

0932

BOX:

201

FOLDER:

2016

DESCRIPTION:

Tompkins, Joseph B.

DATE:

12/17/85



2016

0933

No 154

J. Allen

Counsel,

Filed *17* day of *Dec* 188*5*

Pleads *Not Guilty*

THE PEOPLE

vs.

B

Joseph B. Tompkins

MISDEMEANOR.

RANDOLPH B. MARTINE,

*Part III District Attorney
and 26/87
Pleads Guilty*

A True Bill.

Wm. J. Purdy

Geo. H. Co. Foreman.

Witnesses:

W. W. Mullen

E. G. Love

0934

STATE OF NEW YORK,

County of New York ss.:

William W. Meeker, being duly sworn, deposes and says :
That he resides in the 512 East 116th Street in the County of New York and State of New York, and is 46 years of age,

and is an expert appointed by JOSIAH K. BROWN, New York State Dairy Commissioner ;
That on the 19th day of September, 1885, in the store occupied by him, No. 130 Eighth Avenue in the City of New York in the County of New York

and State of New York, one Joseph B. Sompkins, against the form and statutes in such cases made and provided, and in violation thereof, and against the peace of the people of the State of New York, had in his possession, with intent to sell the same for Butter made from unadulterated Milk or Cream, a number of pounds of a substance, product, manufacture and compound, which was not Butter made from unadulterated Milk or Cream, but had been made by manufacturing, mixing and compounding with and adding to a small quantity and proportion of natural Milk, Cream or Butter a large quantity and proportion of animal fats or animal or vegetable oils, and was a manufactured oleaginous substance not produced from Milk or Cream ; that it had been and was colored with some coloring matter whereby the same was made to resemble Butter.

the product of the Dairy, and was so colored thereby, in semblance of and resembled Butter, and did resemble Butter the product of the Dairy ; that the said Sompkins did permit & allow one of his agents and servants (in his presence) to offer for sale and said servant and agent in said store offered said substance, product, manufacture and compound for sale as and for Butter made from unadulterated Milk or Cream at such time and place, with intent to sell the same as and for Butter made from unadulterated Milk or Cream, and did sell some considerable portion thereof, to wit, 1/2 pound

as and for Butter, the product of the Dairy, and represented the same to be Butter at such time and place ; that the said substance, product and compound was not natural Butter produced from pure unadulterated Milk, or Cream of the same, and was not Butter the product of the Dairy, and was not made exclusively from Milk or Cream, or both ; that it contained some substance for the purpose and with the effect of imparting thereto a color resembling that of yellow Butter, and was in imitation and semblance of natural Butter produced from pure unadulterated Milk or Cream of the same, and was colored by some substance to resemble yellow pure unadulterated Milk or Cream of the same, and was colored by some substance to resemble yellow been made, manufactured and rendered after April thirtieth, 1885, out of some animal fat, or animal or vegetable oils not produced from unadulterated Milk, or Cream of the same, in imitation and semblance of natural Butter, produced from pure unadulterated Milk, or Cream of the same, by mixing, compounding with and adding to a small quantity of Milk, Cream or Butter a large quantity and proportion of some animal fats or animal or vegetable oils not produced from Milk or Cream, with design and intent to render, make and produce an article, substance and human food in imitation and semblance of natural Butter. That the same was not manufactured, or in process of manufacture on April thirtieth, 1885, but has been rendered, manufactured, compounded and mixed since April thirtieth, 1885, as deponent is informed and believes

~~That the tubs in which the same was contained did not have the words "Oleomargarine Butter" upon the top or side thereof, and such words were not burned in or painted thereon with permanent black paint, in a straight line not less than one half inch in length, where deponent could see such brand, that no printed label, bearing the words "Oleomargarine Butter" was delivered therewith to the purchaser thereof~~

Deponent further says that on said 19th day of September 1885, he went to the said store of said Sompkins in said City and County, and told his said clerk that he wanted to buy some Butter ; that said clerk showed deponent a number of pounds of the said Oleomargarine hereinbefore mentioned, offered the same to deponent for sale, and sold the same to deponent ; that he so sold to deponent 1/2 pound thereof, and deponent then paid to him therefor the agreed price thereof, amounting to the sum of \$ 0.10 ; that, as deponent believes and charges, the said clerk at the time of so offering and selling the same, well knew that it was Oleomargarine, and had been manufactured and colored as hereinbefore stated ; that he did not tell deponent at any time that the said Oleomargarine so sold to deponent was not Butter, the product of the Dairy ; that deponent saw the tubs in which the said Oleomargarine was contained, and no printed label bearing the words "Oleomargarine Butter," was delivered by said clerk

to deponent with the Oleomargarine sold to him ; that on September 21st 1885, deponent delivered a sample of such Oleomargarine, so purchased by him as aforesaid, to E. G. Love a chemist of the city of New York N. Y., and caused the same to be analyzed by such chemist, as shown by the annexed certificate of such chemist.

Wherefore, deponent prays that a warrant may issue for the arrest of the said Joseph B. Sompkins and that he may be dealt with as the law directs.

Sworn to before me this 27th day of October, 1885 } William W. Meeker
Sold and Sealed Justice.
Polio

0935

NY Court of

County of New York

THE PEOPLE, &c.,

^{788.}
Joseph D. Conynus

Affidavit W. N. Meeker
350 Washington Street

Witnesses: E. S. Wilson
Residence 330 Washington Street

E. G. Love
Residence 122 Bowery

Residence _____

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E. G. LOVE, PH. D.,
Analytical and Consulting Chemist,
122 BOWERY,

New York, Oct 9th 1885

CERTIFICATE OF ANALYSIS.

SAMPLE OF BUTTER.

Marked, No. 648 J B. F. 130 Eighth Ave.
Received from B. F. Van Valkenburgh per W. W. Meeker
on Sept. 21st 1885.

THE SAMPLE CONTAINS:

WATER, - - - - -	11.34%
ANIMAL AND BUTTER FAT, -	84.82%
CURD, - - - - -	1.15%
SALT, - - - - -	2.39%

ANALYSIS OF THE FAT:

INSOLUBLE FATTY ACIDS, -	95.18%
SOLUBLE " " -	0.82%
SPECIFIC GRAVITY OF THE FAT AT 100° F., - - - - -	0.915

This sample is composed 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,

E. G. Love, Ph.D.

Mr. B. F. Van Valkenburgh

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

On the 21st day of October in the year
one thousand eight hundred and eighty five before me personally came
E. G. Love to me known, and known to me to be the individual
described in, and who executed the foregoing instrument, and
acknowledged that he executed the same.

John H. ...
Notary Public
(1881) N. Y. C.

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No 648

Oct 9/85

My
micrometers

0938

Sec. 198-200

2

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Joseph B. Tompkins 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. *Joseph B. Tompkins*

Question. How old are you?

Answer. *34 years of age*

Question. Where were you born?

Answer. *Newport R.I.*

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

Answer. *232 West 17th St. Soci May East*

Question. What is your business or profession?

Answer. *None*

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 jury trial*
J. B. Tompkins

Taken before me this *27th* day of *April* 188*8*
Wm. J. ...
Police Justice.

0939

Sec. 151.

Police Court 2^d 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 William W. Meeter
of No. 512 West 116th Street, that on the 19th day of September

1885 at the City of New York, in the County of New York,

Joseph B. Tompkins had then and
there in his possession with the
intent to sell the same as Butter
a certain substance known as
Cocaine, in violation of
Chapter 215 of the Laws of 1882,
the title of which is

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 2^d 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 27th day of October 1885

John R. Smith
POLICE JUSTICE.

0940

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William H. Meeteer

vs

Joseph B. Tompkins

Warrant-General.

Dated *October 27* 1885

Smith Magistrate.

Campbell Officer.

The Defendant *Joseph B. Tompkins*
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

Paul
Matthew Campbell Officer.

Dated 188

This Warrant may be executed on Sunday or at
night.

..... Police Justice.

REMARKS.

Time of Arrest, *October 27 1885*

Native of *Ms*

Age, *34*

Sex, _____

Complexion, _____

Color, *White*

Profession, *Lawyer*

Married, *Yes*

Single, _____

Read, *Yes*

Write, *Yes*

202 W 17 St

0941

Police Court-- 2 1177 District.

THE PEOPLE, &c,

ON THE COMPLAINT OF

Wm. W. Meeter

vs.

Joseph B. Tompkins

Offence Violation of Chap 217

BAILED,

No. 1, by Harris Amerson
Residence 204 17th St. Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street

No. 4, by
Residence Street.

Dated October 27 1885
Scrutz Magistrate.

Campbell Officer.
Court Precinct.

Witnesses E. S. Wilson
No. 350 Washington Street.

E. S. Loner
No. 122 Broadway Street.

No. Street.
\$ 3.00 to answer G.S.
Bailed

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

Defendant guilty hereof, I order that he be held to answer the same and he be admitted to bail in the sum of One 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 October 27 1885
Joseph B. Tompkins Police Justice.

I have admitted the above named to bail to answer by the undertaking hereto annexed
Dated October 27 1885
Joseph B. Tompkins 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 1885 Police Justice.

0942

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Joseph B. Samuels

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

Joseph B. Samuels

(Chap. 458, Laws of 1885, § 3.)

of a Misdemeanor, committed as follows:

The said *Joseph B. Samuels*

late of the City of New York, in the County of New York aforesaid, on the *nineteenth* day of *September*, in the year of our Lord one thousand eight hundred and eighty-*five*, at the City and County aforesaid, *one half 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 sell, and cause and procure to be sold to one *William W. Meeker*, 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. 246, Laws of 1882, § 1.)

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

Joseph B. Samuels

of a Misdemeanor, committed as follows:

The said *Joseph B. Samuels*,

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 *William W. Meeker*, *one half pound* of a certain substance, not butter, commonly called oleomargarine, and did then and there falsely represent the same to the said *William W. Meeker*,

to be butter; 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: (Section 430, Penal Code.)

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

Joseph B. Sanderson —

of a Misdemeanor, committed as follows:

The said *Joseph B. Sanderson*

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

William W. Meeker, as an article of food *one half 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.

FOURTH COUNT: (Chap. 238, Laws of 1882, § 3.)

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

Joseph B. Sanderson —

of a Misdemeanor, committed as follows:

The said *Joseph B. Sanderson*,

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 half pound* of a certain article and substance in semblance of butter, not the legitimate product of the dairy, 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, to deliver to the purchaser, 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 *William W. Meeker*, —

from a certain *subdiv box* which was not then and there stamped, branded or marked as aforesaid, and did then and there unlawfully omit to deliver therewith to the said *William W. Meeker* — 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.

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

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

Joseph B. Tompkins

of a Misdemeanor, committed as follows :

The said *Joseph B. Tompkins*

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

William W. Meeker, one half 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.

SIXTH COUNT : (Chap. 458, Laws of 1885, § 2.)

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

Joseph B. Tompkins

of a Misdemeanor, committed as follows :

The said *Joseph B. Tompkins*

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

William W. Meeker, one half pound

of a certain article, substance and compound in imitation and semblance of, and designed to take the place 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 and manufactured out of divers animal fats and oils not produced from unadulterated milk, or cream from the same, the said article, substance and compound not being manufactured or in process of manufacture on the ^{20th} ~~thirteenth~~ day of April, in the year of our Lord one thousand eight hundred and eighty-five (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.

RANDOLPH B. MARTINE,
District Attorney.