

**JOHN FENTON**

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John Fenton by Charles R. Corning

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**CHARLES R. CORNING**

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*With the author's compliments*

# JOHN FENTON

BY  
CHARLES R. CORNING

READ AT THE WINTER MEETING OF THE GRAFTON AND COOS  
BAR ASSOCIATION AT LITTLETON, JANUARY 27, 1885

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## JOHN FENTON.

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On May 18, 1766, the stamp act was repealed by the English parliament. This token of conciliation was hailed with transports of joy in all the thirteen colonies, the darkness was dispelled, and there followed an outpouring of genuine loyalty. Our ancestors were glad at the repeal of the stamp act; but their latest posterity will ever rejoice in its enactment, for it opened the mouths of orators, and enriched our literature beyond the price of kingdoms.

The next year John Wentworth, who, as agent of New Hampshire at the court of St. James, had been active in securing the repeal of the unpopular law, was appointed governor of the province by the Marquis of Rockingham, with whom he was on terms of close intimacy. In all the history of those turbulent times that ended in revolution, there is no character more pleasing than young Wentworth. A Portsmouth boy by birth, the son of a rich merchant, and a graduate of Harvard, he early became recognized for the dignity of his bearing and the gentleness of

his disposition, and was accorded those marked attentions usually reserved for persons of high station and of distinguished attainments.

The new governor was most cordially welcomed on his arrival in Portsmouth, as his appointment, made by a popular ministry, was peculiarly grateful to the people of New Hampshire, by whom he was well known and much esteemed. By wise and discreet policy his administration preserved its popularity during several years, and the people were generally satisfied; but the crisis could not be averted. In 1773 the young ruler found himself compelled either to sustain his obligation to the ministry, or to take side with the colonists on the grave question of taxing tea. While weak in patriotism, he was strong in loyalty, and he espoused the cause of the mother country; but so conciliatory were his manners, that actual violence was restrained until that eventful day when violence became another word for righteousness. Even then the excited citizens directed their attacks, not against him as a man, but as a symbol of that government which they so deeply detested.

It was at this juncture of public affairs that John Fenton first comes upon the scene.

Although my researches have led into various fields, my rewards have been small and insignificant, and it is only a mere outline that I am able to present.

Fenton was at one time a captain in the English army, which was then largely officered by gentlemen whose commissions were purchased, and whose reputations were frequently achieved by conquests in the camps of Venus rather than on the fields of Mars. For either style of warfare, John Fenton was eminently qualified. It does not appear when this man first came into the province, nor is it clear what motive induced so brilliant and ambitious a soldier to throw up his commission and seek his fortune among a strange people; but a soldier's life is likely to be a roaming one, and, besides this, I am inclined to think that an old London-formed friendship between him and the governor may have influenced his choice. Not long after his arrival he was made a colonel in one of the militia regiments; and colonels in those days were, with hardly an exception, men of military experience, and not, as is now often the case, mere gold and feathered evidences of political indebtedness.

Fenton was evidently highly considered by Governor Wentworth, for in September, 1774, we find him one of the magistrates of the town of Portsmouth. From this time until he left the province, Fenton was a close friend of the governor, and an outspoken defender of his public acts, pausing at nothing and abating nothing in his defence, but always ready to maintain, by speech and act, the vice-royal command.



The natural consequence of this fidelity was to incur the bitter hostility of the populace, which followed him during the remainder of his stay. Very likely he was looked upon as an emissary from the old country, who had no business in the colony during the exciting times attending the landing of tea, and hated accordingly. At all events, no man ever came nearer being hanged than John Fenton; and yet he appeared to invite martyrdom by his daring and incautious manner. His intimacy with mobs and violence began soon after the ship "Fox," Captain Norman, arrived in the Piscataqua with thirty chests of tea. Her arrival had been looked for by both political parties, and preparations had been made on the one side for destroying the innocent Chinese herb, and on the other for protecting it. It was the beginning of the end, and Wentworth knew it full well.

As soon as the news spread, disquiet broke forth. Matters looked threatening; for the mob had begun to break the windows in the house of Mr. Parry, the consignee, who, very much alarmed, sent word to the governor, who immediately convened the council and asked their advice. They unanimously advised that the magistrates of the town be summoned, and commanded to preserve peace and good order, and especially to protect the person and property of the unfortunate Mr. Edward Parry from the violence he apprehended.

Now among the four magistrates that appeared was John Fenton, who no doubt was eager for duty, and sorely disappointed at the compromise soon after effected, whereby the tea was duly entered at the custom-house, the duty paid, and then reshipped to Halifax under a favoring wind. The subject of my sketch would have preferred, no doubt, to send the compromise to Halifax, instead of the tea.

About this time the counties of Strafford and Grafton, having increased in population, were declared competent to exercise the powers and jurisdiction conferred upon them some three years before, and a system of courts was duly established. On May 18, 1773, the governor appointed John Hurd, Moses Little (who declined), Asa Porter, and Bezaleel Woodward, esquires, as justices of his majesty's inferior court for the county of Grafton; and about that date John Fenton must also have received his appointment as clerk of the same court and judge of probate. That he attended faithfully to his duties is shown by several dockets, mostly kept in his neat but strong handwriting. The record also brings to light the existence of a son, Thomas Temple Fenton, who was appointed by the presiding justices temporary or joint clerk for several terms. The extremely moderate size of these dockets, each containing perhaps a score of pages, is very creditable to the then sparse population of Grafton county.

Just why it should have been necessary to appoint the son to assist his father is not clear, unless it sometimes became convenient on the part of Col. Fenton to remain in the genial presence of Portsmouth society rather than venture so far into the wilderness as Plymouth and Haverhill; for, enterprising and charming as are those towns to-day, it must be conceded that their relative attractions were somewhat less a century ago, and it may have been on this account that the regularly appointed clerk preferred to exercise his functions through another.

The sources of information are so meagre and unsatisfactory, that it is impossible to throw much light on the wanderings of Col. Fenton while holding the office of clerk; but it is to be presumed that he followed the court on its regular circuits, and attended to its routine with as much diligence as could be reasonably looked for in a soldier and an active man of affairs. But law and its dry details were not the food upon which so valiant a spirit could flourish and grow strong; therefore the weary scribe must have hailed with delight the panting horse of Paul Revere, as it dashed into quiet Portsmouth, like Rollo from Ghent, on the afternoon of December 13th, 1774. The rider drew rein in front of the house of Mr. Samuel Cutts, a prominent merchant of the town, and, rushing up the steps, was admitted. He had come from the committee of safety in Boston, bearing despatches to