

0981

**BOX:**

10

**FOLDER:**

135

**DESCRIPTION:**

Luff, Isaac

**DATE:**

04/22/80



135

0982

Counsel,

Filed 23<sup>rd</sup> day of April 1880

Pleads Not Guilty 23

THE PEOPLE

vs.

Isaac Luff.

Larceny, and Receiving Stolen Goods.

BENJ. K. PHELPS,

District Attorney.

Part in April 26, 1880

Read P.L.

A True Bill.

M. S. Taylor

Foreman.

Wm. P. P. 701

0983

STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORK

FORM 89½

POLICE COURT—SECOND DISTRICT.

*Henry Dyer*  
 of No. *14 Charlton* Street, being duly sworn, deposes  
 and says, that on the *17th* day of *April* 1880  
 at the City of New York, in the County of New York, was feloniously taken, stolen and carried  
 away, from the possession of deponent,

the following property, to wit: *Black cloth*  
*One Spring Over Coat*

of the value of *Thirty five* Dollars,  
 the property of *Charles B. Barton in the care*  
*and charge of this deponent.*

and that this deponent has a probable cause to suspect and does suspect that the said property  
 was feloniously taken, stolen, and carried away by *Isaac Luff*.

*now present from the fact that*  
*deponent missed said coat*  
*from the office of this deponent's*  
*stable said Luff worked for*  
*deponent and worked at night*  
*in said office. Deponent charged*  
*said Luff with the stealing*  
*of said coat then said*  
*Luff said to deponent that*  
*he would go into the harness*  
*room of said stable and bring deponent*  
*the pawn ticket for said coat*  
*instead of going to the harness room*  
*said Luff ran away. Henry Dyer*

Sworn to before me, this

20th

day

of April 1880.

*H. J. [Signature]*  
 Police Justice.

0984

Police Court—Second District

CITY AND COUNTY  
OF NEW YORK, } ss.

*Isaac Luff* being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he is at liberty to refuse to answer any question that may be put to him, states as follows, viz.:

Question.—What is your name?

Answer.—

Question.—How old are you?

Answer.—

Question.—Where were you born?

Answer.—

Question.—Where do you live?

Answer.—

Question.—What is your occupation?

Answer.—

Question.—Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer.—

*I am not guilty of the charge.*  
*Isaac Luff*

Taken before me, this

Police Justice.

1890



0985

Form 894.

POLICE COURT—SECOND DISTRICT.

THE PEOPLE, & c.,  
vs. THE COMPLAINT OF

*Henry Sykes*  
164 Chapman St.  
No. 14

Affidavit—Larceny.

*Ernest Luff*

DATE *April 20th* 18 *90*

*Brady* MAGISTRATE.

*Reynolds* OFFICER.

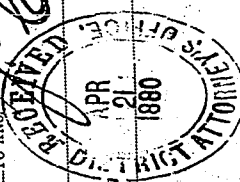
*W. H. [Signature]*

WITNESS:

\$500 TO AND

BAILED BY

*W. H. [Signature]*



No. STREET.

0986

CITY AND COUNTY }  
OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York,  
upon their Oath, present:

That

*Isaac Luff*

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the  
*Seventeenth* day of *April* in the year of our Lord  
one thousand eight hundred and ~~seventy~~ *eighty* at the Ward, City and County aforesaid,  
with force and arms,

*One coat of the value of thirty five dollars*

of the goods, chattels, and personal property of one

*Charles Barton* then and  
there being found, feloniously did steal, take and carry away, against the form of the Statute in such  
case made and provided, and against the peace of the People of the State of New York and their  
dignity.

0987

*And the Jurors aforesaid, upon their oath aforesaid, do further present*  
That the said

*Isaac Luff.*

late of the Ward, City, and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,  
with force and arms, at the Ward, City and County aforesaid,

*one coat of the value of thirty five dollars,*

of the goods, chattels, and personal property of the said

*Charles B Barton*

by a certain person or persons to the Jurors aforesaid unknown, then lately before feloniously  
stolen of the said

*Charles B Barton*

unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have (the said

*Isaac Luff.*

then and there well knowing the said goods, chattels, and personal property, to have been feloniously  
stolen,) against the form of the Statute in such case made and provided, and against the peace of the  
People of the State of New York, and their dignity.

BENJAMIN K. PHELPS, District Attorney.

0488

**BOX:**

10

**FOLDER:**

135

**DESCRIPTION:**

Lynch, Fannie

**DATE:**

04/21/80



135

0989

**BOX:**

10

**FOLDER:**

135

**DESCRIPTION:**

Smith, Mary Jane

**DATE:**

04/21/80



135



176  
Counsel,  
Filed 21 day of April 1880  
Pleas not guilty. 22

INDICTMENT.  
Grand Larceny from the Person  
in the Night Time.

vs. THE PEOPLE

- vs. 1. James Lynch P  
2. Mary Jane Smith P

Reynolds & Phelps

~~Reynolds & Phelps~~ District Attorney,  
Chap. H. H. H.  
To. L. Child & Co. 29

A True Bill.

N. S. Taylor  
Foreman.  
Part Two - April 23 - 1880

I. Fred & co. v. l. c.  
At. G. L. from prison in l. c.  
1. H. L. v. l. c. F. J. a. 29

0991

STATE OF NEW YORK, } FORM 89½  
CITY AND COUNTY OF NEW YORK, } SS. POLICE COURT—SECOND DISTRICT.

of No. 108 W. 39<sup>th</sup> Street, being duly sworn, deposes  
and says, that on the 18<sup>th</sup> day of April 1880

at the City of New York, in the County of New York, was feloniously taken, stolen and carried  
away, from the possession of deponent, and from deponent's

person

the following property, to wit:

One Gold Watch of  
the value of Sixty dollars and One  
Scarf Pin of the value of Fifteen  
dollars in all

of the value of Seventy Five Dollars,  
the property of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property  
was feloniously taken, stolen, and carried away by

Fannie Lynch and Mary Jane Smith  
(now here) for the reasons following  
that at the hour of half past One  
O'clock on the morning of said date  
while deponent was in the saloon  
on the South East corner of 36<sup>th</sup>  
street and 4<sup>th</sup> avenue deponent saw  
said defendants in said saloon  
deponent took out said Watch to look  
at the time when deponent dropped  
the Ring by which said Watch was attached  
to the chain - deponent then replaced  
said Watch in the left hand pocket

deponent to be sworn by the court

18

Deponent's initials

of the vest at the time worn by deponent while deponent was looking for said Ring. The said defendants left said Saloon by way of the rear door of said Saloon & when deponent left said Saloon by the same doorway the said defendants were in the hallway at the said door said defendants and each of them pressed against deponent while deponent was endeavoring to open the hall door leading to the street immediately after leaving said Hallway deponent missed said Watch - and while looking for an Officer deponent missed said Scarf Pin.

Deponent was informed by Officer Wagner that after the arrest of the said defendants Officer Charles Davenport of the 20<sup>th</sup> Precinct found the said Watch in an ash barrel on the side walk in 7<sup>th</sup> Avenue at the place where said Officer Wagner arrested said defendants.

Deponent was further informed by William B. Pettit Jr. that on the said date said Pettit saw said Scarf Pin on the scarf worn by deponent while deponent was standing in 7<sup>th</sup> Avenue corner 36<sup>th</sup> Street - in company with said defendants. Said Pettit then and there saw said Fanny Lynne put her hand on said Scarf and immediately thereafter said Scarf Pin

0993

Police Court—Second District.

CITY AND COUNTY } ss.  
OF NEW YORK, }

*Fannie Lynch* being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he is at liberty to refuse to answer any question that may be put to her, states as follows, viz.:

Question.—What is your name?

Answer.—

*Fannie Lynch*

Question.—How old are you?

Answer.—

*Twenty Four years*

Question.—Where were you born?

Answer.—

*Ireland*

Question.—Where do you live?

Answer.—

*West 34<sup>th</sup> Street*

Question.—What is your occupation?

Answer.—

*Housekeeper*

Question.—Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer.—

*I am not guilty of the charge*

*Fannie Lynch*  
*mark*

Taken before me, this

*18* day of *April* 1880

Police Justice.

0994

Police Court—Second District.

CITY AND COUNTY } ss.  
OF NEW YORK, }

*Mary Jane Smith* being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he is at liberty to refuse to answer any question that may be put to her states as follows, viz.:

Question.—What is your name?

Answer.—

*Mary Jane Smith*

Question.—How old are you?

Answer.—

*Thirty years*

Question.—Where were you born?

Answer.—

*Meriden Conn.*

Question.—Where do you live?

Answer.—

*West 39<sup>th</sup> Street*

Question.—What is your occupation?

Answer.—

*Servant*

Question.—Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer.—

*I am not guilty of the charge*

*M. J. Smith*

Taken before me, this

18<sup>th</sup> day of April 1878

Justice.

*Mrs. J. C. Smith*



0995

disappeared. Deponent identifies the  
said Watch as deponents property

Sworn to before me this }  
18<sup>th</sup> day of April 1880

*John Lewis*  
Marcus O. O'Leary  
Police Justice

City and County }  
of New York } S.S.

Herman Wagner of the 29<sup>th</sup> Precinct and  
William B. Pettit of No 440 West 34<sup>th</sup>  
street being duly and severally sworn  
say they have heard the foregoing af-  
fidavit read and that the portions  
of the same which refer to said  
informants purporting to be evidence  
are true of the knowledge of the  
respective informants

Sworn to before me this } *Herman Wagner*  
18<sup>th</sup> day of April 1880 } *Wm B. Pettit Jr*

Marcus O. O'Leary  
Police Justice

0996

**TORN PAGE(S)**

0997

Complainant ~~to~~  
~~James J. Detention~~  
is ~~detained~~ 11/13/00  
Bailed  
Louis McPegor  
bail for Complainant  
Residue  
108 1/2 39 1/2

RECEIVED  
APR 19 1880  
POLICE COURT - SECOND DISTRICT  
THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
John Lewis  
vs.  
James Lynch  
Marry Jane Smith  
Dated April 18 1880  
O'Donoghue MAGISTRATE

Agnes J. DeWitt  
129 1/2 20 1/2 20 1/2  
104 1/2 20 1/2 20 1/2  
Ness  
German 11/13/00  
29 1/2 20 1/2  
Charles J. DeWitt  
20 1/2 20 1/2  
William B. DeWitt  
140 1/2 20 1/2 20 1/2  
1570 TO ANS  
Each 900 1/2

BAILED BY  
No. STREET

Corn-  
over

0998

CITY AND COUNTY } ss.:  
OF NEW YORK, }

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York,  
upon their oath present:

That *Fanny Lynch* and *Mary J. Smith* each,

late of the First Ward of the City of New York, in the County of New York, aforesaid,

on the *Eighteenth* day of *April* ——— in the year of our Lord  
one thousand eight hundred and ~~seventy~~ *Eighty*, at the Ward, City and County aforesaid,  
with force and arms, in the night time of said day,

*one watch of the value of sixty dollars,*  
*one pen of the value of fifteen dollars.*

of the goods, chattels and personal property of one *John Lewis* ———  
on the person of the said *John Lewis* ——— then and there being found,  
from the person of the said *John Lewis* ——— then and there feloniously  
did steal, take and carry away, against the form of the statute in such case made and pro-  
vided, and against the peace of the People of the State of New York, and their dignity.

*Benjamin N. Phelps.* ~~SEBASTIAN~~, District Attorney.

0999

**BOX:**

10

**FOLDER:**

135

**DESCRIPTION:**

Lynch, John

**DATE:**

04/19/80



135



1000

159  
C. J. H.

Counsel,

Filed 19 day of April 1878

Pleas, *John D. Kelly* (21)

THE PEOPLE

vs.

*John Lynch*

*Attorney at Law*  
*Robbery—First Degree, and Receiving Stolen Goods.*

BENJ. K. PHELPS,

*District Attorney.*

A True Bill.

*W. L. Taylor*

*Foreman.*

CITY AND COUNTY } ss.  
OF NEW YORK, }

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York,  
upon their Oath, present :

That

*John Lynch.*

late of the First Ward of the City of New York, in the County of New York aforesaid,  
on the *twenty seventh* day of *March* in the year of our Lord  
one thousand eight hundred and ~~seventy~~ *eighty* at the Ward, City and County  
aforesaid, with force and arms, in and upon one *Sarah J. Harris*  
in the peace of the said People then and there being, feloniously did make an assault and

Divers Promissory Notes for the payment of money, the same being then and there  
due and unsatisfied, and of the kind known as United States Treasury Notes, of a number  
and denomination to the Jurors aforesaid unknown, and a more accurate description of  
which cannot now be given, of the value of *Twenty five cents.*

Divers Promissory Notes for the payment of money, the same being then and there  
due and unsatisfied, and of the kind known as Bank Notes, of a number and denomina-  
tion to the Jurors aforesaid unknown, and a more accurate description of which cannot  
now be given, of the value of *Twenty five cents.*

*of the goods chattels and personal property  
of the said Sarah J. Harris, from the per-  
son of the said Sarah J. Harris, against  
the will of the said Sarah J. Harris and  
by putting her the said Sarah J. Harris  
in fear of some immediate injury to  
the person of her the said Sarah J. Harris  
then and there violently and feloniously did  
attempt to Rob steal take and carry away*

*Ben. N. Phelps*  
*Dutch Attorney*

159

Counsel,

Filed 21 day of April 1880

Pleads *John Lynch*

THE PEOPLE  
vs.  
*John Lynch*  
*Attacks*  
*Robbery—First Degree, and Receiving Stolen Goods.*

BENJ. K. PHELPS,

District Attorney.

A True Bill.

*W.S. Taylor*  
*Foreman.*  
*Spends quality of an*  
*Amable spirit to go to*  
*SP. 2 May.*

1003

Police Court, Fourth District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*John Lynch* being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to answer, or not, all or any questions put to him states as follows, viz:

Question. What is your name?

Answer. *John Lynch.*

Question. How old are you?

Answer. *Sixty one years.*

Question. Where were you born?

Answer. *In Ireland.*

Question. Where do you live?

Answer. *101 Spring Street.*

Question. What is your occupation?

Answer. *I used to work on a farm*

Question. Have you anything to say, and if so what,—relative to the charge here preferred against you?

Answer. *I am not guilty.*

*John Lynch*  
*mark*

Taken before me this

12<sup>th</sup> day of April 1880

Police Justice.

1004

## Police Court, Halls of Justice.

CITY AND COUNTY  
OF NEW-YORK, } ss.

*Sarah. J. Harris*  
 of No. *247 West 58th* Street, *27* day of *March*  
 being duly sworn, deposeth and saith, that on the *22nd* day of *March*  
 1880, at the *22nd* Ward of the City of New-York, in the  
 County of New-York, was feloniously taken, stolen, and carried away, from the person of de-  
 ponent, by *force and violence*, without her consent and against her will, the following property viz:

*a sum of money*

of the value of  
 the property of

*Twenty five cents.*  
~~Deponent.~~

~~Dollars,~~

and that this deponent has a probable cause to suspect, and does suspect, that the said property  
 was feloniously taken, stolen, and carried away, by *force and violence* as aforesaid, by

*John Lynch. now present.* from  
 the fact that he gained admittance  
 into deponent's kitchen. and armed  
 with a pair of scissors. demanded  
 twenty five cents of deponent. threatening  
 to cut out her guts with said  
 scissors. at the same time making  
 a thrust at deponent with said scis-  
 -sors. which cut her apron.

*Sarah J. Harris*

Subscribed and sworn to before me, this  
*12th* day of *March* 1880

*William J. Harris*  
 Police Justice.



1005

Police Court—Halls of Justice.

THE PEOPLE, &c.

ON THE COMPLAINT OF

*Frank Harris*

*24th W 50 St*

*John Lynch*

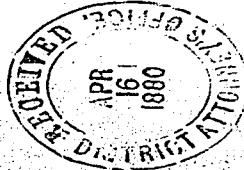
Dated *12 April* 1880

*W. Magistrate*

*W. Officer*

*Sanitary Police*

WITNESSES:



*1500 to Mrs Cow*

*Attorney—Robbery.*

1006

CITY AND COUNTY } ss.  
OF NEW YORK,

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York,  
upon their Oath, present:

That *John Lynch*-

late of the First Ward of the City of New York, in the County of New York aforesaid,  
on the *twenty seventh* day of *March* in the year of our Lord  
one thousand eight hundred and ~~seventy~~ *eighty* at the Ward, City and County  
aforesaid, with force and arms, in and upon one *Sarah J. Harris*  
in the peace of the said People then and there being, feloniously did make an assault and

Divers Due Bills of the United States of America, the same being then and there  
due and unsatisfied, and of the kind known as Fractional Currency, of a number and  
denomination to the Jurors aforesaid unknown, and a more accurate description of  
which cannot now be given, of the value of *Twenty five cent.*

Divers Coins, of a number, kind, and denomination to the Jurors aforesaid un-

of the goods, chattels and personal property of  
the said Sarah J. Harris, from the person of the said  
Sarah J. Harris, against the will of the said  
Sarah J. Harris, and by putting her the said  
Sarah J. Harris in fear of some immediate in-  
jury to the person of her the said Sarah J.  
Harris then and there violently and feloniously  
did attempt to rob, steal take and carry away

1007

**BOX:**

10

**FOLDER:**

135

**DESCRIPTION:**

Lynch, Thomas F.

**DATE:**

04/20/80



135

1008

145

*Check*

Counsel,

Filed 20 day of April 1880.

Pleads

*Wm. H. Vandy Co. II.*

THE PEOPLE

vs.

*B*  
*Thomas F. Lynch*

*Larceny, and Receiving Stolen Goods.*

BENJ. K. PHELPS,

District Attorney.

A True Bill.

*H. S. Taylor*  
Foreman.  
*April 27 1880.*

*Specimen of Courtbook in  
Hind County  
Filed 1880*

1009

*5th*  
District Police Court

Affidavit—Larceny.

CITY AND COUNTY }  
OF NEW YORK, } ss.

of No. *135 Madison Avenue* Street, *Christopher R Robert*  
being duly sworn, deposes and says, that on the *or about 15th* day of *March* 18*80*

at the \_\_\_\_\_ City of New York,  
in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent,

the following property, viz.:

*A wild Cherry tree severed  
from the freehold of this deponent  
of the value of Thirty dollars*

the property of *deponent*

and that this deponent  
has a probable cause to suspect and does suspect, that the said property was feloniously taken,  
stolen, and carried away by *Thomas Lynck* (and a person  
whose name is unknown to deponent  
from the fact that this deponent  
is informed by Thomas Smith (here  
present) that he saw the said  
Thomas Lynck and said unknown  
person cut down said tree  
and saw said Lynck carry  
away said tree. Deponent says  
said property was on deponent's  
land and was severed therefrom  
said land of deponent is situated

10 10

on Riverside Avenue 225 feet north  
of 116<sup>th</sup> Street in said City  
Therefore this deponent charges said  
Thomas Lynch and said other  
person whose name is unknown  
with having taken stolen and  
carried away the property  
aforesaid; O. C. Robert

Sworn to before me  
this 15<sup>th</sup> day of April  
1880 R. J. Morgan  
Police Justice

City & County  
of New York } S.S.

Thomas Smith Corner  
of 120<sup>th</sup> Street & Broadway being duly  
sworn says that he saw Thomas  
Lynch there present and another  
person unknown to deponent  
Cut the tree mentioned in the  
foregoing Complaint away and  
drove from the premises aforesaid  
and saw said Thomas Lynch  
carry away the same

Sworn to before me  
this 15<sup>th</sup> day of April  
1880 R. J. Morgan Police Justice Thomas Smith

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

AFFIDAVIT—Larceny.

187

MAGISTRATE.

OFFICER.



1011

Dist

THE PEOPLE  
ON THE CO

Police Court—Fifth District.

CITY AND COUNTY }  
OF NEW YORK, }

*Thomas J. Lynch* being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to answer, or not, all or any questions put to him, states as follows, viz.:

Question. What is your name?

Answer.

*Thomas J. Lynch*

Question. How old are you?

Answer.

*23 years of age*

Question. Where were you born?

Answer.

*New York*

Question. Where do you live?

Answer.

*118<sup>th</sup> Street & 12<sup>th</sup> Avenue*

Question. What is your occupation?

Answer.

*Contractor*

Question. Have you anything to say, and if so, what,—relative to the charge here preferred against you?

Answer.

*I am not guilty*

*Thos. J. Lynch*

Taken before me, this

day of

*15<sup>th</sup>*  
*April* 18*88*

*B. L. Morgan*

Police Justice.

10 12

POLICE COURT—FIFTH DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Christopher R. [unclear]  
135 Madison [unclear]  
Thomas Lynch  
and an [unclear]

RECEIVED  
APR 16 1890  
Dated April 15th 1890

See other [unclear]  
[unclear] [unclear]  
[unclear] [unclear]

Witness  
Thomas Smith  
COT of 12th [unclear]  
Officer Nevins  
20th Precinct

1000 Towns. 4 sec. less. [unclear]  
Bailed by James C. Briggs.  
No 235. [unclear]

Received in Dist. Att'y's Office.  
See other side

Witness

Rudolph Rosa  
Surveyor  
31. Pine St

August Hepp  
BAILLED.  
Superintendent [unclear]  
Residence Central Park

No. 2, [unclear]  
Residence [unclear]  
to Dept of Public Safety  
No. 3, [unclear]  
Residence [unclear]

Make service in this  
case personal

The People } Court of General Sessions Before Judge  
 Thomas J. Lynch } Aldersleeve. April 27, 1880  
 Indictment for grand larceny, receiving stolen goods and  
 malicious mischief. Christopher R. Robert sworn and  
 examined. I reside in the city of New York, 135  
 Madison Avenue. I am the owner of a piece of  
 ground on Riverside Avenue between 116<sup>th</sup> and  
 119<sup>th</sup> Sts. I bought it in February, about three  
 months ago. There is no particular boundary  
 line on the west; it is bounded by Riverside  
 Avenue and on the north by a stone wall. I  
 have always understood that the property next  
 to mine north was owned by the New York  
 Hospital. I understand Mr. Taber owns the land  
 north of that. I have seen the Prisoner at the  
 Court in Harlem. I cannot say of my own  
 knowledge where he lives. There was a wild cherry  
 tree growing upon my land, it stood near  
 the north boundary of the land, about two or three  
 feet from this stone fence inside on my ground.  
 It varied in diameter from three to three feet  
 nine. I never have measured the tree. I only  
 have been told by people whom I have sent  
 there to measure it. Cross Examined. I could  
 not say that I should recognize the tree if I  
 saw it. [Portions of a decayed tree were shown  
 to the witness] I think some of the interior of  
 the tree was decayed like that. I could not

10 14

say whether that is a part of it or not. This looks like a decayed tree. There was some of that tree <sup>the</sup> inside of which was decayed. I caused the arrest of the prisoner on the 15<sup>th</sup> of April. I think it was the Monday previous to that. I saw the tree. I do not swear that Mr. Lynch's house is on the property of the New York Hospital. How many feet was there between this stone wall and Mr. Taber's property? There are 25 feet at least. I cannot say how many more. I am positive there are twenty five feet because I have tried to buy the property two or three times. I have talked to the Governor of the New York Hospital about it. I have seen it on the real estate map showing 27 or 28 feet. If I should have purchased that property from the New York Hospital I should have had the title searched. I made a charge against the prisoner at the Police Court before Justice Morgan. The signature to the paper now shown me is mine. I read the paper before I signed it. I did not see the prisoner cut down the tree. I never spoke to Mr. Lynch about the matter at all. I do not know of my own knowledge that Lynch owns the house on the ground back of the north wall. Don't you know that he has had access to all that ground of Mr. Taber's and that he leased it from Mr. Taber and also to that ground

10 15

which you say belongs to the New York hospital? Nothing but what I heard him state before the Judge. I don't know whether his cows browse there or not. I have been up there five or six times since I have owned the property. I did not know that Lynch lived there. A man who lives in a house south of my property first informed me about the cutting down of my tree. I cannot recollect his name, he told me on the 4<sup>th</sup> of April. I happened to be walking along one Sunday and I noticed this tree had been cut down. He did not tell me where the tree had been cut down. I think the first I heard of Lynch cutting down the tree was on the 15<sup>th</sup> of April. I was told by the witness who helped him to cut it down when the charge was made before the Judge in Harlem. I went the next day, Monday, to the Police station and made a complaint. I do not think I saw Capt. Leary on that day, but I did a few days after that. I told him I understood that the people by the name of Lynch, who lived in the house, had something to do with cutting the tree down. I called at Lynch's house, I saw the person that came to the door, but I do not know whether she was the prisoner's mother or not. I think I said I understood they cut the tree down and I would make them suffer for it.

2 I am quite sure I did not call them a



10 16

"robber" It was the Monday following the time I found the tree was cut down that Lynch was arrested. I said to this woman I understood her husband cut down that tree. She said her husband had not cut it down. I asked her if she knew anything about it? She said she knew nothing about it. I said, I have been told your husband or some of your people here cut down that tree, and if you have, I will make you suffer for it. I know nothing about who cut it except what I have been told. I secured a warrant for the arrest of Lynch 24 hours after I had been told he cut down the tree. It is a fact that the limbs, the branches and the twigs of this cherry tree were hanging over on the property of the hospital. I saw the stump of the tree was left and what I supposed was a part of the tree lying in the next field. We found what appeared to be part of that tree, part of the branches, up near Mr. Lynch's cow shed. The stump of the tree is there still, but there is no wood on my premises; the wall is about two feet high. I should infer from the appearance of things that it fell over on the hospital ground; there is not the slightest difficulty in seeing over the wall; the property was transferred to me in February. I do not know that the prisoner and his brother have had charge of



10 17

that property for the past five years. I never  
 heard so I never spoke to the prisoner about  
 cutting down the tree, he had his lawyer at  
 the police Court. I had a lawyer there too. I  
 never authorized any one to cut down that tree.  
 What did you consider that tree worth? As a  
 shade tree it is impossible to fix any value  
 on it, I would not like to have it cut down.  
 I would not have taken five hundred dollars  
 for it. Thomas Smith, sworn and examined  
 Live 120<sup>th</sup> St. and Broadway. I have known  
 Lynch since I lived up there two or three  
 years ago. I know the cherry tree that has  
 been talked of here today. I saw Thomas Lynch  
 and some strange man cut that down.  
 I could not exactly tell the day; it was some  
 time in March, the middle of March; they  
 carried it to their house; there is some of the  
 tree there; they put it beside the fence, I don't  
 know whether they brought it to the house or  
 not. it is not in the yard, it is in a big  
 lot there. I do not think there was any of the  
 tree left on Mr. Roberts property; the tree stood  
 near the stone wall on Lynch's side. I saw  
 the tree full; it fell over the wall on Lynch's  
 side; they sawed the tree up. Did it look  
 like that? [Pieces of rotten tree shown to the  
 witness.] That is the inside of the stump;  
 it is like that; some of it was found

10 18

and the rest looked kind of rotten. Do you know what they did with the pieces? Hatched it over near the stable, some two or three hundred feet from where the tree was cut down. Cross examined. This tree was cut down in the day time; there was no attempt at secrecy. It was taken away from where the grass stood to where there was no grass. Lynch told me to take as much of that cut as I wanted. I don't know that any other people took any of it home. Lynch did not take any of it into his house. When the tree was cut down I helped to split the wood. Lynch hired me to split it and to carry it beside the shed. I remember that a bees nest was in the trunk of that tree when it fell down. Thomas Lynch, sworn and examined in his own defence testified. I am 23 years old. I live on 118<sup>th</sup> St. Riverside drive in the Twelfth ward. I have resided ten years in that section of the city. I am foreman for my brother who is a contractor. I work every day for my living. I cut the tree down. I have a house adjoining Mr. Roberts' premises. I do not know how long Mr. Roberts owned those premises. I have had charge of the lots up there except Mr. Roberts. I have had charge there for two years. I have seen this cherry

10 19

tree for the last five or six years. To the best of my opinion the tree was in danger of falling. Did you cut that tree down? Yes sir, I could not give the date, but it was last March I believe. What was the condition of the tree when you cut it down? To the best of my opinion it was rotten. I did not take any of the tree; it was thrown in an open lot, the limbs were in the habit of falling. My sister and mother and I were in the habit of passing it; we were in the habit of sitting alongside the wall, the tree hung over the property of which I had charge. I noticed a limb to fall about January, I have picked wood from it off the grass. In the last two years I could not tell how long it is since that cherry tree bore any fruit. I have seen fruit on it three years ago. When I cut it down I left it there and it is there yet. I gave Smith branches, I gave him part of that tree; there is more of the tree there than I gave him. I did nothing. I took none of it home to my house. I moved it to my stable, but there is no fence between it! you can see it from the drive, it is openly exposed. I guess the tree was more hanging over Tab's property than Mr. Roberts' property. I had charge of Mr. Tab's property. I could prevent anybody coming in. I had charge of it since I moved in there, two years ago.

I should judge I lived about 125 feet from where  
 the tree was. I have never been arrested before  
 in my life except for some boyish tricks such  
 as swimming. I have never been arrested  
 charged with any crime. I was charged by Mr.  
 Roberts with grand larceny and bailed. Did  
 you intend any act of malice when you cut  
 down that tree? No sir. Did you know who the  
 owner of that tree was? No sir. I did not  
~~Cross Examined~~ I lived in a house on the  
 corner of some property owned by Mr. Taber. I did  
 not suppose the house was condemned by the  
 city. It was condemned because it was on the  
 road and they were going to cut through, was  
 it not? Yes sir. You bought it, moved it on there,  
 and hired two lots? Yes sir. I should judge  
 those lots were 125 feet from Mr. Roberts' property.  
 I don't know how much property Mr. Taber owns there.  
 The lots face from Clermont Avenue to the  
 Riverside drive, they are 25 by 100 feet; we have  
 charge of the rest; we put a fence around it.  
 Mr. Taber gave the property in charge to my  
 father, I guess he did so two years in March.  
 I believe Mr. Taber is not here. I have not asked  
 him to come here, I do not suppose he is in  
 the city. I saw Mr. Taber last fall I believe.  
 What did Mr. Taber tell you about that property?  
 He did not tell me anything about it.



Mr. Tabor was to give us three months notice before we left and he did not give it to us. All that we had control of was the lots we lived on ~~and they were~~ at least 125 feet from Mr. Roberts' lots, there was a wall between them and we have a place fenced in. Do you know that inside that wall towards your place that the New York hospital owned a strip of 27 or 28 feet? No sir, I do not. Did you ever see any person representing the New York hospital who gave you charge of any portion of that property? No sir. You say that you picked up limbs of that tree before that had dropped off? Yes sir. What did you do with them? I left them at the stable. They were on the grass destroying the grass. I took them right beside the stable. I did not hide them in any place. I took them up because they were destroying the grass. Why didn't you throw them in the river? That would be rather too far, then I would be trespassing again. I could not exactly get over the wall. That tree was from three to four feet thick? I could not exactly say that, it was one of the largest cherry trees I ever saw, it had been green, but I do not know that it had this summer. I did not take notice of it last summer whether it blossomed or not, it has been decaying for the last two years. So the best of my opinion the tree was endangering

my mother's and my sister's life, we are in  
 the habit of passing under that tree when the  
 drive is closed up. We were not obliged to cross  
 under that cherry tree, but we were in the habit  
 of crossing under it. I used a cross cut saw  
 and an axe in cutting down the tree; the limbs  
 were weighty enough to carry it down; the tree  
 broke in about fifty pieces when it fell. How  
 many cords of wood was in that tree of  
 sound wood? I could not judge, I could not say.  
 How long did it take to cut down that tree?  
 I should think it took about four hours. How long  
 did it take to cut it? We took our time; we  
 were not in such a hurry ~~as that~~, I should  
 judge a day. Did you bring these down [pieces  
 of a rotten tree] yes sir; this was taken out  
 of the centre of the tree; there was an opening  
 from the side. I never saw a cherry tree as  
 large as this one I cut down that did not have  
 some decaying wood in the centre. I did not  
 employ any person to help me to cut down  
 the tree; the boy who was a witness, I gave him  
 part of the tree. About one quarter of the wood  
 of the tree is over by my barn. What did you  
 carry it over there for? It was in the way  
 of the grass, I meant to burn it. I did not  
 suppose there was anything else to be done  
 with it. Then the tree was cut down Mr. Roberts



called at the house, but I did not see him. I met him in the police court but had no conversation with him. I never concealed from anybody the fact that I cut down the tree, it was done in broad daylight. John J. Lynch, sworn. I live No 2 west 101<sup>st</sup> St and have lived in the 12<sup>th</sup> ward about eleven years. I am a contractor. The prisoner is my brother, he lives in 118<sup>th</sup> St. between Riverside drive and Germant Ave. I have removed and cut down about a hundred trees. I have seen the cherry tree spoken of in this case four or five years ago. I saw it last March before it was cut down, about a month and a half before that, my father and mother lived at home with my brother on the ground joining Mr. Roberts, about 175 feet from it. I considered that tree rotten to the core. I never saw any of the limbs fall, but I saw them on the ground after they had fallen on my brother's side of the fence; there was a quite a large hole in the tree, I put my hat through it. I got some of the inside of that tree and I have brought it to Court. Cross Examined I have cut down cherry trees: it would take one man three hours to cut it down. John McManus sworn. I am a plasterer and bricklayer and reside at 120<sup>th</sup> St and 10<sup>th</sup> Avenue for thirty years. I know the prisoner and I believe his character for truth is excellent. I never have heard of his being accused of any offence till this time.

1024

William J. Sheridan, sworn. I live in 103 5th  
Tenth Avenue, I am a plumber, I know the pris-  
oner, his reputation for truth is excellent.  
I never heard of his being accused of any offence  
before this one. I have lived in the neighborhood  
seventeen years. John R. Stevens called as  
rebuttal by the District Attorney. I am an  
officer of the 30th precinct. I saw the tree before it  
was cut down and afterwards I saw what was  
supposed to be part of it lying along side of Mr.  
Lynch's cow shed all split up in long sticks.  
That part I saw was sound and hard wood.  
August Hepp, sworn. I am a gardener in the  
Central Park and have been there two years. I  
have been a gardner 38 years and am fam-  
iliar with the growth, age and condition of  
trees. I have examined the stump of the tree on  
the Roberts property and also portions of the tree.  
I measured the stump of the tree at the place  
where it was cut about three feet above the  
ground; it measured a little over three feet  
at the smallest diameter; a diameter of eight  
inches of the interior of the tree was disintegrated,  
but outside of that the core was sound; the  
tree was not likely to fall; in some localities  
that tree would grow in 30 or 40 years, in others,  
it would take 50 to 60 years, the tree would cer-  
tainly have lasted for a generation.  
The jury rendered a verdict of guilty.

1025

Testimony in the case of  
James Lynch  
filed April 1890.

CITY AND COUNTY } ss.  
OF NEW YORK,

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York,  
upon their Oath, present:

That

*Thomas J. Lynch*

*Twelfth*  
late of the ~~12th~~ Ward of the City of New York, in the County of New York, aforesaid, on the  
*fifteenth* day of *March* in the year of our Lord  
one thousand eight hundred and ~~seventy~~ *eighty* at the Ward, City and County aforesaid,  
with force and arms,

*One tree of the kind called a Cherry Tree  
of the value of thirty dollars -  
Six cords of wood of the value of five  
dollars each cord*

of the goods, chattels, and personal property of one

*Christopher R. Robart*

then and

there being found, feloniously did steal, take and carry away, against the form of the Statute in such  
case made and provided, and against the peace of the People of the State of New York and their  
dignity.

And the Jurors aforesaid, upon their oath aforesaid, do further present  
That the said

*Thomas J. Lynch*

late of the Ward, City, and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,  
with force and arms, at the Ward, City and County aforesaid,

*One Tree of the kind called a Cherry Tree  
of the value of thirty dollars  
Six Cords of wood of the value of five  
dollars each Cord*

of the goods, chattels, and personal property of the said

*Christopher R. Robart*  
by a certain person or persons to the Jurors aforesaid unknown, then lately before feloniously  
stolen of the said

*Christopher R. Robart*  
unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have (the said

*Thomas J. Lynch*  
then and there well knowing the said goods, chattels, and personal property, to have been feloniously  
stolen,) against the form of the Statute in such case made and provided, and against the peace of the  
People of the State of New York, and their dignity.

~~BENJAMIN H. PHELPS, District Attorney.~~

and the jurors aforesaid upon their oath aforesaid do further present:

That the said Thomas F. Lynch, late of the Ward City and County aforesaid, on the day and in the year aforesaid, at the Ward City and County aforesaid did maliciously and wilfully cut down, steal take and carry away one tree [of the kind known as a wild cherry tree] the said tree then standing and growing upon certain lands of one Christopher R. Robert and known and being described as lying and <sup>the easterly side of</sup> being on Riverside Avenue, two hundred and twenty five feet north of one hundred and sixteenth Street in the Twelfth Ward of the City and County of New York, the same being wilfully and feloniously done, and being without the Consent of the said Christopher R. Robert.

Rufanin K. Phelps

Duluck Attorney

"Laws, 1857, ch. 182"  
Sec. 5<sup>th</sup> Park - 229.



1029

BOX:

10

FOLDER:

135

DESCRIPTION:

Lyons, John C.

DATE:

04/07/80



135

1030

THESE THINGS BEING DONE TO THE BEST OF THE COURT'S KNOWLEDGE  
AND BELIEF THAT THE DEFENDANT IS GUILTY OF THE CHARGE  
AND THAT HE IS FIT TO BE SENTENCED TO THE PENITENTIARY

1880

THE COURT HEREBY FINDS THE DEFENDANT GUILTY OF THE CHARGE  
AND THAT HE IS FIT TO BE SENTENCED TO THE PENITENTIARY  
FOR A TERM OF YEARS

40

Counsel,

Filed

7 day of April 1880

Pleas

*John C. Lyons*

THE PEOPLE

vs.

*John C. Lyons*

*Indictment, Larceny.*

*Not my name - have*

*done him before for*

BENJ. K. PHELPS,

*April 11th District Attorney.*

*Pleas guilty.*

A True Bill.

*3 1/2 years.*

*W. S. Taylor Foreman.*

*[Signature]*

THE COURT HEREBY FINDS THE DEFENDANT GUILTY OF THE CHARGE  
AND THAT HE IS FIT TO BE SENTENCED TO THE PENITENTIARY  
FOR A TERM OF YEARS

DISTRICT ATTORNEY.

THEY WILL BE SEEN HERE TO BEING AND TO BEING THE  
And all the other things that are in the world.

1880

And all the other things that are in the world.

40

Counsel,  
Filed 7 day of April, 1880  
Pleads *Not Guilty*

THE PEOPLE  
vs.  
*John, C. Lyons*  
Indictment - Larceny.

BENJ. K. PHELPS,  
Special W. District Attorney.  
*Pled guilty.*  
A True Bill.  
*S. H. Groves* years.  
H. S. Taylor Foreman.  
*[Signature]*

1032

John alias "Jeff" Loftis alias "John B. Lyons"  
Arrested March 14 1878 by officer McQuire 14 Post  
Burglary at Store 12 Cross Leather Pocket  
books Val. \$200.00 by Justice May \$1000.00 to  
Ans. bailed March 28/78

1033

STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORK.

FORM 89 1/2

SS.

POLICE COURT - SECOND DISTRICT.

of No.

7 Mercer

and say

that on the

31st

day of

March

18 80

at the City of New York, in the County of New York, was feloniously taken, stolen and carried away, from the possession of deponent,

the following property, to wit:

A wooden Case containing 60 dozen  
Spool Sisk and 1350 Spools of Sisk  
Twist all being

of the value of Sixty Nine Dollars,

the property of

Joseph W. C. Seaway, Frederick A. Foster, J. Keller Foster  
John A. Brown, and Simon M. Clapp, copartners doing business  
at said address and street, said property being in deponent's care,  
and charge as assistant bookkeeper

and that this deponent has a probable cause to suspect and does suspect, that the said property

was feloniously taken, stolen, and carried away by

John C. Lyons (nowhere)  
and another male whose name is unknown to deponent not arrested  
from the fact that deponent was informed by

Samuel Sadlier of No. 66 Leroy Street in  
the City and County of New York, that he saw  
said John C. Lyons and said unknown person  
in company and talking together and  
afterwards saw him with John C. Lyons  
taking, stealing and carrying away the  
above described wooden Case containing  
said goods into the hall way of premises  
No. 15 Mercer Street in said City. At  
about the hour of 4 o'clock P.M. on said  
day.

George E. Carter

Sworn to before me, this

1st

day

of

March

18

80

Police Justice



State of New York  
 City & County of New York } S.S.

Samuel Sadlier of No. 66 Leroy Street in  
 the City of New York being duly sworn  
 deposes and says that he has heard the  
 foregoing affidavit read and that  
 portion of said affidavit which refers  
 to deponent is true of his own knowledge.

Sworn to before me this  
 1<sup>st</sup> day of April 1880

Samuel Sadlier

McGraw Allegany  
Police Justice

1035

Police Court—Second District.

CITY AND COUNTY }  
OF NEW YORK } ss.

*John C. Lyons* being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he is at liberty to refuse to answer any question that may be put to him states as follows, viz.:

Question.—What is your name?

Answer.—

*John C. Lyons*

Question.—How old are you?

Answer.—

*23 years of age*

Question.—Where were you born?

Answer.—

*New York City*

Question.—Where do you live?

Answer.—

*Brooklyn*

Question.—What is your occupation?

Answer.—

*Machineist*

Question.—Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer.—

*I am not guilty*  
*John C. Lyons*

Taken before me, this

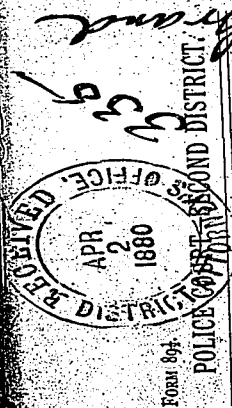
day of

1880

Police Justice.

*Marcus C. St. Louis*

1036



THE PEOPLE, & C.  
ON THE COMPLAINT OF  
*George E. Carter*  
*Miner et al*  
*John C. Lyons*

DATED *April 1st* 1880

*Attorney* MAGISTRATE.  
*Frederick Dyer* OFFICER.  
*20th Street*

WITNESS  
*Samuel C. Sadlier* 1166 Lombard Street

*Before accepting said notice*  
*of this Court, the Court*  
*has issued a warrant for the arrest*

*in charge of the*  
*John S. L.* TO ANSWER

BAILED BY  
No. STREET.

*Warrant and return filed at the office of the District Attorney*

1037

CITY AND COUNTY } ss.  
OF NEW YORK,

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,  
in and for the body of the City and County of New York,  
upon their Oath, present:

That

*John b Lyons*

late of the First Ward of the City of New York, in the County of New York, afore-  
said, on the *thirty first* day of *March* in the year of our Lord one  
thousand eight hundred and ~~seventy~~ *eighty* at the Ward, City and County  
aforesaid, with force and arms

*One case of the value of one dollar —  
Seven hundred and twenty spools of silk  
of the value of Two cents each spool.  
Thirteen hundred and fifty spools of  
other silk [of the kind called silk  
twist] of the value of three cents each  
spool —*

of the goods, chattels and personal property of one

*Fredrick A Foster —*

then and  
there being found, feloniously did steal, take and carry away, against the form of the  
Statute in such case made and provided, and against the peace of the People of the  
State of New York and their dignity.

BENJ. K. PHELPS, District Attorney.