

0271

BOX:

255

FOLDER:

2467

DESCRIPTION:

Zimmer, Henry

DATE:

03/21/87



2467

0272

101.

*Charles Carter*

Counsel,

Filed,

21 day of March, 1887

Pleads,

*Chargement*

THE PEOPLE

vs.

*B*

*Henry Zimmer*

MISDEMEANOR.

[Chap. 188, Laws of 1885, §§ 7 and 8, as amended by Chap. 577, Laws of 1886, §§ 2 and 3; § 480, Penal Code; Chap. 238, Laws of 1882, § 3; Chap. 246, Ibid., § 1; and Chap. 215, Ibid., § 2.]

RANDOLPH B. MARTINE,

District Attorney.

*Part III April 26/87*

*Pleads Guilty*

A True Bill.

*By me D. and Foreman.*

*True #107*

*FD*

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STATE OF NEW YORK,  
City and County of New York. } ss:

Charles Sears, of No. 350 Washington Street,  
being duly sworn, says: That he resides at No. 126 East 58th  
Street, in the City of New York, County and State of New York, is 38  
years of age, and an expert appointed by Hon. JOSIAH K. BROWN, the New York Dairy Com-  
missioner; That at the times hereinafter mentioned one Henry

Zimmer was a Retail Grocery Dealer, and had his Grocery Store  
in a room in No. 126 East 58th Street, in the said City of New  
York, and occupied and controlled such room; That on the 28th  
day of January, 1886, deponent went into said Henry

Zimmer's store and such room so occupied and controlled by  
him, and said to a clerk and servant of Henry Zimmer that he wanted to  
buy some Butter; That the said clerk and servant of Henry Zimmer and said Zimmer  
response thereto then and there sold and delivered to deponent one pound  
pounds of the manufactured substance hereinafter mentioned, for which he asked and deponent  
then and there paid him twenty cents per pound; That it was so sold  
and delivered to deponent by said Zimmer and his clerk and servant as  
and for Butter, the product of the dairy; That thereafter and on January  
29th, 1886, deponent delivered a portion of such substance so sold to

him by said Zimmer and his clerk and servant to Russell  
W. Moore, a Chemist of No. 4th Avenue at 49th  
Street in said City of New York, and caused the same to be analyzed by such Chemist; That  
the certificate thereof made by such Chemist is hereto annexed; That such substance so sold  
and delivered to deponent by said Zimmer and his clerk and servant  
was not Butter, the product of the dairy, and was not made from unadulterated milk or cream;  
That it was a manufactured oleaginous substance not produced from milk or cream, and had been  
made by mixing, compounding with and adding to natural milk, cream or Butter, some animal  
fats or animal or vegetable oils; ~~Not~~ produced from milk or cream, so as to produce an article,  
substance and human food in imitation and semblance of natural Butter; That the said substance  
had been and was colored with some coloring matter whereby said substance was made to and did  
resemble Butter the product of the dairy, and was so colored thereby in semblance of and to re-  
semble natural Butter; That on said 28th day of

January, 1886, deponent in said Henry Zimmer's  
store and room occupied and controlled by him saw a quantity of such manufactured substance  
offered for sale as and for Butter made from unadulterated milk or cream, with intent to sell the  
same as and for Butter made from unadulterated milk or cream in the ordinary course of said  
Henry Zimmer's Grocery business.

Deponent charges that the said Henry Zimmer  
against the peace and dignity of the people of the State of New York and the statutes in such  
case made and provided, unlawfully, wilfully and knowingly so, had such manufactured substance  
in his possession with intent to sell the same as and for Butter made from unadulterated milk or  
cream, and so offered the same for sale with such intent, and so sold the said portion thereof to  
this deponent as and for Butter the product of the dairy, and caused, procured, and suffered the  
same to be so offered for sale and sold, and was thereby guilty of a misdemeanor.

Sworn to before me this 4th  
day of March, 1886.

Charles Sears  
John D. Ford  
Police Justice.

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*Endorsed Below*  
Court of *New York*  
County of *New York*

THE PEOPLE, &c.  
*Charles S. Searo*  
*Harry Zimmerman*

Affidavit:  
*Charles Searo*  
*350 Washington Street*

Witnesses:  
*Thomas R. Gray*  
Residence *350 Washington Street*  
*Russell W. Moore*  
Residence *4 Breckinridge Street*

Residence



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Sec. 193-200.

CITY AND COUNTY OF NEW YORK, { ss

District Police Court.

*Harry Zimmer* being duly examined before the undersigned, according to law, on the annexed charge: and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer.

*Harry Zimmer*

Question. How old are you?

Answer.

*33 years old*

Question. Where were you born?

Answer.

*Germany*

Question. Where do you live, and how long have you resided there?

Answer.

*126 Essex St. 27 months*

Question. What is your business or profession?

Answer.

*Butter Dealer*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer.

*I am not guilty and demand a trial by jury*

*Harry Zimmer.*

Taken before me this

day of *March* 188*7*

*William J. ...*  
Police Justice.

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Sec. 151.

Police Court 2nd District.

CITY AND COUNTY } ss. *In the name of the People of the State of New York; To the Sheriff of the County*  
 OF NEW YORK, } *of New York, or to any Marshal or Policeman of the City of New York, GREETING :*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Charles Seamus

of No. 350 Washington Street, that on the 28 day of January

1887 at the City of New York, in the County of New York, on the premises

126 Essex Street one Henry Zimmer  
had in his possession with intent to  
sell for butter and did sell to Charles  
Seamus one pound of Celestine margarine  
not made of milk or cream and made in  
imitation and resemblance of butter and  
colored to resemble butter in violation  
of Chapter 183 laws of 1885 and 577 laws of 1886

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to answer the said complaint.

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant, and bring him forthwith before me, at the 2nd District Police Court, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 14 day of March 1887

John J. Ford POLICE JUSTICE.

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Police Court 2 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Charles. Sears

vs

Henry Zimmer

Warrant-General.

Dated March 4 1887

Henry Ford Magistrate.

Rounds M. Campbell Officer.

The Defendant Henry Zimmer  
taken, and brought before the Magistrate, to answer  
the within charge, pursuant to the command con-  
tained in this Warrant.

Rounds M. Campbell Officer.

Dated March 7 1887

This Warrant may be executed on Sunday or at  
night.

Police Justice.

REMARKS.

Time of Arrest, 130 P.M.

Native of

Germany

Age,

35

Sex,

Male

Complexion,

Color,

White

Profession,

Butter Store

Married,

Yes

Single,

Read,

Yes

Write,

Yes

126. Essex Street



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It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named.....

*Henry Turner*  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of ~~three~~ Hundred Dollars,..... and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated *March 7* 188 *J. K. Thompson* Police Justice.

I have admitted the above-named *Henry Turner*  
to bail to answer by the undertaking hereto annexed.

Dated *March 7* 188 *J. K. Thompson* Police Justice.

There being no sufficient cause to believe the within named.....  
guilty of the offence within mentioned, I order he to be discharged.

Dated ..... 188 ..... Police Justice.



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Police Court 2 District 320

THE PEOPLE, &c.,  
OF THE COMPLAINT OF

Charles Sears  
vs.  
Benny Zimmer

Offence Adulteration of Food

Dated March 7 1887

H. O. D. Magistrate.

C. C. C. Officer.

100 Precinct.

Witnesses

No. 100 Street.

No. 100 Street.

No. 100 Street.

\$ 100 to answer

Bailed  
Bill Ordered

BAILED.

No. 1, by

Wm F. Jordan

Residence

435 5<sup>th</sup> Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

TORN PAGE

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RUSSELL W. MOORE, A. M. M. So.  
CHEMIST.

New York *February 13<sup>th</sup> 1887*

### CERTIFICATE OF ANALYSIS.

#### SAMPLE OF BUTTER.

Marked, *1311 B 126 Essex Street N. Y. Jan 28<sup>th</sup> 1887 J. R. Gray Charles Sears*  
Received from *Mr B. F. Van Hookburgh* per *Charles Sears*  
on *Saturday January 29<sup>th</sup> 1887*

#### THE SAMPLE CONTAINS:

WATER,	- - - -	8.84%
ANIMAL AND BUTTER FAT,	- - - -	87.31%
CURD,	- - - -	8.8%
SALT,	- - - -	2.97%
		<u>100.00</u>

#### ANALYSIS OF THE FAT:

INSOLUBLE FATTY ACIDS,	- 95.44%
SOLUBLE " "	- 5.7%
SPECIFIC GRAVITY OF THE FAT	
AT 100° F.,	- - - -
REICHERT FIGURE. C. C. $\frac{N}{10}$ Na OH.	59

This sample is composed <sup>100.00</sup>mainly of animal fat, and was not produced from unadulterated milk, or cream from the same. It was not produced from milk or cream alone. It contains coloring matter, whereby it is made to resemble butter, the product of the dairy; and it is in imitation and semblance of butter, produced from pure unadulterated milk or cream from the same.

Respectfully yours,

*Russell W. Moore*

*Asst Dairy Buyer*

State of *NY*  
City of *NY* SS.  
County of *NY*

On the *15<sup>th</sup>* day of *February* in the year  
one thousand eight hundred and *Eighty seven* before me personally came  
*Russell W. Moore* to me known, and known to me to be the individual  
described in, and who executed the foregoing instrument, and *he*  
acknowledged that he executed the same.

*E. J. Dunsen*  
NOTARY PUBLIC No. 70,  
CITY & COUNTY OF NEW YORK.

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No 1311.B.  
Feb 15<sup>th</sup> 87



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**Court of General Sessions of the Peace.**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
*against*

*Henry P. Gorman*

**The Grand Jury of the City and County of New York**, by this indictment, accuse

(Chap. 183, Laws of  
1885, § 8,  
as amended by  
Chap. 577, Laws of  
1886, § 3.)

of a Misdemeanor, committed as follows:

The said

*Henry P. Gorman*

late of the City of New York, in the County of New York aforesaid, on the *28th*  
day of *January* in the year of our Lord one thousand eight hundred and  
eighty-~~seven~~, at the City and County aforesaid, *one pound*  
of a certain oleaginous substance and compound, not made nor produced from milk or cream  
(a more particular description of which said substance and compound, and of the ingredients and  
matters of which the same was made and produced, is to the Grand Jury aforesaid unknown, and  
cannot now be given), unlawfully did intentionally sell, and cause and procure to be sold to one  
*Charles Sears*, as and for butter, the product of the dairy; against the  
form of the statute in such case made and provided, and against the peace and dignity of the said  
people.

SECOND COUNT: (Chap. 183, Laws of 1885, § 8, as amended by Chap. 577, Laws of 1886, § 3.)

**And the Grand Jury aforesaid**, by this indictment further accuse the said

*Henry P. Gorman*

of a Misdemeanor, committed as follows:

The said

*Henry P. Gorman*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at  
the City and County aforesaid, unlawfully did unintentionally sell and cause and procure to be sold  
to one *Charles Sears*, *one pound*

of a certain oleaginous substance and compound, not made nor produced from milk or cream (a more  
particular description of which said substance and compound, and of the ingredients and matters of  
which the same was made and produced, is to the Grand Jury aforesaid unknown, and cannot now  
be given), as and for butter, the product of the dairy; against the form of the statute in such case  
made and provided, and against the peace and dignity of the said people.

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THIRD COUNT: (Chap. 246, Laws of 1882, § 1).

And the Grand Jury aforesaid, by this indictment further accuse the said

*- Henry Zimmerman -*

of a Misdemeanor committed as follows:

The said *Henry Zimmerman,*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell and cause and procure to be sold, at retail, to one *Charles Sears, one pound* of a certain substance, not being butter, and commonly called oleomargarine, and did then and there falsely represent the same to the said *Charles Sears,*

to be butter; against the form of the statute in such case made and provided, and against the peace and dignity of said people.

FOURTH COUNT: (Section 480, Penal Code)

And the Grand Jury aforesaid, by this indictment further accuse the said

*- Henry Zimmerman -*

of a Misdemeanor, committed as follows:

The said *Henry Zimmerman,*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell, and cause and procure to be sold, to one *Charles Sears,*

as an article of food, *one pound* of a certain substance in imitation of a certain article of food, to wit: butter, without disclosing such imitation by a suitable and plainly visible mark or brand; against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

FIFTH COUNT: (Chap. 288, Laws of 1882, § 3.)

And the Grand Jury aforesaid, by this indictment further accuse the said

*- Henry Zimmerman -*

of a Misdemeanor, committed as follows:

The said *Henry Zimmerman,*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, a certain parcel containing *one pound* of a certain article and substance in semblance of butter, not the legitimate product of the dairy,

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and not made exclusively of milk or cream, but into which divers oils and fats not produced from milk or cream, entered as component parts (a more particular description of which said article and substance is to the Grand Jury aforesaid unknown, and cannot now be given), the same being then and there an article and substance required by law, in case of retail sales in parcels, to be sold from a tub, firkin, box or package, distinctly and durably stamped, branded or marked upon the top and side with the words "Oleomargarine Butter" only, where it could be plainly seen, in Roman letters, burned in or painted thereon with permanent black paint, in a straight line, and not less than one-half inch in length, and wherewith the seller was then and there required by law in such case, to deliver to the purchaser thereof, a printed label, bearing the plainly printed words "Oleomargarine Butter" only, in Roman letters not less than one-half inch in length, in a straight line, unlawfully did then and there sell and cause and procure to be sold at retail, to one

*Charles Sears.* —

from a certain *tub & box* which was not then and there stamped, branded or marked as aforesaid, and unlawfully did not then and there deliver therewith to the said

*Charles Sears,* —

such purchaser as aforesaid, a label of the kind and description aforesaid, against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

SIXTH COUNT: (Chap. 215, Laws 1882, § 2.)

And the Grand Jury aforesaid, by this indictment further accuse the said

*Henry Zimmerman* —

of a Misdemeanor, committed as follows:

The said *Henry Zimmerman,*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell and cause and procure to be sold to one

*Charles Sears, one pound*

of a certain article and substance in semblance of natural butter, and known as oleomargarine or imitation butter, the same not being the legitimate product of the dairy, and not being made exclusively from milk or cream, or both, with salt or rennet, or both, with or without coloring matter or sage, but into which divers oils, and animal and other fats, not produced from milk or cream, had been introduced (a more particular description of which said article and substance is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

SEVENTH COUNT: (Chap. 183, Laws of 1885, § 7, as amended by Chap. 577, Laws of 1886, § 2.)

And the Grand Jury aforesaid, by this indictment further accuse the said

*Henry Zimmerman* —

of a Misdemeanor, committed as follows:

The said *Henry Zimmerman,*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,



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at the City and County aforesaid, did unlawfully sell and cause and procure to be sold to one

*Rhodes Sears, one pound* —

of a certain article, substance and compound in imitation and semblance of natural butter produced from pure, unadulterated milk, or cream of the same, the said article, substance and compound, so sold as aforesaid, being rendered, manufactured and produced out of divers animal fats and oils not produced from unadulterated milk, or cream from the same, the said article substance and compound not having been manufactured prior to, and not being in process of manufacture, on the first day of August, in the year of our Lord one thousand eight hundred and eighty six, (a more particular description of which said article, substance and compound, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

EIGHTH COUNT: (Chap. 183, Laws of 1885, § 8, as amended by Chap. 577, Laws of 1886, § 3.)

**And the Grand Jury aforesaid,** by this indictment further accuse the said

— *Henry Zimmerman* —

of a Misdemeanor, committed as follows:

The said *Henry Zimmerman*,

late of the City and County aforesaid, afterwards, to wit: on the said *22<sup>nd</sup>* day of *January*, in the year of our Lord one thousand eight hundred and eighty-~~seven~~, at the City and County aforesaid, did unlawfully sell, and cause and procure to be sold, to one *Rhodes Sears, one pound*

of a certain compound product and manufacture made in whole from animal fats and animal and vegetable oils, not produced from unadulterated milk or cream, which said compound product and manufacture had been before then, and was then and there colored with coloring matter, whereby the same did then and there resemble butter, the product of the dairy (a more particular description of which said compound, product and manufacture, and of the fats and oils from which the same was so made as aforesaid, is to the Grand Jury aforesaid unknown, and cannot now be given), against the form of the statute in such case made and provided, and against the peace and dignity of the said people.

NINTH COUNT: (Chap. 183, Laws of 1885, § 8, as amended by Chap. 577, Laws of 1886, § 3.)

**And the Grand Jury aforesaid,** by this indictment further accuse the said

— *Henry Zimmerman* —

of a Misdemeanor, committed as follows:

The said *Henry Zimmerman*,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully sell, and cause and procure to be sold to one

*Rhodes Sears, one pound*

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of a certain compound, product and manufacture made in part from animal fats and animal and vegetable oils not produced from unadulterated milk or cream, which said compound, product and manufacture had been before then, and was then and there colored with coloring matter, whereby the same did then and there resemble butter, the product of the dairy, (a more particular description of which said compound, and of the ingredients thereof, is to the Grand Jury aforesaid unknown, and cannot now be given,) 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.

**RANDOLPH B. MARTINE,**

**District Attorney.**