0099

BOX:
2
FOLDER:
20
DESCRIPTION:
Edwards, James
DATE:
12/08/79

20

Day of Trial,

Counsel,

Filed 8 day of Dec 1879

Pleads

THE PEOPLE

vs.

P

James Edwards.

Having in possession forged instrument with intent to utter

BENJ. K. PHELPS,

District Attorney.

A True Bill.

M. W. Cooper

Foreman.

Dec. 9. 1879

Plead Guilty.

Elmira Ref Dec 12/79

0 1 0 1

Ship Illinois
Dec 4th 49

R J Cortes

Please pay the bearer my 1st Officer ($120) one hundred and twenty dollars and charge it to the ships account

James G Pattison
Master

J-8-47 Doc 4-1579

Police Court—First District.

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

Edwin J. Adams

of No. 37 Broadway Street

being duly sworn, deposes and says, that on the 4th day of December 1879, at the City and County of New York, James Edwards was and did have in his possession a certain false forged and counterfeit note or paper in writing to wit: the writing hereto attached and forming a part of this complaint purporting to have been issued by one James H. Patterson master of the ship "Oneonta" knowing the same to be false forged and counterfeit with intent to utter the same as true with intent to defraud this deponent and that prevent said forged writing to this deponent with the fellonious intent to defraud and cheat deponent out of One hundred and twenty dollars.

Sworn to before me this 6th day of December 1879
B. L. Morgan
Police Justice.

Edwin J. Adams

City & County
of New York } ss.

James H. Patterson
being duly sworn says that
he is the maker of the
Deposition bearing date
Stores Brooklyn N.Y.
on No 37 Broadway
duly sworn says that
the paper hereto attached
is false and forged
and that he defendant
did not write the
same or give any
other person authority to write
the same.

James H. Patterson

Sworn to before
me this 5th day
of December 1899

B. F. Morgan
Police Justice.

0 104

Police Court—First District.

CITY AND COUNTY OF NEW YORK, } ss.

James Edwards being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to refuse to answer any question that may be put to him, states as follows, viz:

Question. What is your name?

Answer. James Edwards

Question. How old are you?

Answer. 28 years of age

Question. Where were you born?

Answer. England.

Question. Where do you live?

Answer. New York

Question. What is your occupation?

Answer. Clerk.

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.

James Edwards

Taken before me, this 29 *day of* October *1879.*

W. L. Morgan *Police Justice.*

Police Court—First District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Edwin J. Adams
37 Broadway

vs.

1 James Edwards

2

3

4

5

6

Offence, Grand Larceny

820

RECEIVED
DEC 5 1879
DIST. ATTORNEY'S OFFICE

BAILED,

No. 1, by

Residence,

No. 2, by

Residence,

No. 3, by

Residence,

No. 4, by

Residence,

No. 5, by

Residence,

No. 6, by

Residence,

Dated December 5th 1879

Morgan Magistrate.

Burns Officer.

25th Precinct Clerk.

Witnesses, James H Patterson
No 37 Broadway

$ Five thousand to answer

at General Sessions. Com

Received in Dist. Atty's Office.

COUNSEL FOR COMPLAINANT.

Name,

Address,

COUNSEL FOR DEFENDANT.

Name.

Address,

City and County of New York. S.S.

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 James Edwards late of the said Ward of the City of New York in the County of New York aforesaid on the Fourth day of December in the year of our Lord One Thousand Eight hundred and seventy nine, with force and arms at the Ward City and County aforesaid - feloniously did have in his possession a certain false forged and counterfeited instrument and writing of the kind commonly called a request for the payment of money, which said false forged and counterfeited instrument and writing commonly called a request for the payment of money is as follows that is to say.

R. J. Cortes Ship Devonia Dec 4th 79

Please pay the bearer my 1st officer ($120) one hundred and twenty dollars and charge it to the Ships account.

James H Patterson
Master

And the Jurors aforesaid upon their oath aforesaid do further present that the said James Edwards well knowing the premises aforesaid and that the said request for the payment of money was false forged and counterfeited as aforesaid, feloniously and unlawfully at the Ward City and County aforesaid on the day and in the year aforesaid did have in his possession the said false forged and counterfeited request for the payment of money with intent then and there to utter and publish the same as true and with intention thereby to injure and defraud James H Patterson Edwin J Adams and divers other persons to the Jurors aforesaid unknown, against the form of the Statute in such case made and provided -

Benjamin K Phelps
District Attorney

0 107

BOX:
2
FOLDER:
20
DESCRIPTION:
Fayen, Wilhelm
DATE:
12/16/79

20

0 108

BOX:
2
FOLDER:
20
DESCRIPTION:
Eckhardt, Christina
DATE:
12/16/79

20

Dec 22 1879
No. 1.
Tried & Convicted
Ten 3 years.

No. 9. #2. J. O.
#1. C. S. S.

Day of Trial,

Counsel,

Filed 16 day of Dec 1879

Pleads #2 Not Guilty (17).
#1 Prisoner stands mute. Plea of Not Guilty entered by direction of Court (17)

THE PEOPLE

vs.

Christina Eckhardt
alias Nannette Eckhardt
alias Nannette Bolenious
William Payen

Abortion

BENJ. K. PHELPS,

District Attorney.

The indictment against William Payen July 15 1879

A True Bill.

W. W. Cooper
Foreman.

Dec. 22 1879
No. 1. Tried & Convicted
Ten 3 yrs

Dec. 19 1879.
No. 2.
Tried & Convicted
Part Pros: Jany 9. 1880.
No 2. S.P. 3 yrs.

Nenzingen den 26ten November 1829

Meine theuerste Mutter

Ich bin so frei und erlaube
Ihr mit einigen Zeilen,
indem ich Ihnen zu wissen thue,
daß ich nächsten Samstag vormittag
nach Bruchsal muß, ich habe
einen Kranken Freund zu
besuchen, und dann werde ich
so frei seyn und auf einem
Augenblick einen Besuch
abstatten bitte seyn Sie
versichert Ihrem Töchterchen daß sie zu
Hause bleibt ich werde
Ihr ein schönes Geschenk mit
bringen, was ich Ihr versprochen
habe ich habe Ihnen Ihrem Töchterchen
sehr oft und lieb gesprochen
weil sie so gut gewesen ist und
auch artig, nun bitte ich
dich Ihrem Töchterchen so wenig
daß ich sprecke mich jedes mal

0 1 1 1

wenn Sie mich besuchten,
ich hoffe mein Schreiben wird
Ihnen gesund und wohl un-
versehrt, ich nur einige Wenig
bemerkt, hatte gestern oben Fuß
oder die Gicht, ich hoffe mir
aber nicht selbst, ich danke
Gott daß ich wieder gesund bin

Achtungsvoll grüßt
Ihnen und Ihrem Herrn Gemahl
Natalie Ettmayr

viele Grüße an
Ihren Sohn

0112

Brooklyn den 27 Nov 1879

Ich habe dein Buch mit
Freuden. Und wünsche dir
Anerkennung zu viel

Ein herzliches und
Dein Lenchen ist

zu Ruhen wir müssen
Schon alles was wir
wollen wir wollen

Hinnerd mehr Schen

John Pape

Elise Pape

New York Nov 26th 1879

Dear Madame

I take the liberty to trouble you with these few line, to let you know that I have to go to Brooklyn on Sunday forenoon to visit a sick woman, and I shall take the liberty to visit you, so please tell your daughter that she shall stay at home and I am going to bring her a nice present along, which I promised her. I like your daughter and learned to love her, because she has such a good heart, is so honest and true. Why does your daughter visit me so little? I am always glad when she visits me I hope these line will find you in good health. I was a few months sick, I had a swollen foot or the gout, but I always help myself. I thank God that I am well again.

I respectfully salute you and your husband.

Nannette Eckhardt

My best regards to your daughter

0114

Brooklyn Nov 27th, 1875

I have received the letter, and refuse your communication.

You need not pay us a visit, as we know all that we wish to know and we do not wish to see anybody

John Pape
Eliza Pape

Westfarms d. 29 Nov

Liebe [illegible]

Es thut mir sehr leid daß ich Ihnen
schreiben muß daß mir ihre 4 Mädchen
[illegible] sich verkühlen können was
sie mir letzten Montag in den
Apostel gebracht wieder schon erfolg ist
ich kann Montags Vormittags um
3 [illegible] zu [illegible] im Fall man
eine einsprechung nöthig ist kann
sie bei Tage [illegible] verschiedene Sachen
daß es geschehen heute wird nicht den
liebe Mutter Hardt ich habe 4 Kinder
Kinder und bin arm ich [illegible]
[illegible] sie entschuldigen ich geschäft
ich
verbleibe ich [illegible]

0116

POOR QUALITY
ORIGINAL
DOCUMENT(S)

Liebe Madam!

Gestern Abend gleich geschrieben ich die Zeitung, allein dieselbe ist ein unbeschreiben, u. kann ich nicht begreifen, wie das Ehrlichkeit so etwas geben mag. Derselbe muß es wieder zurück nehmen, und sehe ich jetzt da, u. muß nicht geschehen Was wir aber für eine Lüge, u. das will ich meinen Kollegen sagen. Es ist nur daß sie es ihm sagen können. Entschuldigen mich Herzlich Grüßen

Ihrer
Montclair
New Jersey.

Wo Forstberg & bei Cy
79

Geehrte Mecka. Eckert!

Wenn sie so gut, u senden Sie mir
auf meine Frage Antwort.
Wenn Sie vielleicht Dankbar daß
mir auch zu helfen sein wird.
Da ich ein fast 3 Monaten
in familien Wegen, u daß stella
muß ich Sie bitten mir Durch
zu geben daß ich wieder Daum
Angenik wird. Da Sie alleine
sind mich in Diesen Stand gebe
u mich Verpflichtet mich zu Ehe
nehmen, fehlt sich leider Mon
geschlecht. u ich muß jetzt Ek mit
harter Arbeit verdienen so daß
daß ich keine Zeit Sichten daß
mir kein menschen zu Kommen.
Wenn sie so gut, u Antworten
Sie mir sofort. Wenn vielleicht

noch etwas dagegen zu thun
ist, so werde ich die Pflicht einmahl
zu Ihrem Roman, es wird Ihnen
auch, gut bezahlen —

In Verbindung zeichnet
Ihr Sohn Carl Johanne
Eppstein.

bei Miks Gutenstein
No 233. Exabt Stein
Stone
Carl Bonn
New York City.

0 120

[illegible] 10, [illegible]

0121

New York, Sept. 6./1878.
Abends 7½ Uhr.

Lieber Doctor!

Leider ist es mir unmöglich heute Abend zu kommen, da ich bei einer Entbindung beschäftigt bin, die mich wohl bis zum Morgen in Anspruch nehmen wird. Haben Sie daher die Güte und sagen Sie Ihren Gästen, daß ich morgen Abend um 8½ Uhr (Samstag) bei Ihnen sein werde. Hoffentlich lassen Sie doch die Leute nicht wieder Ihnen auf einmal mitbringen und da ich dadurch Ihren Gästen so bald als möglich wieder Ihnen gefällig zu sein wünsche, so gehen Sie gefälligst mit den Geschäftsbuch beiliegender Rechnung und verlangen Sie das Inkassirte von ihr für diesen Zweck bemitt. das ich schon habe und gestern $25.00

Hochachtend

Wilhelm Fayen, M. D.
79 Seventh St., New York.

Hierfür, ich kann mir diese
Aufgabe nicht machen, da ich in
solches Schriftstück nicht in Betracht
nicht mehr Anspruch, Ihnen zu
geben. Sie nicht, die Schwierigkeit
Ihres Gesuches ist eine nicht
unbedeutende Fortwährende Stelle
Sie ich mir übernehmen, um
Ihnen meine Anerkennung zu
beweisen.
In der Hoffnung, daß Sie Obiges
in Ordnung finden werden, sehe
ich Ihrer Bemerkung und zeichne

mit Hochachtung
W. Fayen. M. D.

City & County of New York
District Attorney's Office

New York Sept 6/1898
Evening 7½ o clock

Madam Doctoress

I am sorry that it is impossible for me to come this evening as I am busy with another confinement which will occupy my time until late at night. Therefore be so kind and tell your patient that I will be there tomorrow (Saturday) evening at 8½ o'clock. At the same time recorder the the medicine to be used ~~outside~~ externally and as it is my wish to have your patient cured as soon as possible, please go to the store according to the inclosed card at 735 Broadway and ask for the instrument that I have picked out for that purpose and pay ~~for~~ for it 25 dollars

I cannot afford to lay out the money myself because I may use such an instrument again in ten years, because you must not forget that the sickness of your patient is some ~~thing~~ extraordinary hard case which I only undertook to show you my friendship.

Hoping that you will attend to the above, I will you see you tomorrow evening.

Respectfully yours
W. Fagen M. D

0126

TORN PAGE(S)

Bloomfield, Ind., 28 August 1870.

Mein Mann!

[illegible]

0128

ich habe sehr oft Kopf und
Brust Schmerzen aber
mein Geblüt stellte sich
bis dahin noch nicht ein
was mir sehr schwer
Kummer bereitet
ich bitte Sie deßhalb
seien Sie so gut und
schreiben Sie mir sobald
wie Ihnen möglich mit
was ich weiter thun soll.

Schreiben Sie besuchen so
bald wie es mir möglich
ist und alles in
Richtigkeit stellen
so grüßt Sie
vielmal Ihre ergebene
Freundin
Wittwer

Meine Adresse ist
Mary Wittwer
Care of Ludwig Brock
Bloomfield
New Jersey

New York, _____ 187

Madame Eckardt
you will oblige me by
haveing every thing ready
for next thursday night
as I will be there between
6 and 7 oclock, as I expect
to ~~live~~ leave my place
next month and I am going
home so I want to be
well before my mother will
notice it, if you remember
who I am, I was to see you last
week and you said you would
give me a mother syringe and
~~you~~ use a whale bone, and I
will pay you when I come as
I am not going out before then
and you will oblige the
young girl who
lives out

0130

STATE OF NEW YORK.

Executive Chamber.

Albany, Dec. 5, 1881

Sir: Application having been made to the Governor for the Pardon of William Sayen who was sentenced on January 9, 1880, in your County, for the crime of Abortion for the term of three years ~~and~~ to the State Prison

you are respectfully requested (in pursuance of Chapter 310, Laws 1849) to furnish the Governor with a concise statement of the case as proven on the trial, together with any other facts or circumstances which may have a bearing on the question of granting or refusing a Pardon. Be pleased also to state the previous character of the convict.

Each letter of inquiry from this Department should be answered on a separate sheet.

Very respectfully, your obedient servant,

Edward Wiggins

Pardon Clerk.

To Daniel G. Rollins, Esq.

District Attorney, &c.

Dec/1879

0131

WILHELM FAYEN, M. D.
79 Seventh St. New York.

Doctress Eckardt.
34 Stanton St.
New York City.

Madame Eckardt
Doctress
No 34 Stanton St.
Christian
New York

BROOKLYN
NOV 13
1 AM

S 11. P. 933. 3 R. S.

1 Count, charging the use & employment of an unknown instrument
1 Count a wooden instrument
1 Count a ~~steel~~ metallic

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Form 115.

POLICE COURT--THIRD DISTRICT.

836

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Minnie Pape
House of Detention

vs.

1 Christina Eckhardt
2 Wilhelm Fayen
3 .....
4 .....

Offence Abortion

Dated December 19 1879

Duffy Magistrate.

Inspector Murray Officer.
1 Inspection district

..... Clerk.

Witnesses, William Clements Jr
House of Detention $1000 to testify Bailed by George J. Smith 18 Chambers Street.
Street.
Minnie Pape
House of Detention $1000 to testify Com.
Street.

No. ..... Street.

$ 5000 Each to answer Committed.

Received in Dist. Atty's office,

RECEIVED DEC 12 1879 DISTRICT ATTORNEY'S OFFICE

0210

The People
v.
Christina Eckhart

Court of General Sessions. Part I.
Before Judge Cowing.
Monday December 22, 1879.

Minnie Pape, sworn and examined, testified.

Q Minnie, where did you live in the spring of last year? A. I live in 253 Atlantic ave. Brooklyn.
Q And who do you live with? A. My folks.
Q Are you married? A. No sir.
Q During the spring of this year sometime did you discover that you were in the family way.
A Yes sir.
Q Do you know about when it was you discovered that fact, how long was it before you saw this prisoner
A It was about April.
Q Well, do you know this prisoner, this woman, do you know her now as some one you have seen before? A Yes sir.
Q When did you first see her.
A About the 21st of May.
Q That was some time after you discovered you were in the family way? A. Yes sir.
Q Where did she live? A At 34 Stanton St.
Q How did you happen to go there.
A I seen an advertisement.
Q In what? A. In the German paper, the Staats Zeitung
Q Do you speak German? A. Yes sir.
Q Are your parents German? A. Yes sir.
Q You saw the advertisement in the Staats Zeitung? A. Yes sir.

Q And did that give you the address of this prisoner 34 Stanton St? A. Yes sir.

Q Did you go there? A. Yes sir, I went there the same day.

Q The same day that you saw the address.

A Yes sir.

Q What time of day did you go?

A I went there in the afternoon 2 o'clock.

Q Any one with you? A. I was alone.

Q At that time you were alone? A. Yes sir.

Q And who did you see? A. Madame Eckhart

Q That is this woman? A. Yes sir.

Q Now what occurred there?

Counsel Will you be kind enough to take this testimony subject to my exception?

The Court Yes sir.

By Mr. Bell Q You saw Madame Eckhart? A. Yes sir.

Q What did you say when she to you.

A I asked her whether she knew whether I was in the family way or not. She said she would see to that in a minute. She examined me; she said, yes, that I was in the family way. I told her I thought about two months, and I asked her if she could give me any remedy for that? She said "yes;" she told me she would give me some medicine, and I went home that day and told mother about it. I went

2

Q And did that give you the address of this prisoner 34 Stanton St? A. Yes sir.
Q Did you go there? A. Yes sir, I went there the same day.
Q The same day that you saw the address.
A Yes sir.
Q What time of day did you go?
A I went there in the afternoon 2 o'clock.
Q Any one with you? A. I was alone.
Q At that time you were alone? A. Yes sir.
Q And who did you see? A. Madame Eckhart
Q That is this woman? A. Yes sir.
Q Now what occurred there?
Counsel Will you be kind enough to take this testimony subject to my exception?
The Court Yes sir.
By Mr. Bell Q You saw Madame Eckhart? A. Yes sir.
Q What did you say when she to you.
A I asked her whether she knew whether I was in the family way or not. She said she would see to that in a minute. She examined me; she said, yes, that I was in the family way. I told her I thought about two months, and I asked her if she could give me any remedy for that? She said "yes;" she told me she would give me some medicine, and I went home that day and told mother about it. I went

there in about a week after. I told her I would like to have some medicine. She gave me medicine, I paid her for it

Q Do you remember what you paid.

A I do not remember, it was either ten or fifteen dollars.

Q Who paid her? A. I did.

Q What was the medicine, I do not mean what its component parts, was it in a bottle or were they pellets?

A No, it was in a bottle.

Q A liquid? A Yes sir.

Q She gave you that to relieve you of this trouble? A. Yes sir.

Q Well, did you take this? A. Yes sir.

Q Well, what happened? A. I went back in about a month after, I told her it did not do me any good. She said she would give me an operation she thought would do me good sure, and I went home and told mother and went there in about a month after that. She gave this operation there twice that night.

Q The time that she told you that she would give you an operation did you get the operation at that time.

A Not that same night.

Q How soon afterwards was it.

A About three a four weeks after.

4 Q Three or four weeks after? A. Yes sir.
Q And when you went to have the operation performed what occurred? what was done?
A We went up stairs in her room.
Q Who went with you? A. I and Mrs. Eckhart alone.
Q You went yourself alone at that time.
A Yes sir. As I got up stairs she performed the operation on me twice that night.
Q What operation did she perform.
A Well, I do not know what kind it was; it was some kind of a wooden instrument
Q How long was it? A. It was about that long, as long as that (showing)
Q About six or seven inches? A. Yes sir, about that.
Q How thick was it? A. About as thick as that
Q Was it as thick as a lead pencil or as thick as a rule or what? A. It was about as long as that (showing) There was some kind of a liquid that she used with this.
Q How thick was the instrument, the wooden instrument? A. Some instrument; it was about like that.
Q Was it as large as that, Minnie (showing a pencil) A Yes sir.
Q Was it about that size (ruler shown)
A It was smaller than that; it was as thick as this. [About 3/4 of an inch.]

Q Was it a syringe that she used with the liquid? A Yes sir.
Q You say that she used some liquid with it? A. Yes sir.
Q Well, what did she do with this syringe.
A She used it twice on me that night.
Q Do I understand that she used it on your private parts by inserting it? A. Yes sir.
Q What was the feeling succeeding the use of it? A. It was a very bad feeling the very first time she used it on me.
Q What do you mean by bad feeling, sharp pain
A Yes sir, sharp pain.
Q Was it accompanied with bleeding?
A Not the first time.
Q Not the first time? A No sir.
Q Well, how often did she use it the first visit that you made there? A. She used it twice that night.
Q Did you experience the same feeling each time? A. Yes sir.
Q And did she use it in the same way each time by inserting it in your private parts? A. Yes sir.
Q What, if anything, did she say about it.
A She said if I would not be sick two or three weeks after that I would have to come back.
5 Q How soon afterwards did you go back there?

0139

Testimony in the case
of Christina Eckhardt

0 140

State of New York,
City and County of New York, } ss.

Third District Police Court.

Minnie Pape

of No. 253 Atlantic avenue Brooklyn State of
~~Street,~~ New York being duly sworn, deposes and says,
about

that on the 15 day of May 1879

at the City of New York, in the County of New York,

Deponent on the abov date seeing an advertisement in the newspaper stating as follows Madame Eckhardt Doctress 34 Stanton Street near Chrystie Street being pregnant with child called upon Madame Eckhardt at the residence as abov described and procured from Madame Christina Eckhardt medicine which she informed deponent would fix her all right, and she would get rid of the child. Deponent called upon said Madame Eckhardt a month afterward and informed the Madame that the medicine had done ~~her~~ no good, and the Madame told deponent that she would give her injections, and that would relieve deponent of the child without any doubt, Said Madame put into deponents private parts a long wooden instrument which caused deponent to bleed, Deponent a week afterward called at said Madame Eckhardt's house and the same instrument was again inserted, Deponent bled, Madame Eckhardt then stated to me that she could do nothing more for me that she would procure a doctor, about a week after that she saw a doctor in Madame Eckhardt's house, I was introduced to him his name was Wilhelm Fayen and he said to me you I need

not fear, I am only going to use this an instrument, Said Doctor Fayen then produced a long steel instrument which he inserted into defendants private parts causing great pain, this was done in Madame Eckhardt's office in presence Said Doctor then stated to defendant that she would have to call again, Defendant called the following week and said Doctor used the same instrument causing much pain to defendant Defendant called the next week and said Doctor used the same instrument Defendant called the fourth time on or about the 20th day of July 1899 Doctor Fayen used the same instrument and when defendant left the house Said Doctor stated he could do no more, three days after this Defendant was taken sick, and a child was born. Defendant therefore charges Said Madame Christina Eckhardt with having wilfully administered medicine with intent thereby to produce a miscarriage and also with having upon the person of defendant and further charges Said Doctor Wilhelm Fayen with having employed an instrument upon the person of defendant with felonious intent to produce a miscarriage of defendant

Sworn to before me
this 30 day of December 1899

Minnie Pape

Police Court, Third District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated, 187

Magistrate.

Officer.

State of New York,
City and County of New York, } ss.

Third District Police Court.

William Clements Jr

of No. 251 Atlantic avenue Brooklyn State of New York

~~Street~~, or ward

being duly sworn, deposes and says,

that on the 15 day of May 1879

at the City of New York, in the County of New York,

Defendant called on or about the above date with Minnie Pape (now present) to Madame Eckhardts house 34 Stanton Street New York City the Madame told defendant that she could prevent Minnie having a child. And stated that it would cost twenty dollars for what she would do at first Defendant paid the amount, and after said Minnie had been there Several times Said Madame Eckhardt stated to me that she could cause the miscarriage in another way but it would cost more money but it would cost Seventy dollars Defendant said to Said Madame go ahead and do it after this Said Madame Eckhardt said she had failed to produce the miscarriage and would give the case over to her family doctor Defendant had a conversation with Doctor Wilhelm Fayen who stated to defendant that he had operated upon Minnie Pape in order to produce a miscarriage but he found that it was in such a position that if he operated it would cause death

Wm Clements Jr

Sworn to before me this 19 day of March 1879
[illegible]
Police Justice

State of New York,
City and County of New York, } ss.

Third District Police Court.

of No.

Street, being duly sworn, deposes and says,

that on the day of 187

at the City of New York, in the County of New York,

Cross Examination Dec 11 - 1879
Officer Pape.
I went to Madam Sokhandy-
home last Saturday and I
asked for a home for the
time being I left my home
because my parents were taking
care to me My mother waited
on me when I took sick and
She delivered me I think the
child was born on the 23 day
of July 1879 I think it was
Saturday morning and it was
in my mother home 258 atlantic
avenue Brooklyn Kings Co New
York State Mother was the only
person present at the time of
the birth

question Have you any recollection whatever
that would enable us to prove
which the child was born alive -
answer As much as I can remember
I heard a cry I never saw
the child and know nothing
more about it I have a
doubt about the child crying
but I am most certain. My
mother took it away -

question. Did you afterwards ascertain what
became of the child.

I have never seen the child since.
I remained with Madame Sokhandy
steady going to my work until yesterday
morning and my health. Kindly

as I could be. I was going through Chystie Street and was stopped by a gentleman and taken to Police Headquarters. I have not seen my Father since Tuesday morning. Doctor Fryer operated upon me at Madame Eckhardt's home and the Madame was present

Sworn to before me
this [illegible] day of December 1892
[illegible]
Police Justice

Minnie Pope

Police Court, Third District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated, 187

Magistrate.

Officer.

Police Court—Third District.

CITY AND COUNTY OF NEW YORK, } ss.

Christina Eckhardt being duly examined before the undersigned, according to law, on the annexed charge; and being informed that she was at liberty to answer, or not, all or any questions put to her, states as follows, viz.:

Question.—What is your name?

Answer.— Christina Eckhardt

Question.—How old are you?

Answer.— Forty Seven years

Question.—Where were you born?

Answer.— Germany

Question.—Where do you live?

Answer.— 34 Slanton Street

Question.—What is your occupation?

Answer.— Physician

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

Answer.— I am not guilty

Christina Eckhardt

Taken before me, this 1st day of December 1879

Police Justice.

Police Court—Third District.

CITY AND COUNTY OF NEW YORK, } ss.

Wilhelm Layer 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.— William Layer

Question.—How old are you?

Answer.— Forty Six years

Question.—Where were you born?

Answer.— Germany

Question.—Where do you live?

Answer.— 79 Seventh Street

Question.—What is your occupation?

Answer.— Physician

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

Answer.— I have nothing to say I am not guilty

W. Layer M.D.

Taken before me this 7 day of December 1876

Police Justice.

New York Nov 15 [illegible]

Geehrte Madam Eckardt!

Wie ich glaube, so hat ich schon
in meiner Wiederangelegenheit zu
zweifeln, nur am Tag, zu Tag
wird ich Ihnen, da jedes Mal, wenn
ich eine Ihrer Briefe zurückkommen sah,
so muß ich mich bringen, was ich
glaube, nicht sein sollte.
Was Ihr Mann anbetrifft, er
ist mit im gegangen hier, ist aber
verschwunden, er ist in Frankfurt
Steinis Hotel Corr of
Broome and Elm
Schreiben Sie! mir gefälligst,
ob ich vielleicht auf andere
Weise ausgenommen sein,
wie Ihr Mann, ich von
Ihnen sehr zufrieden sein.

0148

Wollte ich vielleicht das
Möglichst suchen, nicht mehr
von Ihnen Brief frei zu werden
Sie sind sich sehr unentschlossen
ob wir in Ihrem Alter
Grund haben kann.
Wenn Sie Ihren Sind im
Postbel Stamp bei.
Dann Sie so gut Offenbar
Sie mir sobald als möglich
ein Exemplar.

In Erwartung, zeichnet
Johanna Eppstein.
Care of Otto Güttenstein
233 E. Houston St.
City

Werthe Madame!

Vorher anfangs ich Ihren Brief
u. gibt der mir wenig Trost, denn
er gestand mir, daß Ihr Vetter
mir gewiß helfen? der alte Herr
Medezin ꝛc nicht gehalten hat?
30 fl sind bei mir gewiß, wie bei
Ihnen 100, da ich in meiner letzten
Stelle so elend lebte, von mir aus
hier, daß wenn ich es in Gottes
Namen auch noch ein Stunde, wie
Sie mir gewiß noch verzeihen werden
daß es Ihnen helfen u. Ihre Gesch.
Schreiben Sie mir gefälligst, ob
es meine Frau in Anspruch
nimmt, oder ob ich meine Adresse
Ihnen hier ~~ab~~ schreiben
wie lange muß? das Geld ist
noch keine Stunde noch in meinem

Liebste. Nun ist nicht mehr schlafen.
Sie schreiben mir, im letzten Brief
Sie, was Sie wollen. Natürlich
ist das allein ich habe Sie so mir
im Ihrem Arbeit gesorgt u. dafür
jedes mal bezahlt, das selb, weil
ich ein armer Teufel bin, machen
Sie keine Umstände mit mir, allein
ein einziges ganzes Stück ist mehr
besser, als Geld. Und wo sie gut
schreiben Sie mir gleich, da ich in
meiner Natur Ruhe zu sein
Angst bin. Es grüßt Sie herzlichst
Ema Maier
Montclair
New Jersey

Liebe Madame Ekhardt!

Bis heute Donnerstag Mittag hat die Einspritzung gar nichts genützt u. ich fühle auch so gut als das schon sich voraussagen lässt.

Ich komme Morgen Freitag um 10 Uhr zu Ihnen u. hoffe den Doktor gewiß zu treffen. Ich bin ganz desperat.

Ergebenst
E. H.

Montdidier 3/8 1849

Werthe Madame!

Schon Anfang letzter Woche hatte
ich meinen Schwager aufgefordert,
in Ihrem Namen an Sie zu schreiben
da ich dieselbe nur seit der Zeit
nicht mehr gesehen u. auch keine
Antwort von Ihnen erhalten,
weiß ich nicht, ob Sie fehlt u.
bitte ich Sie um, mir sofort
Antwort zu geben, wie es mit
ihr stehe. Ich nehme nun
die Medizin u. den Wein fort

Hüsted ganz nach Vorschrift, die Pillen habe ich alle genommen u. sehe nun keinen Fehler, die Medizin nicht auf's Land.
Was soll ich nun thun? Ich habe mich so sicher auf Ihre Worte verlassen u. nun muß ich mich schämen, daß man es mir beweist, daß man es mir beweist, daß man es mir beweist. Sagen Sie es mir nunmehr, ob Sie mir helfen können, denn es bleibt mir in meiner Lage nichts übrig, als mich von Ihnen zu lassen, da ich nicht weiß, was Alles, schreiben Sie mir doch gleich unter meiner Adresse

Eure Mutter
Montclair
New Jersey

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 Christina Eckhardt otherwise called Nannette Eckhardt otherwise called Nannette Bolenious and William Payen each late of the seventeenth Ward of the City of New York in the County of New York aforesaid on the fifteenth day of June in the year of our Lord one thousand eight hundred and seventy nine at the Ward City and County aforesaid with force and arms in and upon one Minnie Pape, she the said Minnie Pape being then and there a woman with child, feloniously and wilfully did make an assault and they the said Christina Eckhardt otherwise called Nannette Eckhardt otherwise called Nannette Bolenious and William Payen a certain instrument of a kind to the jurors aforesaid unknown and a more particular description of which cannot now

be given up and into and upon the body and womb of her the said Minnie Pape then and there wilfully and feloniously did insert use and employ with intent then and there on the part of them the said Christina Eckhardt otherwise called Nannette Eckhardt otherwise called Nannette Bolenious and William Payen thereby to produce the mis-carriage of her the said Minnie Pape against the form of the Statute in such case made and provided.

Second Count

And the jurors aforesaid upon their oath aforesaid do further present

That the said Christina Eckhardt otherwise called Nannette Eckhardt otherwise called Nannette Bolenious and William Payen each late of the Ward City and County aforesaid on the day and in the year aforesaid at the Ward City and County aforesaid in and upon the said Minnie Pape, she the said Minnie Pape being then and there

a woman with child, feloniously and wilfully did make an assault, and they the said Christina Eckhardt otherwise called Nannette Eckhardt otherwise called Nannette Kolemous and William Dayen a certain wooden instrument the form and description of which is to the jurors aforesaid unknown and a more particular description of which cannot now be given up into and upon the body and womb of her the said Minnie Pape then and there wilfully and feloniously did insert use and employ with intent then and there on the part of them the said Christina Eckhardt otherwise called Nannette Eckhardt otherwise called Nannette Kolemous and William Dayen thereby to produce the miscarriage of her the said Minnie Pape against the form of the Statute in such case made and provided

Third Count

And the jurors aforesaid upon their oath aforesaid do further present

That the said Christina Eckhardt otherwise called Nannette Eckhardt

otherwise called Nannette Bolenious
and William Fayen each late of
the Ward City and county aforesaid
on the day and in the year aforesaid
at the Ward City and County afore-
said in and upon the said Minnie
Pape, she the said Minnie Pape
being then and there a woman
with child feloniously and wilfully
did make an assault and they the
said Christina Eckhardt otherwise
called Nannette Eckhardt otherwise
called Nannette Belonious and William
Fayen a certain metal instrument
the form and description of which is to
the jurors aforesaid unknown and a
more particular description of which
cannot now be given up and into
and upon the body and womb of
her the said Minnie Pape then and
there wilfully and feloniously did
insert use and employ with intent
then and there on the part of them
the said Christina Eckhardt otherwise
called Nannette Eckhardt otherwise
called Nannette Bolenious and
William Fayen thereby to produce
the miscarriage of her the said

Minnie Pape 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

Dec 22 1879
No. 1.
Tried & Convicted
Pen 3 years.

#2. J. C. M.
#1. C. S. S.

Day of Trial,

Counsel,

Filed 16th day of Dec 1879

Pleads #2 Not Guilty (17)
#1 Prisoner stands mute. Plea of Not Guilty entered by direction of Court (17)

THE PEOPLE

vs.

Christina Eckhardt P
alias Nannette Eckhardt
alias Nannette Valencius
William Payen P

Abortion

BENJ. K. PHELPS,

District Attorney.

The indictment against William Payen July 15. 1879

A True Bill.

W. W. Cooper
Foreman.

Dec. 22. 1879
No. 1. Tried & Convicted
Pen 3 yrs

Dec. 19 1879
No. 2.
Tried & Convicted
Part Pro: Jany 9. 1880.
No 2. S.P. 3 yrs.

OVER

0 160

BOX:
2
FOLDER:
20
DESCRIPTION:
Eberhard, Frank
DATE:
12/10/79

20

That forgery may be joined with false pretences, where only one transaction is the subject of both Counts.

Geo. v. Baker, 3 Hill, where Burg. Lar. & False Pretences were joined.

Cases cited in note by Judge Foster.

State v. Lincoln, 49 [illegible], where Embezzlement and False Pretences were joined. Opin. p. 26

1 Wharton Cr. L. § 4. 6.

1 Chitty C. L. 254.

Com v. McLaughlin 12 Cush. [illegible]

Kane v. People 8 Wend 203.

U.S. v. Pirates, 5 Wheat. 201.

See also the Cases cited by Judge Foster in State v. Lincoln supra.

T. R.

Day of Trial.

Counsel,

Filed 10 day of Dec 1879

Pleads

THE PEOPLE

vs.

Frank Eberhardt

Obtaining Money, &c. by False Pretences. & Forgery 3d Deg.

BENJ. K. PHELPS,

District Attorney.

See men of authorities on back.

T.R.

A True Bill.

M. W. Cooper

Foreman.

S.P. 3 years

0 162

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 Frank Eberhard

late of the First Ward of the City of New York, in the County of New York, aforesaid on the Twenty sixth day of November in the year of our Lord one thousand eight hundred and seventy-nine with force and arms, at the Ward, City, and County aforesaid, feloniously did falsely make, forge, and counterfeit, and cause and procure to be falsely made, forged and counterfeited, and willingly act and assist in the false making, forging and counterfeiting a certain instrument and writing to wit: an order for the payment of money of the kind commonly called a Bank check

which said false, forged and counterfeited Bank Check is as follows, that is to say:

No 1430. Brooklyn Nov 26th 1879
National City Bank of Brooklyn
Pay to F Eberhard or Bearer
Twenty three 60/100 Dollars.
$23 60/100. B. L. Dale.

with intent to injure and defraud William B Boorum. George L Pease. The National City Bank of Brooklyn

and divers other persons; to the jurors aforesaid unknown 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 Frank Eberhard

late of the Ward, City, and County aforesaid, afterwards, to wit, on the day and year last aforesaid, with force and arms, at the Ward, City and County aforesaid, feloniously and falsely did utter and publish as true, with intent to injure and defraud the said William B Boorum, George L Rice, The National City Bank of Brooklyn

and divers other persons, to the jurors aforesaid unknown, a certain false, forged, and counterfeited instrument and writing. to wit an order for the payment of money, of the kind commonly called a Bank check

which said last-mentioned false, forged and counterfeited Bank check is as follows, that is to say:

No 1430. Brooklyn Nov 26th 1879.
National City Bank of Brooklyn
Pay to F Eberhard or bearer
Twenty three 60/100 Dollars
$23 60/100. B. C Dale

the said Frank Eberhard

at the same time he so uttered and published the last-mentioned false, forged, and counterfeited Bank Check as aforesaid, then and there well knowing the same to be false, forged and counterfeited, 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~~

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

And THE JURORS ~~OF THE PEOPLE OF THE STATE OF NEW YORK,~~ aforesaid ~~in and for the body of the City and County of New York,~~ upon their Oath, ~~aforesaid~~ aforesaid do further present

That Frank Eberhard

late of the First Ward of the City of New York, in the County of New York, aforesaid on the twenty sixth day of November in the year of our Lord one thousand eight hundred and seventy nine, at the Ward, City and County aforesaid, with force and arms, on the day and year last aforesaid, with intent feloniously to cheat and defraud ~~one~~ William B. Boorum and George L. Pease persons then and there doing business under the firm name and style of Boorum and Pease did then and there feloniously, unlawfully, knowingly, and designedly, falsely pretend and represent to the said Boorum and Pease that, a certain instrument and writing, to wit, an order for the payment of money, of the kind known as a Bank Check, which the said Frank Eberhard then and there presented and delivered to the said Boorum and Pease and which said Bank Check is in the words and figures following, that is to say:—

No 1430 Brooklyn Nov. 26th 1879

National City Bank of Brooklyn

Pay to F. Eberhard or bearer

Twenty three 60/100 dollars

$ 23 60/100 - B. C. Dale

was a good and valid order for the payment of twenty three dollars and sixty cents in money, and of the value of twenty three dollars and sixty cents; and that a sum of twenty three dollars and sixty cents in money belonging to the said B. C. Dale was then in the possession of The National City Bank of Brooklyn, and that said sum of money was then payable and could be paid by the said National City Bank of Brooklyn on the credit and account of the said B. C. Dale whenever an order in writing, signed by the said B. C. Dale authorizing the said National City Bank of Brooklyn to make such payment should be presented at the place of business of the said National City Bank of Brooklyn and that a certain Bank Check, in the proper handwriting of said B. C. Dale and which said Bank Check was addressed to the said National City Bank of Brooklyn at the place of business of the said National City Bank of Brooklyn at the City of Brooklyn ~~and which said~~ in the County of Kings in the State of New York and which said Bank Check

purported to be an order upon the said National City Bank of Brooklyn to pay to the said B. C. Dale and to any endorsee of the said B. C. Dale the sum of twenty three Dollars and sixty cents in money, was a valuable security, to wit, an order for the payment of twenty three dollars and sixty cents in money, and of the value of

And the said Barnum and Pease then and there believing the said false pretences and representations so made as aforesaid by the said Frank Eberhard and being deceived thereby, was induced, by reason of false pretences and representations so made as aforesaid, to deliver, and did then and there deliver to the said Frank Eberhard, a certain sum of money to wit the sum of twenty three dollars and sixty cents in money, and of the value of twenty three dollars and sixty cents

of the proper moneys, valuable things, goods, chattels, personal property and effects of the said Barnum and Pease and the said Frank Eberhard did then and there designedly receive and obtain the said sum of money to wit, the sum of twenty three dollars and sixty cent in money and of the value of twenty three dollars and sixty cent of the said Barnum and Pease of the proper moneys, valuable things, goods, chattels, personal property and effects of the said Barnum and Pease by means of the false pretences and representations aforesaid, and with intent feloniously to cheat and defraud the said Barnum and Pease of the same.

Whereas, in truth and in fact, the said Bank Check which the said Frank Eberhard then and there presented and delivered to the said Barnum and Pease was not a good and valid order for the payment of twenty three dollars and sixty cents in money, nor was the same a good and valid order for the payment of any sum of money whatever.

And Whereas, in truth and in fact, there was not then and there the sum of twenty three dollars and sixty cent in money belonging to the said B. C. Dale in the possession of the said National City Bank of Brooklyn nor was there then and there any sum of money whatsoever belonging to the said ~~B. C. Dale~~ in the possession of said National City Bank of Brooklyn

And Whereas, in fact and in truth, the said sum of money was not then payable and could not be paid by said National City Bank of Brooklyn on the credit and account of the said B. C. Dale

whenever an order in writing signed by the said B. C. Dale authorizing such payment to be made should be presented at the place of business of the said National City Bank of Brooklyn, nor would the said National City Bank of Brooklyn pay any sum of money whatsoever upon such order so signed by the said B. C. Dale as aforesaid.

And Whereas, in truth and in fact, the said Bank Check in the proper handwriting of the said B. C. Dale was not an order to pay to the said B. C. Dale or any endorsee of the said B. C. Dale the sum of twenty three dollars and sixty cents in money, nor was the same a valuable security, of the value of twenty three dollars and sixty cents in money, nor was it of any value whatever;

And Whereas, in fact and in truth, the pretences and representations so made as aforesaid, by the said Frank Eberhard to the said Bossum and Pease was and were in all respects utterly false and untrue, to wit, on the day and year last aforesaid, at the Ward, City, and County aforesaid.

And Whereas, in fact and in truth the said Frank Eberhard well knew the said pretences and representations so by him made as aforesaid to the said Bossum and Pease to be utterly false and untrue at the time of making the same.

And so the Jurors aforesaid, upon their oath aforesaid, do say, that the said Frank Eberhard by means of the false pretences and representations aforesaid, on the day and year last aforesaid, at the Ward, City, and County aforesaid, feloniously, unlawfully, falsely, knowingly and designedly, did receive and obtain from the said Bossum and Pease a certain sum of money, to wit, the sum of twenty three dollars and sixty cents

in money, and of the value of twenty three dollars and sixty cents

of the proper moneys, valuable things, goods, chattels, personal property, and effects of the said Bossum and Pease with intent feloniously to cheat and defraud them of the same, 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.

That forgery may be joined with false pretences. where only one transaction is the subject of both Counts.

Geo. v. Baker, 3 Mil. where Burg. Lar. & False Pretences were joined.

Cases cited in note by the Court.

State v. Lincoln, 49 Me. 465 where Embezzlement and False Pretences were joined. Olin J. cites

1 Wharton Cr. L. § 416.

1 Chitty C. L. 254.

Com v. McLaughlin 12 Cush. 132

Kane v. People 8 Wend 203.

U.S. v. Pirates. 5 Wheat. 201.

See also the Cases cited by Judge Foster in State v Lincoln supra.

H. R.

67 T 912

Day of Trial.

Counsel,

Filed 10 day of Dec 1879

Pleads

THE PEOPLE

vs.

25 Bently Pretences

P

Frank Eberle et al

Obtaining Money, &c. by False Pretences & Forgery 3 Deg.

BENJ. K. PHELPS,

District Attorney.

See men of authorities on back. H.R.

A True Bill.

M. W. Cooper

Dec. 10. 1879 *Foreman.*

Mark Crawley S.P.

S.P 3 years

0168

BOX:
2
FOLDER:
20
DESCRIPTION:
Earl, Charles
DATE:
12/09/79

20

78

Counsel,

Filed day of 187

Pleads

THE PEOPLE

vs.

39 7 w
7 55

Charles Earl

Indictment. Larceny.

BENJ. K. PHELPS,

District Attorney.

A True Bill.

M. W. Cooper

Foreman.

Part tro Dec 10. 1879
Pleads P. L.
Sen: Three months.

6910

0170

Police Court, Fourth District.

CITY AND COUNTY }
OF NEW YORK, } ss.

Charles Earl 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. [illegible]

Question. How old are you?

Answer. [illegible]

Question. Where were you born?

Answer. [illegible]

Question. Where do you live?

Answer. [illegible]

Question. What is your occupation?

Answer. [illegible]

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

Answer. [illegible]

Charles Earl

Taken before me this [illegible] day of [illegible] 187[illegible]

[illegible]
Police Justice.

0171

4th District Police Court

CITY AND COUNTY OF NEW YORK } ss.

Patrick H Doyle

of No. 200 West 50th Street, being duly sworn, deposeth and saith, that on the 1st day of December 1879 at the Ward of 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.:

One gold watch 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 Charles Carl from the fact that said Charles admitted that he stole the same

P H Doyle

Sworn before me this 4th day of Dec 1879

Police Justice.

0172

78
49

829

DISTRICT POLICE COURT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Patrick H. Doyle
200 W. 60th St.

Charles Earl

AFFIDAVIT—Larceny.

DATED Lorey 1879

Smith MAGISTRATE.

McBride OFFICER.

229 Pce

WITNESSES:

Adelaide

RECEIVED
DEC 8 1879
DISTRICT ATTORNEY'S OFFICE

Pl 500 Dam 69
Com

0173

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 Charles Earl

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the First day of December in the year of our Lord one thousand eight hundred and seventy-nine at the Ward, City and County aforesaid, with force and arms

One watch of the value of thirty dollars

of the goods, chattels and personal property of one

Patrick H Doyle

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.

0174

BOX:
2
FOLDER:
20
DESCRIPTION:
Eberhard, Frank
DATE:
12/08/79

20

0175

Day of Trial.

Counsel,

Filed 8 day of Dec 1874

Pleads

THE PEOPLE

vs.

Frank Eberhard

Obtaining Money, &c. by False Pretences.

BENJ. K. PHELPS,

District Attorney.

A True Bill.

W. W. Cooper

Foreman.

Police Court—First District.

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

William J. Gardner

of No. 128 and 130 Reade Street, being duly sworn, deposes and says, that on the 26th day of November, 9, at the City and County of New York, Frank Oberhard, now present, did obtain from this deponent Blank Books of the value of Six dollars and Ninety-nine cents $6.99 by false and fraudulent pretence and representations as follows. That said Frank did on the above named day come into said premises and represented to deponent that he was about to start business on his own responsibility and requested deponent to sell him the above stated property at the wholesale ~~retail~~ price. That deponent did so sell said property to said Frank and in payment therefor he Frank handed to deponent the annexed false token. ~~That~~ purporting to be a check drawn upon the National City Bank of Brooklyn payable to said Frank in the sum of twenty-three dollars and sixty cents. That deponent handed said token to the ~~Storekeeper~~ Bookseller who believing said token to be true and genuine gave to said Frank in good and lawful money to the amount of Sixteen dollars and Sixty-one cents. That being the difference between the amount represented on said token and the value of the

Geo. C. Boorum
a cashier
for Boorum & Pease
on the premises
in question

Goods so obtained by said Frank
That deponent is informed by
Said ~~Boorum~~ Boorum that the Check in
Question has since been presented
~~at~~ the aforesaid Bank and that
the Same has been returned with
the words. No Account Marked upon
the face of said Check
Deponent therefore alleges and charges
that Said Frank obtained possession
of the aforesaid Property by falsely
and fraudulently pretending and
representing Said ~~to~~ Check to be
good and genuine well knowing
at Said time that the Same
was false and worthless
Deponent prays that he may be dealt
with according to law

William John Gardner

City and County
of New York } ss

George ~~Boorum~~ C. Boorum of No. 28
Ann 30 Pearl Street being Sworn
Says I am employed as Book Keeper
~~by the firm~~ of Boorum and Pearl
doing business in the aforesaid premises
I know the within Complainant and
have heard read the Statement
contained in his affidavit and
know the Same to be true to my
own knowledge

George C. Boorum

Sworn to before me this
4th day of December 1849
B. Tallmadge
Police Justice

Sworn to before me this
4th day of December 1849
B. Tallmadge
Police Justice

0178

Police Court—First District.

CITY AND COUNTY OF NEW YORK, } ss.

Frank Eberhard being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to refuse to answer any question that may be put to him, states as follows, viz:

Question. What is your name?

Answer. Frank Eberhard

Question. How old are you?

Answer. 25 Years

Question. Where were you born?

Answer. This City

Question. Where do you live?

Answer. No 154 Sands Street Brooklyn

Question. What is your occupation?

Answer. Tinsmith

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

Answer. I am not guilty

F. Eberhard

Taken before me, this 4th day of Dec 1879

P. J. Murphy

POLICE JUSTICE.

6/7th Police Court—First District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William J. Gardner

28 + 30 Grade st

820

vs.

Frank Eberhard

Larceny

Offence.

BAILED,

No. 1, by

Residence,

No. 2, by

Residence,

No. 3, by

Residence,

No. 4, by

Residence,

No. 5, by

Residence,

No. 6, by

Residence,

1

2

3

4

5

6

RECEIVED DEC 5 1879 DIST. ATTORNEY'S OFFICE

Dated December 4 1879

Morgan Magistrate.

O'Brien Officer.

14th Clerk.

Witnesses, Geo C. Boorum.

George L. Cornwall

$ Six hundred to answer

at Sessions.

Received in Dist. Atty's Office.

COUNSEL FOR COMPLAINANT.

Name,

Address,

COUNSEL FOR DEFENDANT.

Name,

Address,

6119

0 180

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 Frank Eberhard —

late of the First Ward of the City of New York, in the County of New York, aforesaid on the twenty sixth day of November — in the year of our Lord one thousand eight hundred and seventy-nine, at the Ward, City and County aforesaid, with force and arms, on the day and year last aforesaid, with intent feloniously to cheat and defraud ~~one~~ William B Bonnum & George L Pease persons then and there doing business under the firm name and style of Bonnum & Pease — did then and there feloniously, unlawfully, knowingly, and designedly, falsely pretend and represent to the said Bonnum and Pease — that, a certain instrument and writing, to wit, an order for the payment of money, of the kind known as a Bank check —, which the said Frank Eberhard — then and there presented and delivered to the said Bonnum & Pease — and which said Bank check is in the words and figures following, that is to say:—

No 1430 — Brooklyn Nov 26th 1879 —
National City Bank of Brooklyn
Pay to F Eberhard or bearer
Twenty three 60/100 — dollars
$23 60/100 B. C. Dale

was a good and valid order for the payment of Twenty three dollars and sixty cents — in money, and of the value of Twenty three dollars & sixty cents —; and that a sum of Twenty three dollars & sixty cents — in money belonging to the said B. C. Dale — was then in the possession of The National City Bank of Brooklyn, and that said sum of money was then payable and could be paid by the said National City Bank of Brooklyn — on the credit and account of the said B. C. Dale — whenever an order in writing, signed by the said B. C. Dale — authorizing the said National City Bank of Brooklyn — to make such payment should be presented at the place of business of the said National City Bank of Brooklyn — and that a certain Bank check —, in the proper handwriting of him said B C Dale — and which said Bank check — was addressed to the said National City Bank of Brooklyn — at the place of business of the said National City Bank of Brooklyn — at the City of Brooklyn in the ~~County~~ City of New York in the State of New York and which said Bank check —

purported to be an order upon the said National City Bank of Brooklyn to pay to the said B. C. Dale and to any endorsee of the said B. C. Dale the sum of Twenty three dollars and sixty cents in money, was a valuable security, to wit, an order for the payment of Twenty three dollars and sixty cents in money, and of the value of Twenty three dollars and sixty cents

And the said Boorman and Pease then and there believing the said false pretences and representations so made as aforesaid by the said Frank Eberhard and being deceived thereby, was induced, by reason of false pretences and representations so made as aforesaid, to deliver, and did then and there deliver to the said Frank Eberhard, a certain sum of money, to wit the sum of Twenty three dollars and sixty cents in money, and of the value of twenty three dollars and sixty cents.

of the proper moneys, valuable things, goods, chattels, personal property and effects of the said Boorman and Pease and the said Frank Eberhard did then and there designedly receive and obtain the said sum of money to wit, the sum of Twenty three dollars and sixty cents in money and of the value of twenty three dollars and sixty cents of the said Boorman and Pease of the proper moneys, valuable things, goods, chattels, personal property and effects of the said Boorman and Pease by means of the false pretences and representations aforesaid, and with intent feloniously to cheat and defraud the said Boorman and Pease of the same.

Whereas, in truth and in fact, the said Bank check which the said Frank Eberhard then and there presented and delivered to the said Boorman and Pease was not a good and valid order for the payment of Twenty three dollars and sixty cents in money, nor was the same a good and valid order for the payment of any sum of money whatever.

And Whereas, in truth and in fact, there was not then and there the sum of Twenty three dollars and sixty cents in money belonging to the said B. C. Dale in the possession of the said National City Bank of Brooklyn nor was there then and there any sum of money whatsoever belonging to the said B. C. Dale in the possession of said National City Bank of Brooklyn

0 182

And Whereas, in fact and in truth, the said sum of money was not then payable and could not be paid by said National City Bank of Brooklyn on the credit and account of the said B. C. Dale

whenever an order in writing signed by the said B C Dale authorizing such payment to be made should be presented at the place of business of the said National City Bank of Brooklyn, nor would the said National City Bank of Brooklyn pay any sum of money whatsoever upon such order so signed by the said B C Dale as aforesaid.

And Whereas, in truth and in fact, the said Bank check in the proper handwriting of the said B. C. Dale was not an order to pay to the said B C Dale or any endorsee of the said B C Dale the sum of Twenty three dollars and sixty cents in money, nor was the same a valuable security, of the value of Twenty three dollars and sixty cents in money, nor was it of any value whatever;

And Whereas, in fact and in truth, the pretences and representations so made as aforesaid, by the said Frank Eberhard to the said Borram and Pease was and were in all respects utterly false and untrue, to wit, on the day and year last aforesaid, at the Ward, City, and County aforesaid.

And Whereas, in fact and in truth the said Frank Eberhard well knew the said pretences and representations so by him made as aforesaid to the said Borram and Pease to be utterly false and untrue at the time of making the same.

And so the Jurors aforesaid, upon their oath aforesaid, do say, that the said Frank Eberhard by means of the false pretences and representations aforesaid, on the day and year last aforesaid, at the Ward, City, and County aforesaid, feloniously, unlawfully, falsely, knowingly and designedly, did receive and obtain from the said Borram and Pease a certain sum of money, to wit, the sum of twenty three dollars and sixty cents in money, and of the value of Twenty three dollars and sixty cents of the proper moneys, valuable things, goods, chattels, personal property, and effects of the said Borram and Pease with intent feloniously to cheat and defraud them of the same, 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.