

# VILL APPEAL IN SUGAR CASE

Gen. Wickersham Says  
Government Will at Once  
Begin Proceedings.

DECISION IS FAR REACHING.

Construction of Statute of Limitations  
Involved—Also Conspiracy and Con-  
tract in Restraint of Trade.

Washington, Oct. 27.—“The govern-  
ment will at once institute an appeal  
from this decision,” announced Atty.  
Gen. Wickersham today in the cir-  
cuit court at New York yesterday, sus-  
pending the plea of the statute of limita-  
tions interposed by the defendants,  
Kurt and Herold, to the indictment  
joining them jointly with the American  
Sugar Refining company.

The attorney general said Judge  
Holt’s decision was of far-reaching con-  
sequence.

The attorney general again referred  
to Judge Holt’s decision, pointing out  
various decisions with respect to  
the application of the statute of limita-  
tions were at variance, and that it was  
desirable to harmonize them.

Judge Holt concurred with those  
counsel holding that the statute of limita-  
tions began to run after the first  
act in pursuance of the same  
conspiracy. In the Sherman anti-trust  
laws, according to the courts, the word  
“conspiracy” has the same meaning as  
“contract,” and, therefore, Holt applied to a conspiracy in  
 restraint of trade the same law of limi-  
 tation which is applicable to a con-  
 tract in restraint of trade.

The department of justice, said the  
attorney general, “has always entertain-  
ed the view that Congress em-  
ployed the different words advisedly  
in a contract in restraint of trade is  
not the same thing as a conspiracy in

restraint of trade.”

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not the same thing as a conspiracy in

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The attorney general said the

court had ruled that the statute of limita-  
tions does not begin to run until they perform the  
act which terminates the restraint, and  
not the current of trade which they

had interrupted, to resume its course.

Judge Holt’s structures against the  
tendency of public prosecu-  
tors to indict for conspiracy when  
no such offense has been committed, is not un-  
usual as applicable to this case in  
view of the fact that the only  
one of which the defendants in this  
case could be accused was that created  
by the anti-trust act, namely, of en-  
gaging in a conspiracy in restraint of  
trade or commerce among the several  
states.

The government’s appeal will be un-  
der the act of March 2, 1907. This au-  
thorizes appeal when judgment  
has been rendered against the govern-  
ment in a special plea in bar, as Judge  
Holt denied.

The attorney general, “contrary to the  
opinion of other judges at circ-

uit, as well as from those entertained  
by the department of justice.”

**BIG SCIENTISTS WANTED.**

Washington, Oct. 28.—Big scientists,  
especially those with diplomas from  
university colleges, are wanted in the  
government service. A number of  
aerospace researches opened in the  
Philippines under the direction of this  
department’s sanitary experts.

The latest problem is one of the  
most difficult in the islands, and a  
thorough investigation into the bug  
problem to which source much disease

and death.

**EXTRAORDINARY CHANGES  
IN MARS REPORTED.**

London, Oct. 28.—Fresh changes of  
an extraordinary nature are reported in  
Mars by the Journal of the British  
Astronomical association, which says  
that the planet of mystery during  
September was nearer the earth than at  
any date since 1862 and in a favorable  
position for observation.

The phenomena observed, says the  
Journal, are altogether without parallel  
in the records of the past. Vast changes  
have transformed the appearance of Mars.

A gloomy yellow veil has enshrouded  
immense tracts of the Martian surface,  
obliterating the markings, and changes  
of a most remarkable character are  
of exceptional interest in the view  
of the theory developed by Prof. Low-  
ell that Mars is inhabited by a race of  
living beings. He argues that the can-  
als of Mars are works constructed by  
a dying race, menaced by starvation  
on a desert planet to carry water sup-  
plied by melting ice caps on the poles  
to waterless seas near the equator  
and through the soil.

It is suggested that if the markings  
have recently disappeared and the  
yellow veil has covered immense tracts on  
the surface, there must have been some  
catastrophe on a gigantic scale or some  
cataclysmic event like the most violent  
earthquakes known on our planet.

It is inferred that the abnormal elec-  
trical conditions of the sun, which, accord-  
ing to Prof. Lowell, the noted  
scientist, caused the recent magnetic  
storms on the earth, have had a far  
more terrible influence on Mars.

They may have unleashed forces, it  
is believed, which, if Prof. Lowell’s  
theory concerning life on Mars is cor-  
rect, may have ended forever the Mar-  
ians’ struggle for life.

**OHIO LEADS ALL  
STATES IN PENSIONERS**

Washington, Oct. 28.—Ohio leads all  
other states with the largest number  
of war and naval pensions, the latest  
reports of pension agents accrediting  
that state with 92,567 men, women  
and children who draw government  
pensions. Pennsylvania is a close sec-  
ond, with 92,064 on the pension rolls  
and two states furnish about 28 per-  
cent of the country pensioners. New  
York is third, with 83,234. Other states  
ranking high are Illinois, 66,402; Indiana,  
57,042; Massachusetts, 49,098.

The entire roll showed a net decrease of  
5,482 as compared with the previous  
year.

**INTOXICATED CHAUFFEUR FINED**

Chicago, Oct. 28.—On a charge of oper-  
ating an automobile while intoxicated, E. M. Hauke was fined \$10 in the  
municipal court yesterday.

The section of the municipal code  
against driving while tipsy written by  
Dr. Edward Ochsner. The boy  
was overturned, but the physician  
gained his feet in time to catch the  
motorist and held him until a police-  
man arrived.

**SHE WAS PLEASANTLY SURPRISED.**

Mrs. H. E. Bell, Wausau, Wis., writes: “Before I commenced to take  
Foley’s Kidney Pills I had severe pains  
in my back, could not sleep, and was  
greatly troubled with headache. The  
first few doses of Foley’s Kidney Pills  
gave me relief, and two bottles cured me.  
The quick results surprised me, and I can honestly recommend them.”

F. J. Hill Drug Co. (The never sub-  
stituted) Salt Lake City.

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