

INDICTED PACKER HELD IN \$2,500 BAIL

But Bond of J. E. Bathgate, Jr., Will Not Be Precedent for Non- Residents, Says Prosecutor.

MAY FIGHT EXTRADITION

Counsel Edwards Says Men Never in the State Cannot Be Held to Have Committed Crimes There.

James E. Bathgate, Jr., the only one of the indicted packers known to be a resident of New Jersey, was represented yesterday before Judges John A. Blair and Robert Carey in the Court of Common Pleas of Hudson County by his counsel, Robert S. Hudspeth, who asked that bail be fixed. Assistant Prosecutor George T. Vickers suggested that \$2,500 would be sufficient, but added that this must not be taken as an indication of the amount that defendants outside the State will be asked to provide. No word was received yesterday from these defendants by Prosecutor Garven. Discussing the possibility of their surrendering themselves, ex-Senator William D. Edwards, who has been retained by the defense, asked:

"Why should they come here?"

"Do you mean that the packers will fight extradition?" Mr. Edwards was asked.

"I won't say that," he replied, "but why should men with important interests under their control be taken away from their businesses and be brought here merely for acquittal. The trial will take a considerable length of time, and some of those indicted never have been in the State of New Jersey and therefore cannot be held to have committed any crime within its borders."

This view of the difficulty of extradition was upheld yesterday by Moses H. Grossman of the firm of House, Grossman & Vorhaus, 115 Broadway.

"One of the lower United States courts," he said, "in the matter of Reggel, held that a man whose extradition is sought may insist on proof that he was within the demanding State at the time that he is alleged to have committed the crime charged, and the same ruling has been affirmed by both the United States Court of Appeals and the Supreme Court."

"If the meat packers wish to fight extradition they may enter appearances, first before the Governor of New Jersey and then before the Governor of Illinois, and advance these rulings against the demand that they should be given up. Even if the extradition were granted, the defendants could apply to any Justice of the Supreme Court of Illinois for a writ of habeas corpus on the ground that the Governor had no jurisdiction, and they could carry the appeal against an adverse decision to the Supreme Court of the United States, which could not decide the matter for about two years."

"It is apparent," summed up Mr. Grossman, "that not only have the meat packers legal justification for resistance to an extradition under the decisions of the highest courts of the land, but in any case they can delay the hearing of the indictments for months, if not years, till the present agitation against trusts may have subsided."

Meanwhile Prosecutor Garven is going ahead with the legal steps necessary to extradition. The capiases were made out yesterday and to-day will be in the hands of Sheriff James S. Kelly. His deputies will search Hudson County first, and then will send the capiases to the Sheriffs of other counties of New Jersey. Meanwhile Mr. Garven will confer with Gov. Fort about issuing a request for extradition to the Governor of Illinois. He declared yesterday that he had no apprehension of the packers escaping on the technical ground that not having been in New Jersey, they could not be considered as the Illinois law requires, "fugitives from justice."

Mr. Garven will appear next Monday at Trenton before the Assembly Committee, which is considering the cold storage bill, introduced by Assemblyman Peter H. James, which, among other provisions, limits the time during which articles may be kept in cold storage to six months. He will lay before the committee some of the results of the investigation of the cold storage plants of Jersey City, which has been in progress for some weeks.

A seizure of turkeys was made yesterday at the Merchants' Refrigerator Company's Jersey City plant. James J. Hagen, the local Health Inspector; J. C. Hartnet, State Inspector, and Dr. E. J. Mulvaney pronounced them to be unfit for human consumption. They had been in storage since Jan. 4 of last year. An effort is to be made to discover who their owner is and whether he has been in the habit of supplying such food to the markets. The turkeys have been sent to Herman Lehmann, chemist of the Board of Health, for examination.

MILK DIRECTORS GIVE BAIL.

Seven of the eight Directors of the Consolidated Milk Exchange, indicted on Feb. 22 for combining to fix the "value" of milk, surrendered themselves in the Criminal Branch of the Supreme Court shortly after 5 o'clock yesterday afternoon. They were accompanied by William Travers Jerome and by Alfred Ely, counsel for the Exchange, and one of its stockholders. Their arraignment was simultaneous with the entrance of the Grand Jury, armed with nine more indictments, which included a second similar charge against the Directors collectively, this time referring to an earlier meeting, and eight separate indictments accusing each man of having voted for the alleged "fixing of value."

Mr. Jerome is counsel for five of the Directors, John A. McBride of Sussex, N. J., President of the Exchange; Frederick C. Seiler of Newark, Henry F. Huntman of Jersey City, Thomas O. Smith of 862 Sixth Avenue, and James A. Howell of Goshen. Mr. Ely appeared for Daniel Bailey of Glenwood, N. J.; George Slaughter of Campbell Hall, N. Y., and for Walter R. Comfort, the eighth Director, who, he explained, would return shortly from Cuba to surrender himself.

"Of course, we will concede the facts in the case," said Mr. Ely, "the only question hinging on an interpretation of the law."

"Right there we differ," interposed Mr. Jerome, who added that he would like time to examine the voluminous indictments. Justice Goff consented to a postponement of pleading until Thursday.

There then arose a flurry as to the amount of bail. District Attorney Whitman suggested \$1,000, to which Mr. Jerome took vigorous exception, protesting against his clients, indicted merely on a misdemeanor charge, being "mulcted of any such exorbitant sum." Justice Goff gave it as his opinion that any lesser bail would hardly be in keeping with the dignity of the gentlemen in question, and it was promptly fixed at \$1,000. Each of the seven Directors furnished the bond before he left the building.

Meanwhile the Grand Jury was looking very much ruffled. The jurymen have been on duty ever since Jan. 1, and their admission to the courtroom yesterday was followed by the news that their work is not yet finished. With references to the "public interests," and promises to the greatest haste, Justice Goff informed them that further investigation was needed. Assistant District Attorney De Ford added that witnesses would be subpoenaed for to-day. Justice Goff directed them to report this afternoon, despite the suggestion from Foreman Wendell that they be allowed to adjourn until Monday.

This new investigation, Mr. Whitman explained later, will deal with the live or kosher poultry interests.

MRS. RIDER-KELSEY RESIGNS.

Singer Says Professional Engagements Didn't Cause Hitch in Science Church.

Mrs. Corinne Rider-Kelsey, said to be one of the highest salaried church singers in the United States, has resigned from the choir of the First Church of Christ, Scientist. At first officers of the church denied that Mrs. Kelsey had offered her resignation, but Virgil O. Strickler, first reader of the church, finally admitted that Mrs. Kelsey had resigned, and that the church would be without her services. He said that the action was taken by mutual agreement.

A rumor that Mrs. Kelsey resigned because the Trustees of the church objected to frequent substitutions by Mrs. Kelsey when her professional engagements compelled her to be absent from the church services, was circulated, but Mr. Strickler would not admit that this was the cause. Mrs. Kelsey said that her resignation was not caused through her professional work, as she had an understanding with the Trustees when she signed her contract to sing.