

SIMSBURY

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Elisha Cornish, 18th Century Man of Law

His Ledger Lists More Than Two Thousand Legal Services

Elisha Cornish's account book shows the multiplicity of occupations that men often had during the late colonial and Revolutionary War periods, but his interest in all aspects of the law predominates. The account book, along with public records, reveals that he evolved over the years from holding law enforcement positions to serving as an attorney. He began the account book in 1752 and made his last entry in 1793, a year before his death. In it he recorded accounts for at least 573 clients and mentioned over 2900 names of individuals. They are a mix of Simsbury townspeople and others whose residence cannot always be determined. A few, like Oliver Ellsworth, are very distinguished persons. A few are debtors or criminals whom he must commit to prison. The preponderance of the entries are for legal services, but a significant number of entries record various other types of assistance that he provided for his clients and their animals.

Elisha Cornish was born June 5, 1722 in Simsbury, the son of Deacon James and Amy (Butler) Cornish. His interest in the law may derive from family heritage as his grandfather, James Cornish, was appointed Clerk of the Courts in Hampshire County, Massachusetts in 1667. His father came to Simsbury about 1695. Deacon James Cornish owned much land in the East Weatogue section of Simsbury and had his home there on the west side of what is presently East Weatogue Street.

On September 25, 1740, when he was eighteen years old, Elisha Cornish married the first of his three wives, Hepzibah Humphrey, a daughter of Charles and Hepzibah (Pettibone) Humphrey. He

About the Authors

Thomas W. Sharpless was born in Washington, D.C., but spent most of his youth in Coral Gables, Florida. He graduated from the University of Miami in 1961 and then served two years in the Peace Corps in the Philippines, where he met his future wife, Clair and he married in 1964.

Dr. Sharpless earned a Ph.D. in organic chemistry at the University of Florida in 1968 and then accepted a teaching/research position at the University of Hartford, from which he retired in 1996. He became interested in researching the history of both his own and his wife's families in the 1970s and was surprised to find that Clair and he have New England, even Simsbury, roots. One of his direct ancestors, Philip Goss (1724 - 1778), resided in Simsbury in the 1740s before moving on to Westmoreland, an area in Pennsylvania that, because of the so-called Susquehanna Purchase, was thought by Connecticut Yankees to be part of their territory. Clair is a descendant of George Abbott (abt 1620 - 1690) of Windsor and Norwalk. He was a go-between in the settlement for the burning of John Griffen's tar works.

Mary Jane Springman is the chairman of the 18th Century Simsbury Account Book Research Project.

was admitted as a freeman by the town in 1743. That same year his father gave him a three-acre lot with house, also on the west side of East Weatogue Street. He acquired 11 1/4 acres of pasture land near Horseshoe Cove in 1745 and he moved across the road to a nine-acre site, with a dwelling house, which his father sold him in 1746. This house is believed to be the saltbox house which still stands at 26 East Weatogue Street. His father sold him ten acres adjacent to the land near the cove in 1763 and another sixty acres in 1765.

After he was admitted as a freeman, Cornish began a long career of public service. At the December 1743 annual town meeting he was elected one of six fence viewers to serve the next year. These minor town officials enforced the law that required every man to keep in good repair his share of the common fence that protected crops from foraging livestock. The following year he was elected one of five tithingmen. These officials, together with the grand jurymen, assisted the selectmen and constables in seeing that citizens obeyed the Connecticut Colony laws having to do with social and moral behavior. Town officials were required to make sure that each household had at least one bible, that everyone attended morning and afternoon church services on the Sabbath, that they did not blaspheme or use profanity, that they did not linger in taverns for more than half an hour, and the like. In short, they enforced the codified principles and practices brought to New England by the Puritans.

In 1750 he served as one of the seven listers who assessed peoples' rateable (taxable) property each year. From time to time throughout the rest of his life he held these offices and those of grand jurymen and surveyor of highways, the latter being minor officials in each district of the town that made sure that local residents kept the public roads free of brush and other obstructions.

At the meeting in December 1751, about the time that he began keeping his account book, he was chosen for his first major post, constable and collector of the town rate due from the inhabitants of Simsbury in the First Society and Wintonbury areas. He held this post several times. Other men, who were also constables, were chosen to collect the town rate in the Turkey Hills, Salmon Brook and West Simsbury Ecclesiastical Societies. During Cornish's day, keeping the peace and collecting taxes were dual responsibilities. As a constable, of course, he was called upon by magistrates to serve writs of all kinds and he charged the parties involved in each case according to who won and who had to pay the cost of the case. His ledger records hundreds of writs that he served on people.

At the December meeting in 1754 he was "chosen Constable to Gather the Country Rate for the year ensuing." This position made him the head constable, which ranked just below the selectmen among town officials. He was responsible for law enforcement and the collection of the colony taxes over the entire town that year. He served in this office again in 1757, 1761, 1762 and 1765. An entry in Dudley Case's account in 1663 says "for your Contry Rate" and charges him two pounds, 11 shillings and 6 pence. As a tax collector Cornish was liable for the money he had to collect, so in this instance he probably had paid the tax himself and entered it as a debt in Case's account.

His responsibilities as law enforcement officer included taking people to Hartford to put them in jail. He committed seven men in the 1760s, but he does not reveal for what offense they had been convicted. In one case he charges for "fighting," and in another he charges for serving a writ on four

men "for throwing you in the river." In still another he says that he has taken a man's confession. He also records several instances of collecting debts, as in the 1769 entry "for my troble to collect Ebenezer Wrights debt of you by your promise."

For two years during the late 1760's he was also elected to the post of collector of the new excise tax on "Spirituious Liquors, Etc."

Cornish was also an active member of the Simsbury Ecclesiastical Society and he owned a pew near the front and center of the church. In 1757 he was among twenty townspeople delegated to host visitors to the town who came to attend the ordination of a new minister, and in 1768 he was part of a committee that sought to iron out differences between the minister and several parishioners. A loose note in his account book indicates that he also had gained the rank of sergeant by 1769, probably in one of Simsbury's militia companies.

Cornish's account book reveals that even during this early period of his life when he served intermittently as a constable he was being hired to arbitrate cases and plead on clients' behalf. An entry dated June 1762 in John Hoskins' account is "for going to Esq^r Owen to asist your action with Bacon two day." The entry shows that he and Hoskins had appeared before one of the Simsbury Justices of the Peace, John Owen, in this matter. Judah Holcomb, Jonathan Humphrey, Oliver Humphrey, Daniel Humphrey, Noah Phelps, Dudley Pettibone, Lemuel Roberts and Elisha Graham are also mentioned in contexts in the account book that suggest actions in their capacity as justices.

Also that year he charged Caroline Humphrey "for going to Hartford in your action with Hooker twice." Cornish traveled to Hartford a number of times on behalf of clients and also to New Haven, Windsor, Farmington and all the towns and villages nearby. He worked long hours as several entries like this one indicate: "for one day and most all night to assist you in your action with D. Willcox at Holcombs."

Year by year in the 1760s there is a steadily increasing number of entries having to do with legal cases in which Cornish acted as an attorney rather than a constable or rate collector. Late in 1769 he charges Thomas Gleason "for pleading a case for your brother." There were no law schools or any formal admission to the bar during Cornish's youth. In *The Judicial and Civil History of Connecticut*, Dwight Loomis and J. Gilbert Calhoun explain that one had only to take an oath promising to be truthful, not to participate in unlawful lawsuits and to use oneself "...in the office of Attorney within the court according to the best of your learning and discretion, and with all good fidelity, as well to the court as to the client." They also describe the training of lawyers: "The lawyer's office was his house, and he habitually engaged in farming or some other occupation during the greater portion of the year. When the court arrived in his county on its circuit he was careful to be in attendance, whether engaged in the trial or not; he took notes of the suits decided, reported questions of law and practice that arose, treasured the decisions that were delivered, and endeavored by such attendance and the social intercourse that resulted in the gathering of judges and lawyers to glean as much as possible for future use."

The first law school in the United States was founded in 1784 at Litchfield, Connecticut in by Tapping Reeve. Cornish's ledger has a 1774 account for Tapping Reeve with six entries, including "...for writing sundry advertisements etc. for sale of Mr Van Horn's Land," "for one day to Salmon Brook to sell," "for sending to Litchfield by letter etc. for the deed." From time to time Cornish records that he has consulted or hired other legal minds on a client's behalf. He charged Captain Abraham Pinney "for going to Hartford and employing Bildad Phelps in your action with Francis Loomis" and he charged Doctor Josiah Hurlaburt for employing Roswill Mills in your action with Barber."

The peak of his career as a Simsbury official came in 1770 and 1771. The first year he was chosen, along with John Owen, as an agent, or attorney, to present the town's decisions on specific matters to the General Assembly. The following year he was chosen as the first of five selectman, and for the first time his name is recorded in the town records as Mr. Elisha Cornish, a sure sign that he had earned the respect of his contemporaries. The major issue before the town was whether or not it would be required to rebuild the wooden cart bridge across the Farmington River at Suffrage, in the southern part of West Simsbury (now Canton). The town did not want the expense, but the General Assembly decided that the town would have to rebuild the bridge.

By Thomas W. Sharpless & Mary Jane Springman

A continuation of this article will report on entries found in Elisha Cornish's account book between the years 1771 and his death in 1794. It will also introduce some of Cornish's lesser occupations. The primary sources for these articles are the account book itself and the original Simsbury town records in Town Proceedings, Marriages, Births, Deaths, Etc., Book III and Book IV. Useful secondary sources include the Simsbury town histories by Noah A. Phelps, Lucius I. Barber and John E. Ellsworth; The Judicial and Civil History of Connecticut edited by Dwight Loomis and J. Gilbert Calhoun (Boston: The Boston Company, Publishers, 1895); and The Connecticut Town: Growth and Development, 1635-1790 by Bruce C. Daniels (Middletown, Connecticut: Wesleyan University Press, 1979).

No Shepherds or Swineherds Need Apply

The following appears in the minutes of the Simsbury Annual Town Meeting on the third Monday of December 1754:

Voted that Sheep Shall Run at Large on the Commons in this town without a keeper

Voted that Swine Sufficiently yoaked Shall Run at Large on the Commons in this Town

During the 1700s the town also paid a bounty of several pounds to anyone who shot a wolf.

Some Recent Acquisitions

- 1920 Granby Hartford County Connecticut Population Census* by James H. Holcombe, Jr. (donated by the author)
- Abbreviations & Acronyms: A Guide for Family Historians* compiled by Kip Sperry (donated by the Abigail Phelps Chapter, DAR)
- Anthony Stoddard, of Boston, Mass., And His Descendants: 1639 - 1873. A Genealogy. Appendix*, by E. W. Stoddard (donated by the Abigail Phelps Chapter, DAR)
- The Barbour Collection of Connecticut Town Vital Records: Hartford 1635 - 1855* compiled by Wilma J. Standifer Moore, General Editor: Lorraine Cook White (donated by the Abigail Phelps Chapter, DAR)
- The Barbour Collection of Connecticut Town Vital Records: Killingworth 1667 - 1850, Ledyard 1836 - 1855, Lisbon 1786 - 1850* compiled by Marsha Wilson Carbaugh, General Editor: Lorraine Cook White (donated by the Abigail Phelps Chapter, DAR)
- The Barbour Collection of Connecticut Town Vital Records: Litchfield 1719 - 1854* compiled by Debra F. Wilmes, General Editor: Lorraine Cook White (donated by the Abigail Phelps Chapter, DAR)
- The Barbour Collection of Connecticut Town Vital Records: Lyme 1667 - 1852* compiled by Lillian Bentley Karlstrand, General Editor: Lorraine Cook White (donated by the Abigail Phelps Chapter, DAR)
- The Barbour Collection of Connecticut Town Vital Records: New London 1646 - 1854* compiled by Nancy E. Schott, General Editor: Lorraine Cook White (donated by the Abigail Phelps Chapter, DAR)
- The Carmack Family Genealogy* by Charles W. Peckham, Sr. Ed.D. (donated by the author)
- Conservation of Photographs* by the Eastman Kodak Company
- The Directory of North America Railroads, Associations, Societies, Archives, Libraries, Museums, and Their Collections* compiled by Holly T. Hansen
- Dorset Pilgrims: The Story of West Country Pilgrims Who Went to New England in the 17th Century* by Frank Thistlethwaite (donated by Ruth Erlandson in Memory of Julius A. Miller)
- Family Secrets: 18th & 19th Century Birth Records Found in the Windham County, CT, County Court Records & Files* by Marcella Houle Pasay
- Ft. Fairfield, Aroostook County Maine: Marriages, Births and Deaths from LDS Microfilm # 10913 Dates 1847 - 1892* compiled by Linda J. Pepin (donated by the author)
- A Genealogical History of the Rehoboth Branch of the Carpenter Family in America* by Amos B. Carpenter (donated by the Abigail Phelps Chapter, DAR)
- A Genealogical Memoir of the Lo - Lathrop Family in this Country* by The Rev. E. B. Huntington, A.M. (donated by Ruth L. Woodford)
- Graven Images: New England Stonecarving and its Symbols, 1650 - 1815* by Allan I. Ludwig (donated by John & Alix Schultz in honor of Mary Jane Guerri on her birthday)
- A History of The First Congregational Church, Canton Center, Connecticut* compiled by Mrs. A. W. Sweeton, Jr. and Lawrence S. Carlton, M.D. (donated by Lawrence S. Carlton)
- Hudson - Mohawk Genealogical and Family Memoirs*, 4 vols., edited by Cuyler Reynolds (donated by the Abigail Phelps Chapter, DAR)

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Arts Exclusive Gallery

Arts Exclusive Gallery is showing its support for SGHRL by donating to the library 20% of the price of paintings purchased there. The gallery, at 690 Hopmeadow Street near Webster Bank, has a wide variety of original oil paintings, watercolors and other art work. Please stop in and see all the splendid treasures in the gallery and if you buy anything, let the sales person know that you want the tax deductible donation to go to SGHRL. You can also pick up a card at the library to present at the time of purchase

Farmington Valley Visitors Association

People come to visit SGHRL from all over the map. If you are planning a trip here from a distance, you might like to contact the Farmington Valley Visitors Association before you leave. They have a 27-page color brochure describing places of interest in the valley, including lodging and restaurants. Call 800-4-Welcome or visit their Web site: www.farmingtonvalleyvisit.com

Query:

If anyone has information on the parents of Benjamin Adams (born in Simsbury January 2, 1737/8, died in Addison, Vermont January 3, 1816), I would be very interested. There seems to be some confusion as to the father of Benjamin. I am of the belief that Benjamin was the son of Timothy (born 1716), but others believe Benjamin was the son of Benjamin (born 1695 in Simsbury).

We are also related to the John Griffin family of Simsbury and if anyone would like information on the branch of the Griffin (Martin) family that ended up in Michigan, I would be glad to provide any information I can.

Rosemary M. Adams, 1704 Willow Woods Lane, Lansing, MI 48917, e-mail: Adams7623@cs.com

Continued from page five

The Hurlbut Genealogy by Henry H. Hurlbut (donated by the Abigail Phelps Chapter, DAR)

New England Family Histories: States of Maine and Rhode Island by Lu Verne V. Hall and Donald O. Virdin

Nicknames Past and Present, 3rd Edition, compiled by Christine Rose, CG, CGL, FASG (donated by Stephen E. Simon)

An Ounce of Preservation: A Guide to the Care of Papers and Photographs by Craig A. Tuttle

Record of the Descendants of James Ensign the Puritan 1634 - 1939 (donated by James H. Holcombe)

Steele Family: A Genealogical History of John and George Steele (Settlers of Hartford, Conn.) 1635 - 6, and Their Descendants, with an appendix, by Daniel Steele Durrie

Tombstones of Your Ancestors by Louis S. Schafer (donated by John & Alix Schultz in honor of Mary Jane Guerry on her birthday, June 23, 2000)

United States County Courthouse Address Book edited by Leland K. Meitzler

Vermont 1800 Census Index A - Z edited by Raeone Christensen Steuart

SIMSBURY MARRIAGES

Date	Name	Age	Occupation	Birthplace
Aug. 1, 1863	William McGann Hannah Rourke	28 24	Laborer	Ireland Ireland
Nov. 8, 1863	Seth Walton Margaret J. Curly	30 19	Laborer Laborer	England Lowell, Mass.
Dec. 1, 1863	Francis F. Hoskins Mary A. Weston	30 29	Merchant	Simsbury Simsbury
Nov. 21, 1863	Israel Oldroyd(?) Jane M. McClough	31 22	Laborer	England Ireland
Dec. 17, 1863	Martin G. Andrews Margaret A. Duncan	25 22	Operative	Springfield Thompsonville
Dec. 17, 1863	Stephen S. Coe Ellen U. Lee	27 28	Farmer	Hartford Canton
Jan. 20, 1864	B. Whitfield Cowles Jane C. Ely	22 21	Farmer	East Granby Simsbury
Jan. 20, 1864	Isaah Farlow Ellen Norton	32 27	Mechanic	England England
Mar. 9, 1864	Ezra Smart Jane Warmen(?)	19 18	Factory Hand	Simsbury Philadelphia
Mar. 9, 1864	Thomas James Mary Hennisee	24 24	Factory Hand Factory Hand	England Simsbury
Mar. 7, 1864	David B. Fyfe Sarah J. Sydenham	23 21	Machinist	Scotland Simsbury
Apr. 16, 1864	George H. Fields Lizie C. Whitelaw	23 20	Laborer	Simsbury Thompsonville
Apr. 26, 1864	Michael A. Flynn Mary Lynch	26 19	Blacksmith	Simsbury Ireland
Apr. 7, 1864	James Whitely Esther McGrew	23 21	Mechanic	England Simsbury
June 1, 1864	William Oates Eliza Jane Beck	25 19	Mechanic	England Massachusetts
Apr. 18, 1864	Clayton T. Holcomb Fanny E Mills	19 20	Farmer	Simsbury Canton

*This continuing series on Simsbury's early marriage records has been copied by
Stephen E. Simon from microfilmed records at the Connecticut State Library.*

SGHRL UPDATE

Last June, twenty five SGHRL volunteers and Simsbury Free Library trustees met in the library for the Annual Volunteer Luncheon. Robert Lindauer, Chairman of Volunteers, and his wife Margaret deserve special thanks for planning the lovely afternoon. And, of course many thanks to our wonderful volunteers.

During her tenure as Simsbury Town Clerk, Carolyn Keily has had a number of the volumes containing the town's original colonial records restored. Two of these volumes, with their pages filled with historically invaluable notations made by past town clerks with quill pens, yielded material for the article in this issue on Elisha Cornish. The SGHRL researchers were very pleased to find the pages in excellent physical condition. This spring Carolyn had yet another volume restored: "First Society Records of 1739."

August 11 was Gifford Pinchot Day in Simsbury. On that day, the 135th anniversary of his birth, the Society of American Foresters dedicated a monument to him on the grounds of the Simsbury 1820 House, where he was born. The day also celebrated the 100th year for the Society of American Foresters, which Pinchot founded. He was an early conservationist and a governor of Pennsylvania.

SGHRL marked the day by waiving its usual entry charge. Several of the visiting foresters came to see the Simsbury Free Library building, which Amos R. Eno, Pinchot's grandfather, donated to the town.



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