

0726

BOX:

142

FOLDER:

1467

DESCRIPTION:

Nathan, Bertha

DATE:

06/05/84



1467

POOR QUALITY
ORIGINAL

0727

Witnesses:

Counsel,

Filed

day of

1884

Pleads

Not guilty

THE PEOPLE

Bartha Nathan

alias

Bartha Berger

PETER B. OLNEY,

and other indicted

District Attorney.

filed Feb'y 12, 1884.

A TRUE BILL.

2020 January

Foreman.

Off. Order. J. J. J. J. J.

Dec 23/84

Discharged by Court

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COURT OF GENERAL SESSIONS OF THE PEACE
in and for the City and County of New-York.

-----x
The People of the State of New-York :
- against - :
Bertha Nathan. :
-----x

The GRAND JURY of the City and County of New-York, by this indictment, accuse Bertha Nathan of the Crime of MANSLAUGHTER IN THE FIRST DEGREE, as a SECOND OFFENSE, committed as follows:

At a Court of General Sessions of the Peace held in and for the City and County of New-York, at the City Hall in the said City of New-York, on the twenty-second day of March, in the year of our Lord one thousand eight hundred and eighty, before the Honorable Henry A. Gildersleeve, Judge of the said Court of General Sessions of the Peace, and Justice of the said Court, the said Bertha Nathan, by the name and description of Bertha Berger, was in due form of law, convicted of Felony, to wit, ABORTION, upon a certain indictment then and there in the said Court depending against one Frank Cosgrove and her, the said Bertha Nathan, by the name and description of Bertha Berger aforesaid, for that they, the said Frank Cosgrove and the said Bertha Nathan, by the name and description aforesaid, then each late of the Twenty-first Ward of the City of New-York, in the County of New-York aforesaid, on the fourth day of February, 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 Cora Sammis (she, the said Cora Sammis, being then and there a woman

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with child) feloniously and wilfully did make an assault, and that they, the said Bertha Nathan, by the name and description aforesaid, and Frank Cosgrove, a certain instrument up, into and upon the womb and body of her, the said Cora Sammis, then and there wilfully and feloniously did insert, use and employ, with intent on the part of them, the said Bertha Berger and Frank Cosgrove, thereby to produce the miscarriage of her, the said Cora Sammis; the said insertion, use and employment, so as aforesaid, of the instrument aforesaid, not being then and there necessary to preserve the life of her, the said Cora Sammis, and not being then and there necessary to preserve the life of the child whereof she, the said Cora Sammis, was then and there pregnant; by means of which said inserting, use and employment of the instrument aforesaid, in and upon the womb and body of her, the said Cora Sammis, by them, the said Bertha Berger and Frank Cosgrove, the said Cora Sammis became mortally wounded and distempered, and of the said mortal wounding and distempering, so as aforesaid caused, at the Ward, City and County aforesaid, from the said fourth day of February, in the year last aforesaid, until the eleventh day of February, in the same year last aforesaid, did languish, and languishing did live, and on which said eleventh day of February, in the year aforesaid, she, the said Cora Sammis, at the Ward, City and County aforesaid, of the said mortal wounding and distempering, did die;

And also for that they, the said Frank Cosgrove and Bertha Nathan, by the name and description of Bertha Berger aforesaid, then each late of the Twenty-first Ward of the City of New-York, in the County of New-York aforesaid, on the fourth day of February, in the year of our Lord one thousand eight hundred and seventy nine, at the Ward, City and County aforesaid,

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with force and arms, wilfully and feloniously in and upon the body of one Cora Sammis, she the said Cora Sammis, being then and there a woman with child, did make an assault, and did then and there wilfully and feloniously advise and procure her, the said Cora Sammis, to submit to the use and employment of a certain instrument, in and upon the womb and body of her, the said Cora Sammis, and to submit to the insertion up, into and upon the womb and body of her, the said Cora Sammis, of the instrument aforesaid, with intent on the part of the said Bertha Berger and Frank Cosgrove thereby to produce the miscarriage of her, the said Cora Sammis, the said use, employment and insertion as aforesaid, of the instrument aforesaid, not being then and there necessary to preserve the life of her, the said Cora Sammis, and not being then and there necessary to preserve the life of the child whereof she, the said Cora Sammis, was then and there pregnant; by means whereof she, the said Cora Sammis, became mortally wounded and distempered, and of the said mortal wounding and distempering she, the said Cora Sammis, at the Ward, City and County aforesaid, from the fourth day of February, in the year last aforesaid, until the eleventh day of February, in the same year aforesaid, did languish, and languishing, did live, and on which eleventh day of February, in the year aforesaid, she, the said Cora Sammis, at the Ward, City and County aforesaid, of the said mortal wounding and distempering, did die.

And thereupon, upon the conviction aforesaid, it was considered by the said Court of General Sessions of the Peace in and for the City and County of New-York, and ordered and adjudged, that the said Bertha Nathan, by the name and description of Bertha Berger aforesaid, for the felony aforesaid, whereof she was con-

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victed as aforesaid, be imprisoned in the Penitentiary of the City of New-York for the term of five years, as by the record thereof doth more fully and at large appear.

And the said Bertha Nathan, late of the First Ward of the City of New-York, in the County of New-York aforesaid, having been duly discharged and remitted of the said judgment and conviction by reason of the expiration of her said term of imprisonment, and by commutation of time duly allowed according to law, afterwards, to wit, on the fifth day of January, in the year of our Lord one thousand eight hundred and eighty four, at the Ward, City and County aforesaid, with force and arms, in and upon the body of one Mary A. White, then and there being a woman pregnant with child, feloniously and wilfully did make an assault, and a certain instrument of a kind to the Grand Jury aforesaid unknown, and thereof a more particular description can not now be given, up, into and upon the womb and body of her, the said Mary A. White, then and there wilfully and feloniously did use and employ, with intent thereby to procure the miscarriage of her, the said Mary A. White; the said use and employment of the instrument aforesaid not being then and there necessary to preserve the life of her, the said Mary A. White. And the said Mary A. White, by reason of the said use and employment of the instrument aforesaid, in and upon the womb and body of her, the said Mary A. White, by the said Bertha Nathan, then and there became mortally wounded and distempered in her body, and of the said mortal wounding and distemper of body, so as aforesaid caused, at the Ward, City and County aforesaid, from the said fifth day of January, in the year last aforesaid, until the twenty-fourth day of January, in the same year last aforesaid, did languish, and languishing did live,

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and on which said twenty-fourth day of January, in the year last aforesaid, she, the said Mary A. White, at the Ward, City and County aforesaid, of the said mortal wounding and distemper of body, so as aforesaid caused, did die.

And so the Grand Jury aforesaid do say, that she, the said Bertha Nathan, after having been convicted of the felony aforesaid, her, the said Mary A. White, on the day and in the year last aforesaid, at the Ward, City and County aforesaid, in the manner and form and by the means aforesaid, wilfully and feloniously did kill and slay; 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.

SECOND COUNT:

And the Grand Jury aforesaid, by this indictment, further accuse the said Bertha Nathan of the crime of manslaughter in the first degree, as a SECOND OFFENSE, committed as follows:

At a Court of General Sessions of the Peace held in and for the City and County of New-York, at the City Hall in the said City of New-York, on the twenty-second day of March, in the year of our Lord one thousand eight hundred and eighty, before the Honorable Henry A. Gildersleeve, Judge of the said Court of General Sessions of the Peace, and Justice of the said Court, the said Bertha Nathan, by the name and description of Bertha Berger, was in due form of law, convicted of felony, to wit, Abortion, upon a certain indictment, then and there in the said Court depending against one Frank Cosgrove and her, the said Bertha Nathan, by the name and description of Bertha Berger aforesaid, for that they, the said Frank Cosgrove and Bertha Nathan, by the

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name and description aforesaid, then each late of the Twenty-first Ward of the City of New-York, in the County of New-York aforesaid, on the fourth day of February, 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 Cora Sammis (she, the said Cora Sammis, being then and there a woman with child) feloniously and wilfully did make an assault, and that they, the said Bertha Nathan, by the name and description aforesaid, and Frank Cosgrove, a certain instrument up, into and upon the womb and body of her, the said Cora Sammis, then and there wilfully and feloniously did insert, use and employ, with intent on the part of them, the said Bertha Nathan, by the name and description aforesaid, and Frank Cosgrove, thereby to procure the miscarriage of her, the said Cora Sammis; the said insertion, use and employment, so as aforesaid, of the instrument aforesaid, not being then and there necessary to preserve the life of her, the said Cora Sammis, and not being then and there necessary to preserve the life of the child whereof she, the said Cora Sammis, was then and there pregnant; by means of which said inserting, use and employment of the instrument aforesaid in and upon the womb and body of her, the said Cora Sammis, as aforesaid, the said Cora Sammis became mortally wounded and distempered, and of the said mortal wounding and distempering, so as aforesaid caused, at the Ward, City and County aforesaid, from the said fourth day of February, in the year last aforesaid, until the eleventh day of February, in the same year last aforesaid, did languish, and languishing did live, and on which said eleventh day of February, in the year aforesaid, she, the said Cora Sammis, at the Ward,

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City and County aforesaid, of the said mortal wounding and distempering, did die;

And also for that they, the said Frank Cosgrove and the said Bertha Nathan, by the name and description of Bertha Berger aforesaid, then each late of the Twenty-first Ward of the City of New-York, in the County of New-York aforesaid, on the fourth day of February, in the year of our Lord one thousand eight hundred and seventy nine, at the Ward, City and County aforesaid, with force and arms, wilfully and feloniously in and upon the body of one Cora Sammis, she, the said Cora Sammis, being then and there a woman with child, did make an assault, and did then and there wilfully and feloniously advise and procure her, the said Cora Sammis, to submit to the use and employment of a certain instrument in and upon the womb and body of her, the said Cora Sammis, and to submit to the insertion up, into and upon the womb and body of her, the said Cora Sammis, of the instrument aforesaid, with intent on the part of the said Bertha Berger and Frank Cosgrove thereby to produce the miscarriage of her, the said Cora Sammis, the said use, employment and insertion as aforesaid, of the instrument aforesaid, not being then and there necessary to preserve the life of her, the said Cora Sammis, and not being then and there necessary to preserve the life of the child whereof she, the said Cora Sammis, was then and there pregnant; by means whereof she, the said Cora Sammis, became mortally wounded and distempered, and of the said mortal wounding and distempering she, the said Cora Sammis, at the Ward, City and County aforesaid, from the fourth day of February, in the year last aforesaid, until the eleventh day of February, in the same year

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aforesaid, did languish, and languishing did live, and on which eleventh day of February, in the year aforesaid, she, the said Cora Sammis, at the Ward, City and County aforesaid, of the said mortal wounding and distemperring, did die.

And thereupon, upon the conviction aforesaid, it was considered by the said Court of General Sessions of the Peace in and for the City and County of New-York, and ordered and adjudged, that the said Bertha Nathan, by the name and description of Bertha Berger aforesaid, for the felony aforesaid, whereof she was convicted, as aforesaid, be imprisoned in the Penitentiary of the City of New-York for the term of five years, as by the record thereof doth more fully and at large appear.

And the said Bertha Nathan, late of the First Ward of the City of New-York, in the County of New-York aforesaid, having been duly discharged and remitted of the said judgment and conviction by reason of the expiration of her said term of imprisonment and by commutation of time duly allowed according to law, afterwards, to wit: on the fifth day of January, in the year of our Lord one thousand eight hundred and eighty four, at the Ward, City and County aforesaid, with force and arms, in and upon the body of one Mary A. White, then and there being a woman pregnant with child, feloniously and wilfully did make an assault, and certain means to the Grand Jury aforesaid unknown, in and upon the body of her, the said Mary A. White, then and there wilfully and feloniously, and with intent thereby to procure the miscarriage of her, the said Mary A. White, did use and employ, the same not being then and there necessary to preserve the life of her, the said Mary A. White; by reason whereof she, the said Mary A. White, then and there became mortally sick and distempered in

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her body, and of the said mortal sickness and distemper of body ,
so as aforesaid caused, at the Ward, City and County aforesaid,
from the said fifth day of January, in the year last aforesaid,
until the twenty-fourth day of January, in the same year last
aforesaid, did languish, and languishing did live, and on which
said twenty-fourth day of January, in the year last aforesaid,
she, the said Mary A. White, at the Ward, City and County afore-
said, of the said mortal sickness and distemper of body, so as
aforesaid caused, did die.

And so the Grand Jury aforesaid do say, that she, the
said Bertha Nathan, after having been convicted as aforesaid, of
the felony aforesaid, her, the said Mary A. White, on the day and
in the year last aforesaid, at the Ward, City and County afore-
said, in the manner and form and by the means aforesaid, wilfully
and feloniously did kill and slay; 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.

PETER B. OLNEY,

District Attorney.