

Leo Meyers and Catharine Einzig Court Cases

There are three court cases surrounding the relationship between Leo Mayer¹ and Catharine Einzig. Both Leo and Catharine are related through the two children of Anton Einzig and Elenora Blum; a daughter and son.¹

- Catherine Einzig was born April 6th 1844 to Anton Einzig² and Eleanora Blum.³ She went by the name Kate and Katie. Katie married Leo Mayer June 21st 1865 at the Christ Lutheran Church in York, York County Pennsylvania.⁴
- David K. Einzig⁵ was born August 24th 1850⁶ to Anton Einzig and Eleanora Blum⁷ in the Freystown area of Spring Garden, York County Pennsylvania. David married Cassandraⁱⁱ Killmeyerⁱⁱⁱ on February 15th 1870 at the St. James Church in York, York County Pennsylvania. David and Cassandra named their 1st daughter Catherine Einzig, who was born about 1873. She also went by the name Kate and Katie.

Ever since Leo and Catharine married, they lived next door to David Einsig and his family in the small village of Freystown located in Spring Garden Township, York County Pennsylvania. About 1900 Freystown was incorporated in with the city of York.

Leo Mayer was almost 50 years old when he had sex with his 18 year old niece Katie Einzig. The affair resulted in the birth of a male child, who was born Thursday night, early Friday Morning October 24th 1890, and died the next Thursday October 30th.⁸

There were three cases, and they are outlined within the timeline they were filed. The names appear as they were spelled. The scanned documents were out of sequence, and it was difficult to piece together the actual sequence of events with each case. A.K.A; I'm not familiar with legal procedures and language.

1st case was a charge of fornication: Catharine (Einzig) Myers (Leo's wife) verses Katie Einsig

2nd case was a charge of adultery: Katie Einzig verses Leo Myers

- This case baffles me. Why did Katie file the charge, I would have thought Leo's wife Catharine would have made the charge against Leo.

3rd case was a charge of fornication and bastardy: Katie Einzig verses Leo Myers

Each charge and subsequent indictment asserted; "...contrary to the act and form of the General Assembly in such case made and provided and against the peace and dignity of the Commonwealth of Pennsylvania." Thus each case was filed as the Commonwealth verses either Leo Myers or Kate Einzig.

ⁱ Leo's last name should be spelled Mayer, as inscribed on his headstone, and his Civil War Record. Other spellings were Meyers and Myers.

ⁱⁱ Cassandra was also spelled as Lucinda, Tassie, Katrantha, and Catherien was written on David's will.

ⁱⁱⁱ Other spellings of Cassandra's last name: Killinger, Kilmyer, Killymore, Kilman, and Gilmore.

Charge of Fornication
Commonwealth –vs- Catharine Einsig
Filed September 10th 1890

Plaintiff: Catherine Myers filed a charge of fornication against her niece Catherine Einsig. The charge was filed September 10th 1890. Edward Bentzel, District Attorney for the Commonwealth.

Defendant: Catharine (Katie) Einsig and John E. Sherwood posted \$300.00 on October 27th 1890 to appear in court to face the charge of fornication.

Charge made September 1st 1890: Catherine Myers of Spring Garden Township York County, upon her oath at the city of York, said that, on or about the last February 1890 in the township of Spring Garden in the county of York, a certain Catharine Einsig 1890 of the township of Spring Garden did then and there commit fornication with a certain Leo Myers. He being a married man contrary to the act of Assembly in such case made and provided for...York Pennsylvania September 2nd 1890 the defendant was vested and gave bail for a hearing September 8th 1890....and September 8th 1890 7 o'clock PM, after hearing the evidence and the defendant was held for court. Same day prosecutor sent in \$100.00 to prsecute October Session 1890. Sworn and subscribed September 1st 1890.

Court Hearing of the Charge: 9 o'clock, Tuesday, October 21st 1890. Subpoenaed Witnesses: Catharine Myers, and Leo Myers.

Grand Inquest and Indictment Court: 9 o'clock, Tuesday, January 6th 1891. Subpoenaed Witnesses: Catherine Myers, Dr. M. J. Kimon, and Cassandra Einsig.

Grand Jury Indictment, Misdemeanor, January 6th 1891: That Catharine Einsig, spinster, on the 28th day of February 1890 at York county, and within the jurisdiction of this court, with force and arms, unlawfully did commit fornication with one Leo Myers, and did then and there have unlawful carnal knowledge of the body of him the said, Leo Myers contrary to the form of the act of the General Assembly in such case made and provided and against the peace and dignity of the Commonwealth of Pennsylvania. Edward Bentzel, District Attorney for the Commonwealth.

Verdict: Not a True Bill, and the county of York to pay the cost of prosecution.

Charge of Adultery
Commonwealth –vs- Leo Mayer ⁹
Filed September 18th 1890

Plaintiff: Katie Einzig filed a charge of adultery against her uncle Leo Mayer, which was filed September 18th 1890. Edward Bentzel, District Attorney for the Commonwealth.

Defendant: Leo Meyer and Joseph Eleeson posted \$500.00 on October 27th 1890 to appear in court to face the charge of Adultery. His attorney was Mr. Ross of Wannan and Ross Attorneys at Law.

Charge made October 28th 1890: Katie Einzig of Spring Garden Township York County, upon her oath at the city of York, said that, on or about the month of January 1890 at the city of York, Leo Myers (Mayer) did have illicit intercourse with this deponent, he being a married man with a wife in full life, and did there and then commit adultery contrary to the act of assembly in such case made and provided.... August 28th 1890 defendant ...enters bail for a hearing September 2nd 1890. Dependent appears.....and....bail for court. Same day prosecutor sent in \$100.00 to persecute October Session 1890. Sworn and subscribed August 28th 1890.

Court Hearing on the Charge: Monday October 3rd 1890. Subpoenaed Witnesses: Kate Einzig and Mary Gehring.

Grand Inquest and Indictment Court: 9 o'clock, Tuesday, January 6th 1891. Subpoenaed Witnesses: Catherine Myers, Dr. M. J. Kimon, and Cassandra Einsig.

Grand Jury Indictment, Misdemeanor, January 6th 1891: Leo Myers (Mayer), yeoman, on the 12th day of January 1890 did commit the crime of adultery with one Kate Einsig, by then and there having unlawful carnal knowledge of the body of her, the said Katie Einsig; he, the said Leo Myers, being then and there a married man, having a lawful wife in full life, on the day and year aforesaid, to wit; one Catharine Myers ; and she who said Katie Einzig: not being then and there his wife, contrary to the act and form of the General Assembly in such case made and provided and against the peace and dignity of the Commonwealth of Pennsylvania. Edward Bentzel, District Attorney for the Commonwealth.

Verdict: From a 12 all men Jurors: Misdemeanor; January 9th 1891, Verdict not guilty in manner and form as he stands indicted, and that the defendant Leo Meyers (Mayer) pays the cost of prosecution. \$1.91

Charge of Fornication and Bastardy

Commonwealth –vs- Leo Mayer ¹⁰

Filed September 19th 1890

Plaintiff: Katie Einzig filed a charge of Fornication and Bastardy against her uncle Leo Mayer, which was filed September 19th 1890. Edward Bentzel, District Attorney for the Commonwealth.

Defendant: Leo Meyer and Joseph Eleeson posted \$300.00 on October 27th 1890 to appear in court to face the charge. His attorney was Mr. Ross of Wanner and Ross Attorneys at Law.

Charge made October 28th 1890: Katie Einzig of the Township Spring Garden York County, upon her oath at the city of York, said that, on or about the month of January 1890 at the city of York, Leo Myers (Mayer) did have carnal knowledge with said lady, and did there on beget a bastard child yet unborn, which said child will likely become chargeable to the county of York, contrary to the act of assembly in such case made and provided. . . . August 28th 1890 defendant awarded enters bail for court. Same day prosecutor sent in \$100.00 to persecute October Session 1890. Sworn and subscribed August 28th 1890.

- Leo was almost 50 years old and Katie just turned 18 years old when they had an affair, which resulted in the birth of a male child, who was born Thursday night, Early Friday morning, October 24th 1890, and died the next Thursday October 30th. ¹¹

Court Hearing on the Charge, Date and Time: 10 o'clock, Monday, April 20th 1891. Subpoenaed Witnesses: Kate Einzig and Mary Gehring; to testify to the truth according to you knowledge in a certain indictment; No. #9: January Session 1891, Fornication and Bastardy between the Commonwealth and Leo Myers; witnessed March 23rd 1891 by the Clerk of Courts.

Indictment Court Date and Time: 9 o'clock, Tuesday, January 6th 1891. Subpoenaed Witnesses: Catherine Myers, Dr. M. J. Kimon, and Cassandra Einsig.

Grand Jury Indictment: Leo Myers (Mayer), yeoman, on the 10th day of January 1890, at York County within the jurisdiction of the court, did commit fornication with a certain Katie Einzig, and a male bastard child, on the body of said Katie Einzig, was delivered October 24th 1890 at York County, contrary to the form of the act of the General Assembly in such case made and provided, and against the peace and dignity of the Commonwealth of Pennsylvania. Edward Bentzel, District Attorney for the Commonwealth.

Verdict: From a 12 all men Jurors: April 22nd 1891, Verdict: Not Guilty

Bibliography

1. Catharine Myers charge against Catharine Einsig: Catherine Einsig; Charge: Fornication; Case#: 006; Session: Jan; Docket 1Z; Page: 134; Docketed: Yes; Papers: Yes; Year: 1891; York County Archives, 150 Pleasant Acres Road, York, Pennsylvania, 17402; Copy at Taylor-Graham Library, 479 County Line Road, York Springs PA, 17372.
2. Katie Einzig charge against Leo Myers: Leo Myers; Charge: Adultery; Case#: 010; Session: Jan; Docket 1Z; Page: 142; Docketed: Yes; Papers: Yes; Year: 1891; York County Archives, 150 Pleasant Acres Road, York, Pennsylvania, 17402; Copy at Taylor-Graham Library, 479 County Line Road, York Springs PA, 17372.
3. Katie Einzig charge against Leo Myers: Leo Myers; Charge: Fornication and Bastardy; Case#: 009; Session: Jan; Docket 1Z; Page: 140; Docketed: Yes; Papers: Yes; Victim: Katie Einsig; Year: 1891; York County Archives, 150 Pleasant Acres Road, York, Pennsylvania, 17402; Copy at Taylor-Graham Library, 479 County Line Road, York Springs PA, 17372.

End Notes

¹ Anton Einzig (1804-1859) Research Paper; Taylor-Graham Library, 479 County Line Road, York Springs Pennsylvania, 17372; <http://taylorgrahamlibrary.net>

² Anton Einzig (1804-1859) Research Paper; Taylor-Graham Library, 479 County Line Road, York Springs Pennsylvania, 17372; <http://taylorgrahamlibrary.net>

³ Catherine Einzig Name and Father's Name, John: The father's name is most likely an error; The information came from her Pennsylvania Death Certificate #46778, Pennsylvania, Death Certificates, 1906-1944; Pennsylvania (State). Death certificates, 1906–1963; Series 11.90 (1,905 cartons); Records of the Pennsylvania Department of Health, Record Group 11; Pennsylvania Historical and Museum Commission, Harrisburg, Pennsylvania. <http://www.phmc.state.pa.us>. Copy, Taylor-Graham Library, 479 County Line Rd, York Springs Pennsylvania, 17372

⁴ Catharine Einzig Marriage: The information came from the following record; Pennsylvania, Marriages; Name: Leo Meyers, Spouse's Name: Catharine Einzig, Event Date: 21 Jun 1865, Event Place: Christ Lutheran Church, York, York, Pennsylvania; Pennsylvania, Marriages, 1709-1940," database, FamilySearch (<https://familysearch.org/ark:/61903/1:1:V2XV-KM2> : accessed 17 August 2015), Leo Meyers and Catharine Einzig, 21 Jun 1865; citing Christ Lutheran Church, York, York, Pennsylvania; FHL microfilm 1,320,516.

⁵ David K. Einsig Name: The information came from his Will: No:177; Book: XX; No:24 on Page 479; York County Archives, 150 Pleasant Acres Road, York, Pennsylvania, 17402; Copy at Taylor-Graham Library, 479 County Line Road, York Springs PA, 17372.

⁶ David K. Einzig Birth Year: This birth date came from the 1900 federal census cited in the bibliography, but the year "1849" came from his Pennsylvania Death Certificate #98761, Pennsylvania, Death Certificates, 1906-1944; Pennsylvania (State). Death certificates, 1906–1963; Series 11.90 (1,905 cartons); Records of the Pennsylvania Department of Health, Record Group 11; Pennsylvania Historical and Museum Commission, Harrisburg, Pennsylvania. <http://www.phmc.state.pa.us>. Copy, Taylor-Graham Library, 479 County Line Rd, York Springs Pennsylvania, 17372

⁷ Anton Einzig (1804-1859) Research Paper; Taylor-Graham Library, 479 County Line Road, York Springs Pennsylvania, 17372; <http://taylorgrahamlibrary.net>

⁸ Leo Myers and Katie Einzig Relationship, Birth and Death Date of a Male Child: The information came from the Leo Myers, Charge: Fornication and Bastardy; Case#: 009; Session: Jan; Docket 1Z; Page: 140; Docketed: Yes; Papers: Yes; Victim: Katie Einsig; Year: 1891; York County Archives, 150 Pleasant Acres Road, York, Pennsylvania, 17402; Copy at Taylor-Graham Library, 479 County Line Road, York Springs PA, 17372.

⁹ Katie Einzig Charge of Adultery Against Leo Myers: Adultery; Case#: 010; Session: Jan; Docket 1Z; Page: 142; Docketed: Yes; Papers: Yes; Year: 1891; York County Archives, 150 Pleasant Acres Road, York, Pennsylvania, 17402; Copy at Taylor-Graham Library, 479 County Line Road, York Springs PA, 17372.

¹⁰ Katie Einzig charge against Leo Myers: Leo Myers; Charge: Fornication and Bastardy; Case#: 009; Session: Jan; Docket 1Z; Page: 140; Docketed: Yes; Papers: Yes; Victim: Katie Einsig; Year: 1891; York County Archives, 150 Pleasant Acres Road, York, Pennsylvania, 17402; Copy at Taylor-Graham Library, 479 County Line Road, York Springs PA, 17372.

¹¹ Birth of a Male Child Birth and Death Days and Dates: The information came from the Leo Myers, Charge: Fornication and Bastardy; Case#: 009; Session: Jan; Docket 1Z; Page: 140; Docketed: Yes; Papers: Yes; Victim: Katie Einsig; Year: 1891; York County Archives, 150 Pleasant Acres Road, York, Pennsylvania, 17402; Copy at Taylor-Graham Library, 479 County Line Road, York Springs PA, 17372.