

0981

BOX:

10

FOLDER:

135

DESCRIPTION:

Luff, Isaac

DATE:

04/22/80



135

0982

185

Counsel,

Filed 23 day of April 1880

Pleas Not Guilty 23

Larceny, and Receiving Stolen Goods.

THE PEOPLE

vs.

Isaac Luff.

BENJ. K. PHELPS,

District Attorney.

Part No April 26 1880

Read P.L.

A True Bill.

M. S. Taylor

Foreman.

Wm. P. P. J. J.

0983

FORM 89 1/2

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK

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: One Black cloth
Spring Overcoat

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 proven ticket for said coat
instead of going to the harness room
said Luff ran away. Henry Dyer

Sworn to by me, this
18th day of April 1880.
H. M. [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.—*Isaac Luff*

Question.—How old are you?

Answer.—*21 years of age*

Question.—Where were you born?

Answer.—*New York.*

Question.—Where do you live?

Answer.—*I slept in New York State*

Question.—What is your occupation?

Answer.—*To work about the stable*

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

Wm. H. ...
Judge of Peace
1890

Police Justice

0985

Form 893

POLICE COURT—SECOND DISTRICT.

THE PEOPLE, & c.,
vs THE COMPLAINT OF

Henry J. Allen
144 Chapman St.
1880.

Ernest Luff
Magistrate

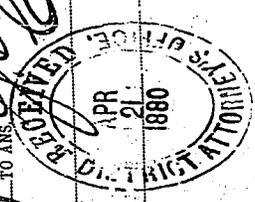
DATE *April 21st* 18 *80*

MAGISTRATE.

Raymond B. [Signature]
OFFICER.

WITNESS:

\$5.00 TO AND BY *J. D. [Signature]*



STREET. No.

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 forty 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.

0988

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

0990

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

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

Raymond Phelps

~~Raymond Phelps~~ District Attorney,
Chgo. Ill.

Chas. E. Smith & Co.

A True Bill.

W. S. Taylor
Foreman.

Part Two - April 23 - 1880

I, Fred T. Converse
Atty. Gen. for Justice of Peace
I. H. S. L. W. F. J. 29

0991

STATE OF NEW YORK, } FORM 89 1/2
CITY AND COUNTY OF NEW YORK, } ss. POLICE COURT—SECOND DISTRICT.

John Lewis

of No. 108 W. 39th Street, being duly sworn, deposes

and says, that on the 18th 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
room on the South East corner of 36th
street and 4th 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

Subscribed and sworn to before me this 18th day of April 1880

John Lewis

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 Davon post of the 20th Precinct found the said "Watch" in an ash barrel on the side walk in 4th 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 7th Avenue corner 36th Street - in company with said defendants. Said Pettit then and there saw said Fanny Lywell put her hand on said scarf and immediately thereafter said Scarf Pin

0993

Police Court—Second District.

CITY AND COUNTY }
OF NEW YORK, } ss.

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 34th 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* 188*0*

McKen
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 39th 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

Mrs. A. C. [Signature]
day of April 1878
Justice.

0995

disappeared. Deponent identifies the
said Watch as deponents property

Sworn to before me this }
18th day of April 1880 }

Maximilian O'Leary } John Lewis
Police Justice

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

Herman Wagner of the 29th Precinct and
William B Pettit of No 440 West 34th
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
18th day of April 1880 } Wm B. Pettit Jr

Maximilian O'Leary
Police Justice

0996

TORN PAGE(S)

0997

Complainant ~~born to~~
~~Thomas J. Detemton~~
is ~~detention~~
Bailed
Louis McPegor
bail for Complainant
Residence
108 N. 39th St

RECEIVED
APR 19 1880
POLICE COURT - SECOND DISTRICT
THE PEOPLE, & C.,
ON THE COMPLAINT OF
John Lewis
vs.
Samie Lynch
Marry Jane Smith
Dated April 18 1880

OTterbury
Magistrate
Agnes J. Spent
129 1/2
Off. JAMES 20th Ave
Berman
29th St
Charles J. Greenport
20th St
William B. Pettit
440 Green 34th St

1500 TO ANS
Each 500
Bailed by
No. Street
Corner
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, ~~W B BARVEN~~, District Attorney.

0999

BOX:

10

FOLDER:

135

DESCRIPTION:

Lynch, John

DATE:

04/19/80



135

1000

159
C. J. P.

Counsel,

Filed 19 day of April 1870

Pleas, *John D. Sullivan* (27)

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

THE PEOPLE

vs.

John Lynch

BENJ. K. PHELPS,

District Attorney.

A True Bill.

W. S. Taylor

Foreman.

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

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 denomination 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 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 injury to the person of her the said Sarah J. Harris then and there volently and feloniously did attempt to Rob steal take and carry away

Reuf. N. Phelps
Dutch Attorney

159

Counsel,

Filed 21 day of April 1860

Pleas, *Not Guilty*

THE PEOPLE

vs.

John Lynch

Wm. Bond

Attorney

Robbery—First Degree, and Receiving stolen Goods.

BENJ. K. PHELPS,

District Attorney.

A True Bill.

W. S. Taylor
Notary Public
 For and on behalf of
 the grand jury of and
 the County of *Jefferson*
 State of *Missouri*

W. S. Taylor

1003

Police Court, Fourth District.

CITY AND COUNTY } ss.
OF NEW YORK, }

John Lynch

being duly examined before the under-
signed, 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

John Lynch
Taken before me this 12th 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, being duly sworn, deposeseth and saith, that on the 27 day of March 1880, at the Ward of the City of New-York, in the County of New-York, was feloniously taken, stolen, and carried away, from the person of deponent, 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. ~~Dollars,~~ 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 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 scissors, which cut her apron.

Sarah J. Harris

Police Justice

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

1005

Police Court—Halls of Justice.

THE PEOPLE, &c.

ON THE COMPLAINT OF

Frank Harris

247 W 50 St

36
John Lynch

Attorney—Robbery.

Dated *12 April* 1880

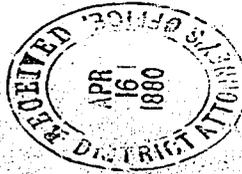
J. Magistrate.

W. W. Brown

Officer.

WITNESSES:

Sanitary Police



1500 to man
Cover

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 pulling 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.

Pleas *John C. Quincy Co. N.*

Larceny, and Receiving Stolen Goods.

THE PEOPLE

vs.

B
Thomas F Lynch

BENJ. K. PHELPS,

District Attorney.

A True Bill.

N. S. Taylor

Foreman.

April 27 1880.

Jacob J. Condicted on

Grand Jurors

June 1880

1009

576

District Police Court

Affidavit - Larceny.

CITY AND COUNTY OF NEW YORK } ss.

Christopher R. Robert

of No. 135 Madison Avenue, Street,

being duly sworn, deposes and says, that on the 15th day of March 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, 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 Lynock (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 Lynock and said unknown person cut down said tree and saw said Lynock 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 116th 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. Robert

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

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

Thomas Smith Corner
of 120th Street & Broadway being duly
sworn says that he saw Thomas
Lynch (here present) and another
person unknown to deponent
cut the tree mentioned in the
foregoing Complaint away and
down from the premises aforesaid
and saw said Thomas Lynch
carry away the same

Sworn to before me
this 15th 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 PRO
ON THE CO

Police Court—Fifth District.

CITY AND COUNTY
OF NEW YORK, } ss

Thomas J. Lynch being duly examined before the under-
signed, 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. *118th Street & 12th 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 *15th*
day of *April* 18*88*.

B. J. Morgan

Police Justice.

10 12

POLICE COURT - FIFTH DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

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

RECEIVED
APR 16 1900
District Court
182
1900

1900

Magistrate
Officer
see other side
3rd Precinct

Witness
Thomas Smith
COT of 12th St. West Broadway
Officer Nevins
20th Precinct

\$1000 [unclear]
Paid by James P. Briggs
No 235 West 12th St.

Received in Dist. Atty's Office.

See other side

Witness

Rudolph Rosa
Surveyor
31 Pine St

* August Hepp
Residence
Central Park

No. 2, by
Residence
Law in [unclear] one
to Dept of Public Safety
No. 3, by
Residence
The [unclear] personally

No. 4, by
Residence
Make service in this
case permanent

The People
 vs
 Thomas J. Lynch
 Indictment for grand larceny, receiving stolen goods and malicious mischief.

Court of General Sessions Before Judge Gilderclere. April 27, 1880.

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 116th and 119th 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

1014

say whether that is a part of it or not. This looks like a decayed tree. There was some of that tree ^{the} inside of which was decayed. I caused the arrest of the prisoner on the 15th 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 4th 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 15th 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 Seary 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 anyone 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. 1120th 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 fall; 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; come if it was found

10 18

and the rest looked kind of rotten. Do you know what they did with the pieces? I fetched 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 118th 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.

1020

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~~ Examine. 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 in 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.

1021

Mr. Taba 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. They 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

1022

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] ~~for~~ ^{for} ~~me~~ ^{me}; 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

1023

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 109th St and have lived in the 12th ward about eleven years. I am a contractor. The prisoner is my brother, he lives in 118th 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 125th St and 10th 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 gardener 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
Thomas Lynch
filed April 1880.

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

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. Robert

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

Christopher R. Robert

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 ^{the easterly side of} 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. 5th Part - 229.

1029

BOX:

10

FOLDER:

135

DESCRIPTION:

Lyons, John C.

DATE:

04/07/80



135

1030

THESE THINGS BEING FIRST TO BE DONE AND TO BE DONE FIRST
And to be done first and to be done first

1880

And to be done first and to be done first
And to be done first and to be done first

40

Counsel,
Filed 7 day of April, 1880
Pleas *John C. Lyons*

THE PEOPLE
vs.
John C. Lyons
Indictment, Larceny

BENJ. K. PHELPS
April. W. District Attorney.
Pleas guilty.
A True Bill.
S. H. Taylor Foreman.

[Signature]

And to be done first and to be done first
And to be done first and to be done first
And to be done first and to be done first

1031

IN SENATE
April 7 1880

1880

Counsel,
Filed 7 day of April 1880
Pleads *John C. Lyons*

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

BENJ. K. PHELPS,
Special W. District Attorney.
Pleads guilty.
A TRUE BILL.
S. H. Grob years.

H. S. Taylor
Foreman.

IN SENATE
April 7 1880

1032

John alias "Jeff" Lofters 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 Murray \$1000.00 to
Ans. bailed March 28/78

1033

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

FORM 89 1/2

POLICE COURT SECOND DISTRICT.

of No. 7 Mercer Street, being duly sworn, deposes
and says 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,

George E. Carter

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, J. Simons, M. Clapp, copartners doing business
at said No. and street said property being in deponent's care,
and charge as accountant - 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 but advised
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 and 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. in said
day.

George E. Carter

Sworn to before me, this 1st day

of April 18 80

Marcus Carter
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
 1st day of April 1880

Samuel Sadlier

Maxwell C. C. C. C.
 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.—*Medicist*

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

Marcus O. Bandy
Taken before me, this *14th* day of *April* 18*80*
Police Justice.

1036

RECEIVED
APR 2 1880
POLICE OFFICE
SECOND DISTRICT

Form 894
POLICE OFFICE
SECOND DISTRICT

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

Affidavit - Larceny - Grand

DATED *April 1st* 1880

Staturay MAGISTRATE.

Frederick Dyer OFFICER.
25th Street

WITNESS
Samuel C Sadlier 116 1/2 1st Street

*Before accepting bail notify
Officer this Court, Police Court
Who has Warrant for defendant*

In charge of Defendant
How TO ANS. *R.*

Bailed BY _____
No. _____ STREET _____

Warrant and return filed in charge of the...

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 Five 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 Fowler —

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.