]</i>
--	---

The manuscript document from TNA, [CO 5/940/107](#).

[The following entry is not cited in *Acts of the Privy Council Colonial Series*, but would seem to be relevant to the case:] *Calendar of State Papers Colonial, America and West Indies, Volume 11: 1681–1685*, J. W. Fortescue, ed. (London: Longman, 1898), no. 1921, p. 716–17:

Nov. 4. New Hampshire.	1921. Richard Chamberlain to Lords of Trade and Plantations. Pursuant to your letter of 23rd July, Governor Cranfield authorised me to give copies of all records in my keeping to any person requiring them, and to take such deposition as any of the complainants should make, and published the fact in the province. I accordingly attended and delivered any copies that were required to the persons demanding them. But on the 1st instant Mr. Vaughan and Mr. Waldern came to my house with several other persons. I asked them if they had business with me, and most of them said that they had not. I desired all such to withdraw, and all went out but Vaughan and Waldern. They then told me to take their depositions about a writing from Mr. Mason, that the Governor showed them about two years since, a grant of 150 <i>l.</i> a year for seven years to be paid out of the province. For the better explanation of the depositions I asked whether Mr. Mason's grant was absolute, or if not, for what term. Mr. Vaughan thereupon left the house with Mr. Waldern in a heat, saying he would answer no questions, and so refused to be sworn. Several more who had come at his desire to give their testimonies, at once went away with him, nor has one of them since come to make a deposition nor complained to the Governor that they were denied to give their evidence. I conclude therefore that they will make a clamour to your Lordships against me, so write this short narrative. I enclose copy of the supplemental order for taking depositions and their depositions. They refused to swear to the last words. <i>Signed</i> , R. Chamberlain. 1½ <i>pp.</i> <i>Endorsed</i> . Recd. 7 Jan. 8 ⁴ /5. [<i>Col. Entry Bk., Vol. LXVII, pp. 129–130, and Col. Papers, Vol. LIV. No. 64.</i>] <i>Annexed</i> ,
	1921. I. Copy of the Governor's order for taking depositions. 20 October 1684. Certified by Richard Chamberlain. 1 <i>p.</i> <i>Endorsed</i> .
	1921. II. Copy of a supplemental order for the same purpose. 1 November 1684. Certified as the foregoing. 1 <i>p.</i> <i>Endorsed</i> .
	1921. III. Deposition of William Vaughan and Richard Waldern as to Robert Mason's grant of 150 <i>l.</i> a year to Governor Cranfield. <i>Undated</i> . ½ <i>p.</i> <i>Endorsed</i> . [<i>Col. Papers, Vol. LIV., Nos. 64 I.–III.</i>]

The manuscript document from TNA, [CO 5/940/129](#).

Calendar of State Papers Colonial, America and West Indies, Volume 12: 1685–1688, J. W. Fortescue, ed. (London: Longman, 1899), no. 118, p. 28:

April 8. Council Chamber.	118. Order of the King in Council. Report of Lords of Trade and plantations to the King. We have received Governor Cranfield's answer to the charges of Nathaniel Weare. We find that Governor Cranfield has not pursued his instructions in reference to Robert Mason's claim to the property of New Hampshire, having caused titles of land to be tried in the Courts of the Province instead of sending the cases to England in case his own mediation should fail. We think again that he ought not to have raised the value of foreign coins without your direction. We recommend that he be so informed; that the differences between Robert Mason and the planters be decided; that William Vaughan have liberty to appeal against the judgments given against him in his private case, whereby you will best be able to judge of Mason's right and title; and that till that case be heard all proceedings at law relating to the said title do cease until your further pleasure be known. <i>Dated 27 March 1685. Ordered in Council accordingly. [Col. Entry Bk., Vol. LXVII., pp. 138–139.] [Now CO 5/940, pp. 138–139.]</i>
--	---

Calendar of State Papers Colonial, America and West Indies, Volume 12: 1685–1688, J. W. Fortescue, ed. (London: Longman, 1899), no. 748, p. 210–211:

July 3. Hampton Court.	748. Order of the King in Council. Referring the petition of the inhabitants of New Hampshire to Lords of Trade and Plantations for report. <i>Signed, Wm. Bridgeman. 1 p. Annexed.</i>
	748. I. The petition referred to. We have lived for fifty years in peaceable possession of the lands now challenged by Robert Mason. On the creation of the new Government the Governor was instructed to settle and quiet the people in respect of Mr. Mason's title or to report the case impartially to the King. On the contrary Mr. Mason has been permitted to bring actions wherein the Government have arrogated the power of an absolute judgment, and have given costs of ten and twenty pounds in cases sometimes where the damage did not exceed two shillings. He has also challenged fenced and improved lands contrary to royal order. For the last two years and more one jury, and very often one foreman, has generally been returned to serve in all the issues connected with Mr. Mason's title, and this foreman was tampered with by Mason. Again, notwithstanding the royal prohibition of any further proceedings in Mr. Mason's title until the case were brought before the King in Council, Deputy-Governor Walter Barefoot has permitted executions to be levied and persons to be imprisoned with excessive costs and damages. We gratefully acknowledge your goodness in allowing Mr. William Vaughan to appeal against several harsh and oppressive judgments here; and we send Mr. Nathaniel Weare to represent our grievances. <i>Nine columns of signatures and marks, the first on the list that of Richard Waldern. 3 large sheets. Endorsed.</i>

	Read at the Committee 6 July 1686. The appeal heard 6 Nov. 1686. [<i>Col. Papers, Vol. LVII., Nos. 114–114 I., and Col. Entry Bk., Vol. LXVII., p. 156.</i>]
--	--

The manuscript document from TNA, [CO 1/59/114](#).

Calendar of State Papers Colonial, America and West Indies, Volume 12: 1685–1688, J. W. Fortescue, ed. (London: Longman, 1899), no. 975, p. 278:

Nov. 6. Council Chamber.	975. Lords of Trade and Plantations to the King. We have heard the appeal of William Vaughan from a judgment given against him in New Hampshire, at the suit of Robert Mason, and are of opinion that the judgment should be confirmed. [<i>Col. Entry Bk., Vol. LXVII., pp. 156–157.</i>] [Now CO 5/940, pp. 156–157.]
---	--

Calendar of State Papers Colonial, America and West Indies, Volume 12: 1685–1688, J. W. Fortescue, ed. (London: Longman, 1899), no. 999, p. 286:

Nov. 19. Whitehall.	999. Order of the King in Council. That the judgment of the Court in New Hampshire, against which William Vaughan appealed, be ratified and confirmed (<i>see No. 975</i>). <i>Signed</i> , Wm. Bridgeman. [<i>Col. Entry Bk., Vol. LXVII., pp. 158, 159.</i>] [Now CO 5/940, pp. 158, 159]
--------------------------------	--

Calendar of State Papers Colonial, America and West Indies, Volume 12: 1685–1688, J. W. Fortescue, ed. (London: Longman, 1899), no. 1053–1056, p. 300–301:

Dec. 10. Whitehall.	1,053. Order of the King in Council. Ordered, on the dismissal of the appeal of William Vaughan in the matter of the ketch Diligence, that appellant pay £20 to Edward Cranfield for his costs in attending the trial, and that Sir Edward Andros see to the payment thereof. <i>Signed</i> , Phil. Musgrave. [<i>Col. Entry Bk., Vol. LXVII., pp. 162–163.</i>] [Now CO 5/940, p. 162–163.]
Dec. 10. Whitehall.	1,054. Order of the King in Council. That William Vaughan pay £20 to Robert Mason for his costs in attending his appeal. <i>Signed</i> , Phil. Musgrave. [<i>Col. Entry Bk., Vol. LXVII., p. 163.</i>] [Now CO 5/940, p. 163.]
Dec. 10. Whitehall.	1,055. Order of the King in Council. Ratifying the fine of forty shillings imposed on William Vaughan by the Court of New Hampshire, and ordering him to pay £20 to Edward Cranfield for his costs in attending the appeal. Sir Edmund Andros to see to the payment. <i>Signed</i> , Phil. Musgrave. [<i>Col. Entry Bk., Vol. LXVII., pp. 164–165.</i>] [Now CO 5/940, p. 164–165.]
Dec. 10. Whitehall.	1,056. Order of the King in Council. That Richard Martyn pay £20 to William Vaughan for his costs in his appeal against a decree of the Court of Chancery of New Hampshire. [<i>Col. Entry Bk., Vol. LXVII., p. 165.</i>] [Now CO 5/940, p. 165.]

[The consolidation of the subseries America and West Indies of Colonial Series with the subseries devoted to the East Indies (with additions in some volumes from China, Japan, and Persia) results in volume numbers in the series as reprinted being 5 greater than those found in the *Acts of the Privy Council Colonial Series*. The text of the calendar, reproduced above, is derived from the website British History Online (<http://www.british-history.ac.uk/>), which is publicly available. The linked documents are derived from Chadwyck-Healy's Colonial State Papers, which is available only by subscription. The documents are in The National Archives and are subject to Crown Copyright. Be patient; the images of the documents take a while to load, but they are worth the wait.]