

<https://books.google.com/books?id=WrgMAAAAYAAJ&pg=PA368>

<https://archive.org/stream/collectionsnewh00socigoog#page/n390/mode/2up>

Collections of the New
Hampshire Historical Society,
Volume 8

COLLECTIONS
OF THE
NEW-HAMPSHIRE HISTORICAL SOCIETY,
CONTAINING
Province Records and Court Papers
FROM 1680 TO 1692:
NOTICES OF PROVINCIAL COUNCILORS,
AND OTHER ARTICLES RELATIVE TO THE
EARLY HISTORY OF THE STATE.
VOL. VIII.

EDITED BY NATHANIEL BOUTON,
CORRESPONDING SECRETARY OF THE N. H. HISTORICAL SOCIETY.

CONCORD:
PRINTED FOR THE SOCIETY BY McFARLAND & JENKS.
1866.

NOTICE BY THE EDITOR.

Not only the members of the Historical Society, but the public generally, are under great obligations to the Hon. SAMUEL D. BELL, of Manchester, for the Biographical Notices which follow, of leading men of the Province in the period embraced in the foregoing Provincial Papers. His long and intimate acquaintance with the Jurisprudence of the State has given him peculiar facilities and qualifications for the work, which, it is just to say, no other member of the Society could better perform.

Thanks are also due to the Hon. CHANDLER E. POTTER, of Hillsborough, for the engraved Autographs of some of those persons, Notices of whom were furnished by Judge Bell; for the Seal used by Governor Joseph Dudley, and for the Map of Cocheco, representing it as it was at the time of the Indian Massacre, in 1689.

BRIEF NOTICES

OF SOME OF THE

EARLY COUNCILORS OF NEW-HAMPSHIRE.

JOHN CUTT,	RICHARD MARTYN,
WILLIAM VAUGHAN,	THOMAS DANIEL,
JOHN GILMAN,	CHRISTOPHER HUSSEY,
RICHARD WALDRON,	ELIAS STILEMAN,
SAMUEL DALTON,	JOB CLEMENTS,
RICHARD WALDRON, JR.,	ANTHONY NUTTER,
NATHANIEL FRYER,	ROBERT ELLIOT,
JOHN HINCKES,	FRANCIS CHAMPERNOON,
ROBERT WADLEIGH,	HENRY GREEN,
PETER COFFIN,	NATHANIEL WEARE.

BY A MEMBER OF THE N. H. HISTORICAL SOCIETY.

ROBERT WADLEIGH.

ROBERT WADLEIGH was a brother of John Wadleigh, of Saco, in 1636, who removed to Wells before 1648, was a selectman there, and died before 1671.

Robert was of Wells in 1653, and with his brother submitted to the government of Massachusetts. He was town clerk of Wells in 1659, and it is said was there in 1668 and 1669. In the latter year he received a grant of land from the town of Dover, and may have been there.

In May, 1666, he purchased of Walter Barefoote one

half of six hundred and forty acres of land, at the falls of Lamprey River, now called Wadleigh's Falls, but in the earlier conveyances called the Island Falls. It was part of a tract laid out June 3, 1657, by a committee appointed by the General Court, to Mr. Samuel Symonds of Ipswich, one of the assistants, or councilors, of that colony; described thus: "At Island Falls, in Lamprey River, six miles from the mouth of the river, &c., one mile from the lower end of a little island up the river, and half a mile on each side." Mr. Symonds got a quitclaim from Exeter, and the consent of the sagamore to this grant, 12 September, 1664. Mr. Symonds conveyed half this six hundred and forty acres to his son, Herlakenden, who, on the same day, sold his half to Walter Barefoote. In May, 1667, Mr. Wadleigh sold to Nicholas Sissen, of Exeter, one half his purchase, and they erected mills and a house, and before the fall of 1668 Mr. Wadleigh had removed there with his family.

April, 1668, Samuel Symonds, by deed reciting the loss of his former deed to Herlakenden, not recorded, conveyed the same interest to him again. Herlakenden the next day conveyed the property to his brother, Samuel, Jr., who commenced a suit against Sissen, recovered judgment for possession, and the officer, after applying to the General Court for advice, turned Wadleigh and his family out of doors. Wadleigh upon his petition was restored, and the controversy was ultimately settled by a compromise.

Much abuse has been heaped on Captain Barefoote for

Much abuse has been heaped on Captain Barefoote for some supposed wrong in the business ; but upon the facts as they come down to us, the roguery was on the part of Herlakenden, Symonds, and Symonds, jr., and Barefoote appears only as a sufferer by this fraud, and the strange action of the Massachusetts courts. At the town meeting at Exeter, September 26, 1676, Mr. **Robert Wadleigh** was accepted an inhabitant and commoner, and August 10, 1679, he was elected **commissioner** to carry in the estates of the inhabit-

ants of Exeter. On the 7th of February, 1680, Ensign Moore and Mr. Wadleigh were chosen deputies for the town of Exeter for this year, beginning March next, and in May, 1681, he signs as clerk of the Assembly. March 14, 1681, Mr. Wadleigh had a grant of two hundred acres of land from the town of Exeter, and in 1682 his tax was the highest in town. From a letter of Governor Cranfield to the Lords of Trade, we learn that an action was brought in 1683 against Wadleigh, by some person, probably Barefoote, who claimed under a grant of Mason, in which Wadleigh recovered and the plaintiff appealed to the King ; Mason saying, as Thomas Wiggin testifies, " let Wadleigh go for England, if he would. New-England had now no friend in the Council or committee." He was, however, successful in getting the appeal dismissed by the council board, by taking advantage, as the Governor says, of Mr. Randolph's absence, who was attorney for the appellants. Wadleigh went to England

was attorney for the appellants. Wadleigh went to England to resist the appeal, and returned on the 7th of May, 1684. The governor says, he had been sixteen days in the country, and though he had heard much of him he had not seen him, and he says he had put the people of the Province into such a ferment, that it is not possible to govern them. He says, this Wadleigh was formerly an Assembly man, and now chosen again, and that he had three sons condemned in Gove's rebellion, the oldest of whom he had pardoned. One of them is dead, and the other I keep in prison, till I receive your Majesty's further order. I have not succeeded in finding any of the original papers in the case appealed, and have to rely on the Governor's statement of it. The unfortunate position of Mr. Wadleigh's sons must have furnished a strong additional motive for his visit to England, to solicit the clemency of the crown, and probably did not soften his representations of Cranfield's government. Mr. Savage judges that Mr. Wadleigh, who had so much cause to disagree with the royal Governor, could not be the Councilor of 1684, but there can be no

doubt of the fact, and I am led to believe that his appointment was the result of his own and Weare's visits to England, and that his appointment was made upon the recommendation of some of the Privy Council. So far as we can judge, neither the governor, nor Mason, nor any councilor in the Province, would have, without prompting, assented to his election. No note has been found showing the time or manner of his appointment, except Governor Cranfield's letter of January 6, 1685, in which he says that he has made Robert Wadleigh a councilor and justice, "he having shown himself since his return from England well affected to his Majesty's service." Wadleigh was known to the Privy Council as having "personally come over, to his great trouble and charge, to answer to the appeal of Walter Barefoote, Esq." Colonial Papers; Jour. of P. C., 3 Palf. N. E. 419, n.

Immediately on his return, 16th of May, Mason commenced an action against him for his real estate, requiring the officer to take security in six hundred pounds, and on the 29th the officer returns that he has attached the body of Robert Wadleigh, sen., of Exeter, and for want of security committed his body to Richard Abbot, the keeper of his Majesty's prison at the Great Island. He remained in prison till the sitting of the court in June, as appears by writ of *habeas corpus*, as follows :

NEW-HAMPSHIRE.
NEW-HAMPSHIRE.

To Richard Abbot, Prison Keeper of Great Island :

In his Majesty's name, you are hereby required forthwith to have the body of Robert Wadleigh, of Exeter, yeoman, now in the said prison of Great Island, at the Court of Pleas now sitting, to defend a suit there to be prosecuted against him, by Robert Mason, proprietor of the said Province. Fail not. Given under my hand and seal, the 3d day of June, 1684. Walter Barefoote, Judge.

A verdict was found against him for "the land sued for

according to the Royal Commission ; with ten pounds damages, and costs of court."

On the 6th of June execution issued against him for the damages, £10 cost, £5 2s. 2d ; Ex. 2s. ; and the officer returned that he had served it on a saw-mill, at Lamprey eel river, and delivered possession, by order of Mr. Mason, to Walter Barefoote.

Mr. Wadleigh having been appointed a member of the Council in 1684, remained in office to the close of Barefoote's administration, in May, 1686 ; a notice to attend a meeting of the Council, October 2, 1685, being found among the files.

During the administrations of Dudley and Andros, Mr. Wadleigh was one of the justices of the peace for the Province, as appears by an order of sessions, 11 October, 1686, appointing him one of a committee to view the jail, and report what repairs are needed ; and by a certificate of the choice of constables, which throws light upon the government of Andros, viz. : May 21, 1688 ; at a public town meeting at Exeter, by order of the Governor and Council, there were chosen constables for the year ensuing, Nathaniel Ladd and William Perkins.

Attest :

Robert Wadleigh, *Justice Peace.*

Attest: **Robert Wadleigh**, *Justice Peace*.

During the interval following the overthrow of Andros, " at a town meeting at Exeter, December 25, 1689, there were chosen to meet the messengers of the Province, to consult about settling matters for this town, **Robert Wadleigh**, senior, Ensign William Moore, Samuel Leavitt. Also these men are empowered, after they return home, to convene the people to receive the opinion of the said people of the other towns.

At the same meeting, Captain Gilman, **Robert Wadleigh**, senior, Mr. Theophilus Dudley, John Foulsham, and Kinsley Hall, [were appointed] to demand and receive payment for mast trees.

And he was afterward one " of the gentlemen who had formerly been in the commission of the peace, who were

by town votes approved, and by the General Court restored to their places."

In Governor Allen's commission for the Government of New-Hampshire, in 1692, Mr. Wadleigh was not appointed a councilor; but upon the organization of the courts a commission for the Court of Common Pleas was issued, October 25, 1692, appointing Elias Stileman judge, and Richard Martyn, Robert Wadleigh, Henry Dow and Joseph Smith, assistants. At the terms in December and March Mr. Wadleigh was not present, but attended and took the oaths June 6, 1693, and was present in August and September.

On the 30th of October, 1693, he was appointed, with Joseph Smith and William Partridge, assistants to Richard Martyn, appointed Judge of the Supreme Court. He was not present at the term held October 31, which was adjourned to November 14, but on that day attended, and took the oaths, and the court was adjourned to the last Tuesday of April. On the 19th April, 1694, Judge Martyn was superseded by a new commission to Nathaniel Weare, judge, and the same assistants, and he attended the courts under the presidency of Judge Weare until April, 1696, when Joseph Smith was appointed judge, with Mr. Wadleigh, Thomas Parker and Kinsley Hall, assistants.

Mr. Wadleigh remained in office until April 27, 1697,

Mr. Wadleigh remained in office until April 27, 1697, when Peter Coffin was appointed judge, with other assistants.

Judge Wadleigh signed a certificate as a justice of the peace, February 23, 1698-9, which is the last mention of his name on the Exeter records that I have seen. He probably did not long survive that date, but I have met with no notice of the time of his death, or of his age.

Besides the three sons concerned with Gove—Joseph, John and Robert—two others of the name, Henry and Jonathan, were persons of note in Exeter, and were probably his sons; and his descendants still maintain respectable positions.