

The fourth was for having in possession with intent to sell, part of the carcass of a horse that had died otherwise than by slaughter, in violation of the act of 1907.

The fifth was for having in possession, with intent to distribute and sell for food, one barrel of pickled meat, consisting in part of filthy, decomposed and putrid horse flesh, in violation of the pure food law of May 20, 1907.

Before these suits were filed, however, the firm, through its attorney, George L. Record, had brought charges of conspiracy and of breaking and entering against certain of the detectives working for the government. The alleged conspiracy consisted in the fell design on the part of these government men to "poison" the meat pickled by the Schwarz Bros., in order to make a case against the firm in the interest of the "Beef Trust." The "breaking and entering" was alleged to have been done in furtherance of said conspiracy.

The exquisite humor of this preposterous defence appears to have been lost upon Mr. Record and his clients, though one can hardly believe that they expected it to be taken seriously. At any rate, the grand jury turned the tables by indicting the Schwarz Bros. instead of the "conspirators."

Four or more postponements of the State's cases were obtained by Mr. Record before the first of them came to trial—the cow case. When the cow case was at length finished Judge Carrick decided against the State, principally on the ground that to have decided the other way would have been tantamount to charging some of the firm's witnesses with perjury, whereas it was more reasonable to assume that the government inspectors, in their exaggerated zeal, had been "honestly mistaken."

After this interesting but somewhat curious decision and opinion—from which, by the way, the State took no appeal—the dilatory and obstructive tactics of the Schwarz Bros.' counsel were persistently continued. Mr. Record tried to induce Dr. Wiley to withdraw his support in the remaining four cases, but was met with a decidedly pointed rebuff. Next, an attempt was made to arrange a conference between Dr. Wiley, the Attorney-General, and Mr. Record, but this failed because

Dr. Wiley and the Attorney-General refused either to confer or to temporize.

The defendants' base of operation was then changed from Washington to Trenton. Efforts were made to have the State Board of Health abandon the suits. These were in part successful. The board appointed a committee to confer with the Attorney-General and the latter advised the abandonment of one horse-meat suit; but the three really important cases yet remain, the last date fixed for the hearing being March 26.

At the present writing, the Attorney-General has referred two of the cases again to Washington, for Dr. Wiley's consideration.

Here is a very shadowy Twilight Zone indeed. The Federal Government obtains evidence which a faithless local public servant leaves it impotent to use. The State, working within a local law of somewhat different scope, is greatly handicapped from being unable to use directly the power which the Federal Government possesses but cannot exercise. A District Court judge, choosing to ignore the distinguished and well-known public services of tried federal detectives, finds it reasonable to believe them "honestly mistaken" as against witnesses of nothing like comparable standing or credibility. The Attorney-General's office is compelled, or is willing, to submit to a succession of postponements, every one of which tends to weaken its position, because the convenience or the determination of defendant's counsel so decrees. The people of New Jersey are permitted to watch the weeks drag on, the witnesses scatter, their work be barred in the State, the service of the citizens discouraged, and the legal twilight deepen into gloom, ignorant of whether they may not already have eaten and digested food products that were diseased, prepared under filthy conditions, and sold to them by fraud.

And it may be a subject for consideration what future chance there will be of detecting such practises as those charged. The Federal department will hardly help under the circumstances, and the keepers of such places will have been warned.

If such legal procedure is not the veriest travesty of so-called Jersey justice, what could be?