

The Smoking “Probate”: Establishing the Flynn Line in Luzerne and Lackawanna County Pennsylvania through Collateral Lines, Court Records and Newspapers

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Prior research led to the identification Cecelia Flynn’s parents as Thomas Flynn and Margaret Loughrey. Thomas and Margaret (Loughrey) Flynn had two other daughters, Hannah and Adelia.¹

Cecelia Flynn m. Edward Gossart,
Hannah m. John Mather, and
Adelia (Delia) m1. Peter Schmitt, m2. William Bierly.

Thomas Flynn, the father died when the daughters were young, possibly between 1860-1863. An entry in the Luzerne Union newspaper dated 25 Jan 1860 under Sheriff sales indicates a dispute between Patrick Lenahan and Thomas Flynn.² The entry describes the parcel of land being in Jenkins Township, Luzerne, Pennsylvania and describes the land being bounded by a “Wm. Loughrey” and a “Patrick Maylen” that likely represent William Loughrey, Margaret’s brother and Patrick Moylan, who is thought to have married in to the Loughrey family [NOTE check this]. The 1860 U.S. Census shows Thomas living in Jenkins twp, and the tires immediately before and after Thomas were for Patrick Moylan and family and William Loughrey and family.³

that described land but identified a Francis Flynn and Michael Flynn, who was the administrator of Thomas Flynn, deceased. There was no obvious connection to Thomas and no court records have been found to date. However, this information led to contact with two people via Ancestry indicating that Thomas might have been the brother of Michael and Francis (Frank) Flynn.

This information led to a proposed tree but there was little to confirm the connections.

Recently discovered⁴ in the probate information for one, John Ward who died 5 May 1931⁵, are the depositions of multiple family members. Throughout the record are the first hand words of cousins connecting the lines of the Flynn clan. What makes this document unique is the first

¹Barrett, William. "What Happened to the Parents of Cecelia J. Flynn? Using Parts of FAN Principle to Analyze Margaret Loughrey and Thomas Flynn." *The Times of Their Lives* (blog). Entry posted January 7, 2017. Accessed August 12, 2020. <https://thetimesoftheirlives.blogspot.com/2017/01/what-happened-to-parents-of-cecelia-j.html>.

²*The Luzerne Union* (Wilkes-Barre, PA), January 25, 1860. Accessed August 12, 2020. <https://www.newspapers.com>

³ Ancestry.com, 1860 United States Federal Census (Name: Ancestry.com Operations, Inc.; Location: Provo, UT, USA; Date: 2009;), Year: 1860; Census Place: Jenkins, Luzerne, Pennsylvania; Roll: M653_1134; Page: 316; Image: 323; Family History Library Film: 805134

⁴ E-mail communication from Kathy Rauzi to author

⁵ John Ward letters of administration, Lackawanna County probate file no. 527, Lackawanna County Orphans’ Court, Scranton, Pennsylvania.

hand telling of the relationships between the Flynn family and additional details it adds to the existing research.

The summary of the probate shows a list of the first cousins. This allows for the tracing back to the Flynn families and developing the family tree through the various depositions/questioning in the record.

(b) The names of all persons having any interest as heirs or next of kin (with the names of their parents, to show relationship if necessary) are as follows:

Names	Relationship	Interest	Of age or not (write yes or no)	Name of Guardian or Committee, if any, and how appointed
Michael Flynn	1st cous.		Yes	
Frank Flynn	"		Yes	
Thomas Flynn	"		"	
Delia Bierly	"		"	
Mary Flynn	"		"	
✓ Martin J. McHugh	"		"	
Margaret Fallon	"		"	
Thomas J. McHugh	"		"	
Margaret Mangan	"		"	
Bessie Allgood	"		"	
Jane Doyle	"		"	
Kate Kelly	"		"	
Anna Kilgallon ✓	"		"	
Mary Conlon ✓	"		"	
Frank McHugh	"		"	
Agnes Susan McCarraugh	"		"	

All of said parties in interest are living.

State exceptions, if any, giving names and dates of death and the names of their executors or administrators, or the names of their issue as the same may be material.

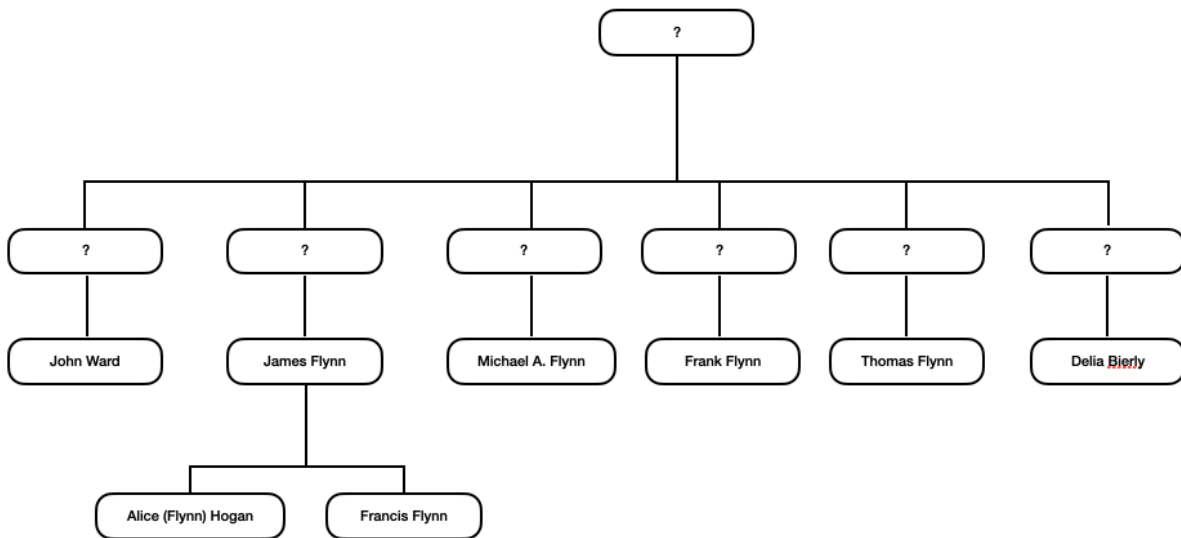
FIGURE 1. SUMMARY FROM PETITION OF THOMAS F. CONLON AND JAMES FLYNN IN ESTATE OF JOHN WARD, ORPHANS' COURT LACKAWANNA COUNTY.

Dissecting the Estate of John Ward begins with the petition of Thomas F. Conlon and James Flynn. John Ward died 5 May 1931 intestate with surviving kin noted as Mary Conlon, Annie Kilgallon, Alice Hogan and Francis Flynn. Furthermore, Mary Conlon and Annie Kilgallon renounced their rights to “Letters of Administration” and ask to have Thomas F. Conlon and James Flynn appointed administrators.

The probate proceeds to several depositions. The first for Thomas F. Conlon finds John Ward never married and had no children, and lived on 813 South Keyser Avenue. He lived with “Mrs. Hogan” and “with the other administrator”, James Flynn. Through Thomas Conlon’s deposition it was established that at the time of preparing for the funeral, that a “Mr. Flynn” was brother to Mrs. Hogan and that in arranging the funeral it was Thomas Conlon, Mr. Flynn (James Flynn), Mrs. Hogan and Francis Flynn.

James Flynn’s deposition indicated that Mrs. Hogan is his daughter, and the assumption that that Francis Flynn was her brother. When Mrs. Alice Flynn Hogan was then sworn in for examination the first question was on her relation to John Ward, she replied “Second cousin”. Alice indicated that she took care of John Ward in his sickness as a nurse and also ran errands for him. As the questions continued, the focus turned to bills for the estate.

When questioning begins on 30 December 1931, Michael A. Flynn, Frank Flynn, Thomas Flynn and Delia Bierly, are described as first cousins, and appear as exceptions to the account in the estate of John Ward. Since John Ward, having no immediate family, the probate identifies next of kin as first cousins, including James Flynn, one of the administrators. Thus, James Flynn and John Ward are first cousins, with Alice Hogan and Francis Flynn being James’s children.



As the probate continues distribution to cousins is mentioned identifying several more names.

5. That under the provisions of the intestate laws of the commonwealth of Pennsylvania, the only persons entitled to the estate embraced in the account or any part thereof (other than as creditors) are as follows, viz: Michael Flynn, Frank Flynn, Thomas Flynn, Delia Bierly, Mary Flynn, Martin J. McHugh, Margaret Fallon, Thomas J. McHugh, Margaret Mangan, Bessie Allgood, Jane Doyle, Kate Kelly, Anna Kilgallon, Mary Conlon, and Agnes Quinn McCormick, first cousins and all of legal age.

6. That all persons having any interest have had notice of the fil-

ing of the account.

7. That the estate was subject to the payment of a transfer tax to the State of Penna. which tax has been paid.

8. That all creditors of whom the accountants have had notice or knowledge have received notice of this audit.

DISTRIBUTION IS THEREFORE AWARDED AS FOLLOWS, VIZ:

Fund for distribution, - - - - - \$ 7,198.25

Deduct:

Allowance for premium on bond of admrs., -	\$26.67	
To James Flynn for use of grave in which		
decedent is buried, - - - - -	\$50.00	
To James Flynn for use of house for body		
of decedent, - - - - -	\$50.00	
To D.J.Reedy, Esq. additional counsel fees	350.00	476.67
		<u>476.67</u>

Which balance of - - - - - \$ 6,721.58

is awarded as follows, viz:

To Michael Flynn, - - - - -	\$ 448.10
To Frank Flynn, - - - - -	\$ 448.10
To Thomas Flynn, - - - - -	\$ 448.10
To Delia Bierly, - - - - -	\$ 448.10
To Mary Flynn, - - - - -	\$ 448.10
To Martin J. McHugh, - - - - -	\$ 448.10
To Margaret Fallon, - - - - -	\$ 448.10
To Thomas J. McHugh, - - - - -	\$ 448.11
To Margaret Mangan, - - - - -	\$ 448.11
To Bessie Allgood, - - - - -	\$ 448.11
To Jane Doyle, - - - - -	\$ 448.11
To Kate Kelly, - - - - -	\$ 448.11
To Anna Kilgallon, - - - - -	\$ 448.11
To Mary Conlon, - - - - -	\$ 448.11
To Agnes Quinn McCormick, - - - - -	\$ 448.11

The Flynn tree can be further developed when reviewing the questioning of Jame Flynn from 24 August 1932:

“Q. And of course you knew John Ward, the decedent? A. Yes, I did.

Q. You knew his mother, Jane Flynn Ward also? A. Yes.

Q. She had a brother, Farnk [Frank] Flynn? A. Yes.

Q. You knew him too? A. Yes.

Q. Frank Flynn had three sons, Michael, Frank and Thomas? A. Yes.

Q. Then Jane Flynn Ward had another brother, Thomas Flynn, didn't she? A. I don't know.

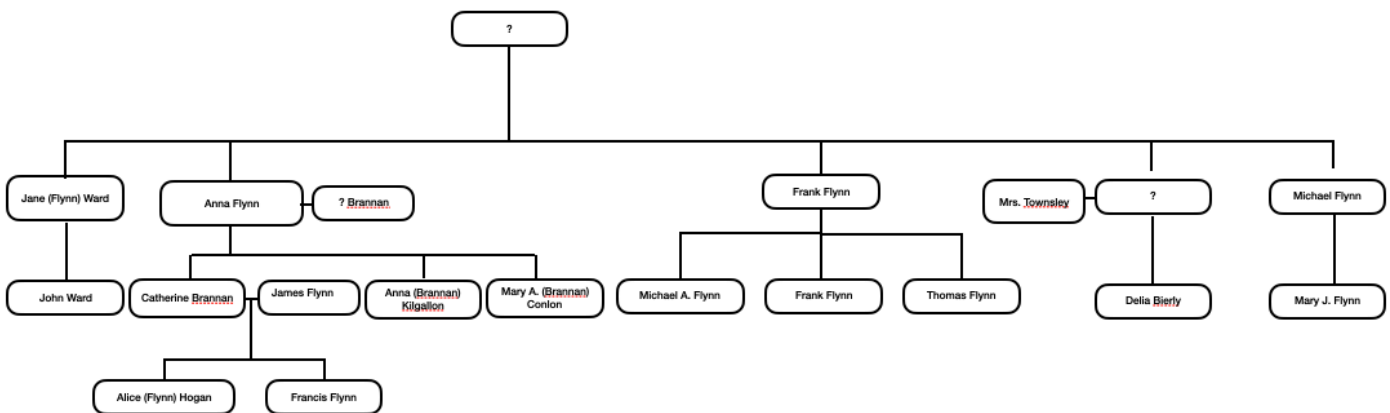
Q. Did you know Delia Bierly? A. I knew her.

Q. Do you know who her mother was? A. Mrs. Townsley.

Q. What was her father's name? A. I don't know; I don't know no Thomas.

Q. Did Jane Flynn Ward have another brother, Michael Flynn? A. Yes.
 Q. And he had a daughter Mary J. Flynn? A. Yes.
 Q. You knew that Mary J. Flynn, Michael Flynn, Frank Flynn and Thomas Flynn were all cousins? A. Yes.
 Q. They were all cousins of John Ward who died? A. Yes.
 Q. Jane Flynn Ward also had a sister named Anna Flynn Brannan, didn't she? A. Yes.
 Q. And Anna Flynn Brannan had three children, Mary A. Conlon was one? A. Yes.
 Q. And Anna Kilgallon? A. Yes.
 Q. And Catherine Flynn, your wife? A. Yes.
 Q. So that you knew May Conlon, Anna Kilgallon and Catherine Brannan or I mean Catherine Flynn your wife, to be cousins of these people? A. Yes."

The tree for the Flynn family can be expanded from James Flynn's answers:



As the deposition continues the relationship on the Ward side for Agnes Quinn is established but will not be included in this analysis. James Flynn does not know the relationship of Delia (Flynn) Bierly to the other Flynn's identified thus far.

"Q. And you know all these people mentioned, that is, Frank Flynn, Michael Flynn and Thomas Flynn? A. I don't know Thomas.
 Q. Do you know whether or not these people are dead or alive? A. They are dead, I guess; Frank Flynn and Michael Flynn is dead; I don't know no Thomas Flynn.
 Q. Do you know that fellow that sits back by the door here (indicating)? A. Yes, oh, they are alive; I thought you meant the brothers; I thought you meant Mrs. Ward's brothers.
 ...
 Q. Let me ask you this question: Michael Flynn, Frank Flynn and Thomas Flynn, sons of Frank Flynn, a brother of Jane Flynn Ward are all alive, are they? A. Yes.
 Q. And is Mary Conlon, a daughter of Anna Flynn Brannan, who was a sister of Jane Flynn Ward alive? A. Yes
 Q. Is Anna Kilgallon, her sister, alive too? A. Yes.
 Q. Is Catherine Brannan Flynn alive? A. No.
 Q. She was your wife, was she? A. Yes.
 Q. And Alice Flynn Hogan is your daughter? A. Yes.
 ...

Q. Francis Flynn was the brother of Alice Flynn Hogan? A. Yes.

...

Q. What was the name of the woman who was out west? A. Agnes Quinn, a first cousin.

Q. How does she trace her relationship? A. Her mother was a sister of John Ward's mother.

...

Q. You don't know anything about Mrs. Bierly or whether she was a first cousin or not?

A. No, sir, I do not."

The depositions continued with the questioning of Miss Dorothy L. Smith.

"Q. What relation are you to Delia Bierly? A. A daughter.

Q. What relation was she to John Ward? A. My mother's father and Mr. Ward's mother were brother and sister.

Q. So that Delia Bierly would be a first cousin of John Ward, the decedent? A. Yes, sir.

..

Q. How do you know she was his sister, that Mrs. Bierly's mother was his sister? A. Well, my mother always spoke of the relationship; the family was never close connection but my mother always spoke of the relationship.

Q. How old is Delia Bierly? A. Seventy-four years old; she is in New York just now laid up with rheumatism.

Q. What was your grandfather's name? A. Thomas Flynn.

Q. What relation was Thomas Flynn to Jane Flynn Ward? A. They were brother and sister.

Q. How do you know that? A. I have a letter from my mother's sister and of course my mother often spoke about the relationship.

...

[Cross examination]

Q. Was your grandfather living during your lifetime? A. No, my mother was two years old when my grand-father died.

Q. You were a second cousin of Catherine Brannan Flynn? A. Yes, sir.

Q. You knew that? A. Yes, sir.

Q. And you knew that of your own knowledge? A. Yes, sir."

The lawyers raised objections to strike, but ignoring the legal aspects of the case, the confirmation from Delia's daughter ties the family of Thomas Flynn in the others. At this point a Michael Flynn is then questioned and also confirms that Thomas Flynn was a brother to Jane Flynn Ward:

"Q. Whether or not you knew that Jane Flynn Ward had a brother Thomas Flynn? A. Yes, a brother; I knew she had but I didn't know him; he's dead quite awhile.

Q. Did he have any children? A. Yes.

Q. What did he have, was it a son or a daughter? A. It was a daughter.

Q. What was that daughter's name? A. Mrs. Bierly.

Q. Was she the Delia Bierly whose daughter was just on the stand here? A. Yes.

Q. Do you know Delia Bierly? A. Yes, well.

Q. What relation is she to you? A. A first cousin.

...

Q. Did Jane Flynn Ward have a brother Michael Flynn? A. Yes, sir.

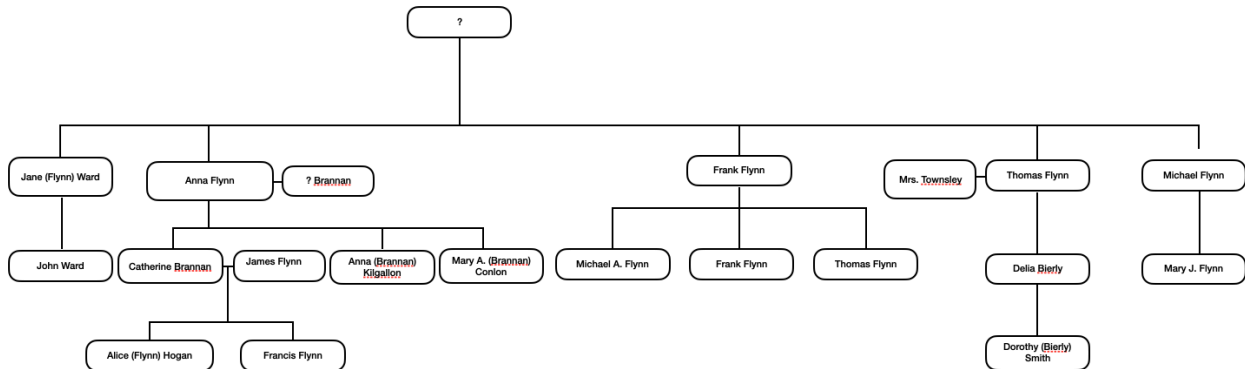
Q. And did he have a daughter? A. Michael, yes, he did.

Q. What was the daughter's name? A, Mary Flynn.
 Q. Mary J. Flynn, is that right? A. Yes, sir.
 ...
 Q. And what relation is she to you? A. First cousin.
 Q. And what relation is she to John Ward who died? A. She's a first cousin."

Michael Flynn's daughter, Mary J. Flynn, was then questioned on the relationship of Delia Bierly to the Flynn family.

"Q. Do you know Delia Bierly? A. Yes, sir.
 Q. What relation is she to you? A. A first cousin.
 Q. How do you know that? A. Well, from childhood my mother always said she was my cousin.
 Q. Do you know what her mother's name was? A. Margaret, do you mean her maiden name?
 Q. I mean her mother's name? A. Her name was Townsley, Mrs. Margaret Townsley was her name; she married again after my uncle died.
 ...
 Q. Do you know of your own knowledge that Thomas Flynn was her father? A. Yes, I knew that. My mother always spoke of it , but of course he was dead before I was born.
 Q. The information you got from your mother about the relationship was that Mrs. Bierly, Mrs. Delia Bierly was your first cousins, is that correct? A. Yes, sir.
 Q. An you were led to understand form this relationship of yours with her that Delia Bierly's father was Thomas Flynn? A. Yes, sir."

The Flynn tree further expands/clarifies:



The lawyers argue on the legal weight of the testimony, but agree to put the relationships on record. When testimony resumes, they deposed Thomas Brannan. After a series of questions, Thomas Brannan indicated that the Flynn matriarch arrived in the U.S. with eight children, though he only identifies by name seven of them.

"Q. Do you know whether there is any relation by the name of Agnes Quinn? A. According to the history of the Flynn family the mother came to this country and had

eight children, and the children's names were Michael Flynn, Thomas Flynn, Frank Flynn, James Flynn, Jane Flynn and Anna Flynn, and Mary Flynn, that's all I can recall; I think there was five boys and three girls, that's all I can recall."

Q. Are they living now? A. No, not that I know of.

Q. None of them? A. No, not that I know of."

The legal proceedings continued with more questions regarding where the family lived, and then a series of legal motions. The questions on the family relationships resumed on 18 November 1932. The first called was Anna Gilgallon (sic). After a few initial questions on her family they asked about Delia Bierly.

"Q. And Delia Bierly? A. Yes.

Q. How are they related to the decedent? A. Mrs. Bierly was a Flynn, and Mary is Mary Flynn, and the other three, the three boys are Flynns.

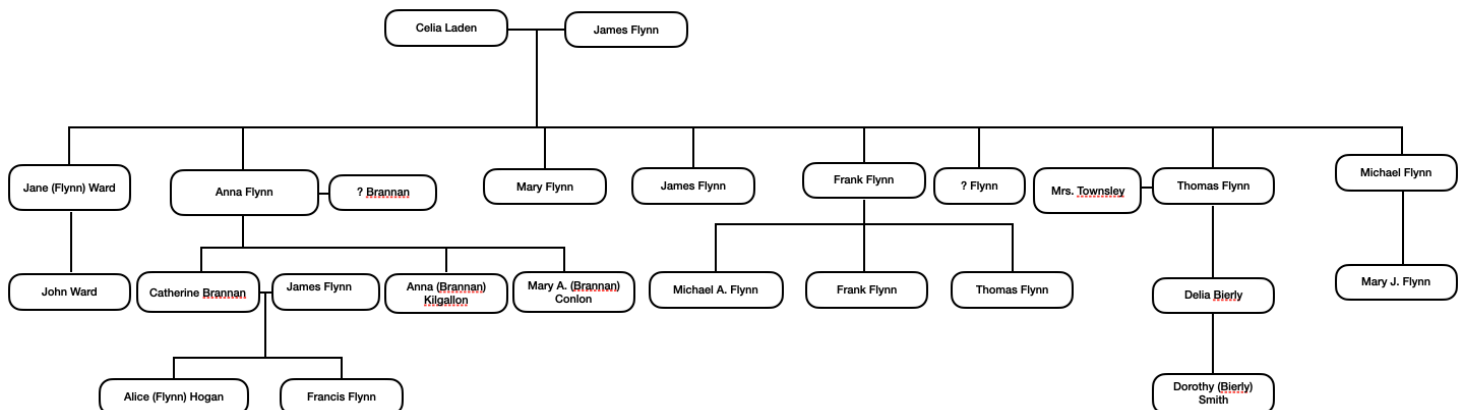
Q. Are those five I have named, were they all first cousins of this decedent, John Ward?

A. Yes, that are first cousins. A. Yes, they are first cousins."

The rest of Anna's testimony identified Martin J. McHugh, Margaret Fallon and Thomas McHugh as first cousins. Margaret Fallon was a sister to Martin and Thomas McHugh. A Margaret Mangan was identified as a first cousin via John Ward's sibling. Also identified as first cousins were Jane Doyle, Kate Kelly, and Agnes Quinn McCormick.

When James Flynn is sworn in, he confirms that Michael, Frank and Thomas Flynn were brothers and Delia Bierly is a cousin to them. Then Thomas Conlan is sworn in and indicates that his mother is Mary A. Conlon. He believe Agnes Quinn McCormick might be a first cousin. The probate proceeds ultimately to a settling amongst the cousins.

The use of trees on sites like ancestry.com led to potential cousins and identification of ancestors. A continued communication led to a cousin finding a probate based on the the FAN principle (family, associates, neighbors) that offered valuable information to confirm the Flynn lines proposed by prior researchers. The questioning in the probate provided first hand quotes from those involved and a construction of the Flynn tree with the likely parents of James Flynn and Celia Laden from the death certificate of Frank Flynn⁶.



FAMILY TREE AS DETERMINED FROM PROBATE OF JOHN WARD

⁶ Pennsylvania Historic and Museum Commission; Harrisburg, Pennsylvania; Pennsylvania (State). Death certificates, 1906–1967; Certificate Number Range: 101201-104500. Frank Flynn, Certificate 101785.