

DENY SEIZURE RIGHT

Defendants in Tobacco Case Reply to Government.

DISPUTE IS OVER CIGARETTES

British-American Company Declares Sherman Law Unconstitutional Because It Imposes Excessive Fines. Denies It Seeks to Cut Off Competition—Not an American Concern.

Norfolk, Va., Dec. 12.—The British-American Tobacco Company, answering in the United States District Court here to-day the "information" filed by the government for forfeiture under the Sherman anti-trust law of \$7,500,000 cigarettes of the value of \$7,272,50, seized by the collector of customs of this port in October while in transit from factories of the respondents in Petersburg, Va., and Durham, N. C., to London and Singapore, denies ownership of the seized goods under contracts by combinations and purports to conspire in restraint of trade "obnoxious to provisions of law," and further denies that the cigarettes were the "subject of any such contracts, combinations, or conspiracies."

It is set out in the answer that the American Tobacco Company, the Imperial Tobacco Company of Ogden, Limited, and the American Cigar Company, finding their business greatly developing, made purchases one of the other of the good will of business in certain sections of the world, and that while these contracts were perpetual ones, entered into not in this country, but all in England, the considerations were valuable and "necessary to the vendees' full enjoyment of its purchase, and it is insisted that in such a case the fact that the covenant is perpetual in times does not invalidate it."

The respondent declares the Sherman law to be unconstitutional, because it imposes excessive fines with arbitrary discrimination, in the infliction of punishment, making it in parties not liable and placing power for arbitrary discretion in the hands of persons who do not hold judicial power under the government.

It admits that for business convenience it maintains an office in New York, but says it is a British corporation and that all of its negotiations by which contracts with other concerns were entered into occurred on British soil in violation of neither the purchase nor the resale statutes. It denies that the purchases made by one company of the other have cut off competition, because each still has to buy goods of the other.

ARMY AND NAVY.

Army Orders. Capt. JOSEPH H. FORD, assistant surgeon, from San Francisco to Fort William Henry Harrison, via Fort Linn, CRAGG R. SNYDER, assistant surgeon, to Fort McCoy, etc.

Naval Orders. Capt. JOHN J. MURPHY, assistant surgeon, from San Francisco to Fort Mifflin, via Fort Linn, ROBERT H. PIERSON, assistant surgeon, to duty as acting surgeon at San Francisco, etc.

MOVEMENTS OF VESSELS.—The following movements of vessels have been reported at the Bureau of Navigation: Arrived—December 10, Kentucky and Minnesota from Hampton Roads, Sterling at Para, Brazil, etc.

Marine Corps. Second Lieut. WILLIAM E. BEVAN, to the U. S. S. New Jersey. Second Lieut. ED. A. OSTFEMAN, to marine barracks, Navy Yard, Norfolk, Va., for duty.

McCConnell Discovers in Vitality. Thought by Lectures and Training in the LIFE ELECTRIC CITY INSTITUTE, 1115 F. St. N. W., Washington.

ANNAPOLIS LOOP COMPLETE.

W. B. and A. Electric Line Finishes Track Laying. Annapolis, Md., Dec. 12.—The forces of workmen employed by the Washington, Baltimore and Annapolis Electric Railway late this afternoon laid the last section of track in Annapolis. This completes a loop of the city made necessary under the terms of the franchise granted to the company by the city council. The preliminary work was started October 22, and the job has been executed with great dispatch, consuming about five weeks. One week was lost through bad weather. The repairing of the street beds will consume the remainder of the time limit. Under the franchise the company is required to have the tracks laid and street repaired by January 1, or forfeit a bond of \$5,000. From present indications these conditions will be complied with.

NICHOLAS DUNN IS DEAD.

Noted Horseman Passes Away Soon After Becoming Engaged. Winchester, Va., Dec. 12.—A telegram received here to-day announces the sudden death in New York City yesterday of Mr. Nicholas Dunn, of Millwood, Clarke County. Mr. Dunn was forty-three years of age and a native of Rye, N. Y. Mr. Dunn's death coming in less than a week after the announcement of his approaching marriage to Mrs. Dorothy Henderson, of Millwood, which was to take place December 20, caused a great shock to his friends. Mr. Dunn was a prominent horseman and his bride-to-be, Mrs. Henderson, one of the leading lady riders in Virginia.

NO EPIDEMIC AT ANNAPOLIS

Diphtheria Among Enlisted Men Under Control. Six Patients Now Isolated in Naval Hospital—Washington Surgeons to Aid.

Annapolis, Md., Dec. 12.—Although the outbreak of diphtheria among the enlisted men on duty at the Naval Academy marine barracks a few days ago caused considerable alarm among the authorities, it is not now believed that there will be an epidemic of the disease. However, every precaution is being taken by the officials of the Academy and the naval medical staff to prevent a spread of the disease and a detention camp has already been established on the government reservation. Should any further cases develop among the marines, the garrison will be immediately transferred from the barracks to the various tents.

The outbreak of the disease started last Saturday with four cases, and since then two more of the enlisted men have been taken down with it. These six patients are now confined to the Naval Hospital, in the newly isolated section of the building, and are reported to be doing well. Passed Assistant Surgeon O. J. Mink, special pathologist of the Naval Medical School, Washington, and Passed Assistant Surgeon R. E. Riggs, also of Washington, arrived in Annapolis yesterday and are assisting the naval medical staff in controlling the disease.

In addition to the diphtheria, there are also six patients at the Naval Hospital suffering with pneumonia. Five of these are enlisted men of the navy, and the other one is a midshipman. Midshipman Harold S. Spencer, of Annapolis, who is fourth class, who at one time was dangerously ill at the hospital, as the result of an operation for appendicitis, has recovered and will resume his studies to-morrow.

FENCING DATES FOR NAVY.

Dual Meet with Cornell Will Open Annapolis Season. Annapolis, Md., Dec. 12.—The fencing authorities at the Naval Academy have announced the schedule of dual meets arranged for the middle term during the coming season. All the meets will take place at the academy, and the season will begin with the match with Cornell on Saturday, February 8. There are two other contests scheduled beside the intercollegiate fencing tourney at New York, in which the middies carried off top honors last year, and in which they are again entered. These meets are with the teams of Yale and Columbia on Saturday, February 15 and 22, respectively.

MARYLAND NEWS IN BRIEF.

Rockville, Dec. 12.—Cards are out for the marriage on December 28 of Miss Laura Gessner, of this place, to Bowe F. Waters, State's attorney, of Baltimore. Hyattsville, Dec. 12.—Another old landmark of historic Bladensburg was destroyed by fire last night when the barn adjoining the Dodd mill property burned. The structure was erected over fifty years ago.

Fire in Woolen Mills.

Winchester, Va., Dec. 12.—Fire, which broke out in the picking room of the Virginia Woolen Mills in this city this evening by Mrs. Wood's fire, in this city, threatened the destruction of the plant. The blaze was quickly extinguished by the fire fighting force in the employ of the mills.

Accepts City Editorship.

Salisbury, N. C., Dec. 12.—W. T. Best, former editor of The Salisbury Weekly Globe, and associate editor of the Evening Post of this place, has accepted the city editorship of The Morning Herald, of Durham, N. C. He goes the first of the year upon his duties.

NEWS OF ALEXANDRIA

Local Street Railway Seeks to Increase Fare.

BENEFIT PLAY FOR ORPHANS

Elks Raise Money for Children of Policeman Lyles, Who Was Buried To-day—Royal Arcanum and Hibernians Elect Officers—Testimony Complete in Railway Suit.

DRIVE 22 MILES TO WED.

Elopers from Lacey Springs Are Married at Hagerstown. Harrisonburg, Va., Dec. 12.—Leaving a note to tell her relatives that she intended to elope, the last seen of Miss Lena Virginia Spitzer, was last night shortly after C. C. Wood, an admirer, had called upon her. The young couple drove to Luray, a distance of twenty-two miles, and from there went to Hagerstown, Md., and were married. They reside near Lacey Springs, and neither is nineteen years of age.

DAUGHTER TELLS OF CRIME

Mary Peebles Testifies Against Her Mother in Murder Trial. Prosecution Plays Strong Card and Closes Its Case—Defense to Urge Justification.

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ASKS CORTELYOU FOR DATA.

Senate Passes Resolution Regarding Financial Relief Measures. The Senate passed by unanimous vote yesterday the substance of the Culberson and Clay resolution, calling for information from the Secretary of the Treasury regarding the measures taken for the relief of the money market.

REWARD FOR GENERALS.

Senate Bill Proposes Promotion for Brigadiers for Gallantry. What has come to be known as the "brigadier generals' bill" was introduced in the Senate yesterday by Senator Burdette of Michigan.

TWO PATRIOTIC MEASURES.

New York Member Makes October 12 "Discovery Day." To make October 12 a national holiday, called Discovery Day, is the purpose of a bill introduced in the House yesterday by Representative Goudeau, of New York.

LOW POSTAGE FOR LIBRARIES.

Senator Lodge Offers Bill That Many Senators Favor. A library post to be created if a bill offered by Senator Lodge, of Massachusetts, is enacted into law, and there seems to be quite a sentiment in its favor.

RODENBERG WANTS TO KNOW.

Representative Rodenberg, of Illinois, yesterday presented in the House a resolution asking the Secretary of War to tell Congress just what has been learned by the inland waterways commission in regard to the prospect of making a deep-water route from Chicago to St. Louis and the Gulf.

TO REFUND WAR TAXES.

In a bill offered in the Senate yesterday by Mr. Knox, of Pennsylvania, the Commissioner of Internal Revenue is authorized upon application to refund inheritance taxes levied under the Spanish war revenue act upon all contingent beneficial interests that did not vest prior to July 1, 1902.

WILL CONFIRM ALESHERE'S NOMINATION.

The objections against the confirmation of Brig. Gen. James B. Aleshere, U. S. A., as quartermaster general of the army, lodged on behalf of certain Illinois citizens by Senator Hopkins, were withdrawn yesterday, and the nomination was favorably reported to the Senate.

ROBERTS WANTS COLLERS.

Representative Roberts, of Massachusetts, a member of the House Committee on Naval Affairs, has a bill before the House permitting the Navy Department to purchase three additional steam colliers for the United States fleet, to cost in all not more than \$1,827,523.50.

WOULD HONOR WITHERSPON.

Representative McKinley, of Illinois, yesterday introduced a joint resolution in the House providing for the creation of a commission to select a site for a bronze monument to Dr. John Witherspoon, a signer of the Declaration of Independence.

MIDDIES RECEIVE AWARDS.

Stars and 'N's Given to Members of Victorious Teams. Annapolis, Md., Dec. 12.—The executive committee of the Navy Athletic Association met this afternoon and made the annual award of the navy in regard to midship football players. The yellow "N" was voted to the members of the team who were voted the yellow "N" and two "stars" are Douglas (captain), Dague, Wright, Slinguff, Meyer, Northcroft, and Demott. These were awarded the "N" and "stars" to the members of the team who were voted the yellow "N" and two "stars" are Douglas (captain), Dague, Wright, Slinguff, Meyer, Northcroft, and Demott.

VAN ORSDEL CONFIRMED.

Senate Approves Dr. Egan's and Other Appointments. Important nominations of immediate interest in the District of Columbia were confirmed by the Senate yesterday during an executive session lasting thirteen minutes.

STRANGE FACT

Says Printed Receipt Hurts Sale of Medicines. RELIEVES WORST CASES. Directions for Mixing at Home to Make the Kidneys Act Properly and Overcome Chronic Cases of Rheumatism and Urinary Weakness and Any Kind of Backache—Prepare the Mixture Yourself.

CREDIT FOR ALL WASHINGTON

Christmas Furniture. We make a specialty of providing a big assortment of pieces of Furniture especially suitable for gifts, and our reputation for handling only the best qualities makes a gift from Grogan's particularly welcome. We are also showing a big line of Fine China.

Peter Grogan,

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Maerzen, Senate

and LAGER Gold medal award, Jamestown Exposition. At bars and bottled for home use at brewery. 2 doz. Maerzen or Senate, \$1.75. 2 doz. Lager, \$1.50; bottle retail, 50c.

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\$600,000.00 IN CHRISTMAS GIFTS \$15.00 draft FOR YOU

THE BERLITZ SCHOOL OF LANGUAGES

Recent awards: St. Louis Exposition, 1894, Grand Prize; London Exposition, 1883, Grand Prize.

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Special attention given to boarding departments for girls from eight to sixteen years.

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DR. JOHN P. CAULFIELD.

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EXCURSIONS.

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From 10th and N. Y. Ave. every 15 min. Pass Rock Creek Bridge and Park, main entrance Zoo and City Club to Cherry Lane Lake. One cent with Kensington cars. Round trip tickets, 5c, at Passaic's.

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Open throughout the Year. Famous as the hotel for the comforts of home.

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THE LARGEST MORNING CIRCULATION.

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