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PORTLAND, OREGON, SUNDAY MORNING, JULY 2, 1905.

PRICE FIVE CENTS.

INDICTS MITCHEL ON OTHER CHARGE

Subornation of Perjury the Charge.

HENEY MAKES ANNOUNCEMENT

Declares Statute of Limitations Saved Kribs.

CLOSING ARGUMENT BEGUN

United States District Attorney Answers Two Telling Points Made by the Defense in a Most Startling Manner.

MITCHELL INDICTED FOR SUBOR-NATION OF PERJURY.

"Now, why was not an indictm brought in against Senator Mitchell for subornation of perjury after Tanner had confessed? The evidence shows that the grand jury adjourned the day hold one week. It then expired by operation of law-the end of the term A new term commenced. And in that week a great many indictments were crowded, and, inasmuch as Senator Thurston has asked me the question there were some indictments found that were not returned because the indictments were not prepared. Among the number was one against this de-

This was the startling manner in which United States District Attorney Hency, yesterday afternoon, rendered impotent one of the two vital points made by ex-Senator Thurston in his argument for Senator Mitchell. The announcement that there was still another indictment hanging over the Senator's head came as a thunder-clap from clear skies. No inkling of what was coming was given by Distriot Attorney Hency, when he began his final argument. He had led up to this surprising statement in answering the Kribs hadn't been indicted, made by ex-Senator Thurston, during the morning

had begun his closing argument he completely set at naught these two vital contentions made by ex-Senator Thurston the Government's reasons for falling to indict Frederick A. Kribs and for the failure of the District Attorney in indictperjury. With a forensic force seldom heard in an Oregon court, ex-Senator Thurston laid great stress upon these why this had been done, they loomed up as if they might cause the jury to ponder over them. Indeed many members of the local bar who were present considered that the counsel for the defense had

This only lasted, however, until the

Government's prosecutor stated that the because the statute of limitations had run its course. And, quietly, but with shocking surprise District Attorney Heney announced that the grand jury had found an indictment for subornation of perjury against Senator Mitchell, but in the hurry of those which were considered more important, this indictment was not returned. The effect of this statement was a startling surprise for the defense. It seemed to be something and it was none the less so to those who heard the announcement. In regard allowed to enjoy the timber lands that he had obtained by fraud and he made the positive statement that within a short civil suit. He did not say when this suit would be instigated, but he did promise that the result would be that the tained, would once more belong to the United States Government.

Case Does Not Go to Jury.

been following the trial since it began that the case would be in the hands of the jury last night. Ex-Senator Thurston resumed his argument when court was he was in better form than on the prev lous day and his argument seemed to be delivered with more telling effect. He as soon as court adjourned thereafter the Nebraskan was surrounded by many people, who congratulated him upon his teary strain to his talk and more of a clean-cut logical argument. District Attorney Heney was ready to begin his closing talk, but owing to the oppressive atmosphere, from which Judge De Haven excused until 2 o'clock. Mr. Heney began his argument after the noon recess, and talked until 2:20, when court was again adjourned and the jury excused until Monday morning. The closeness of the room, its bad ventilation and crowded condition has been a source of great anoyance to Judge De Haven. During the stantly to the use of a great fan, and even then the fetid atmosphere has af-

the defendant. During his address he took up several of the points at issue, and in a spirit of mercy he called upon the jury consider the acts of the Senator, who had been dragged from the halls of Congress to face the charges brought by a grand jury that was held behind closed doors. He had little to say against Judge Tanner and the part he played in the prosecution of Senator Mitchell. With contempt, tempered with pity, he dismissed Tanner, but he flayed Robertson in a vigorous manner. He referred to him as "Robertson; the busy, the keen, vicious Robertson," and linked him to Brutus. The speaker said that he would not say positively, but he believed him a Government secret service agent, believed he became one after the visit of the Government detective who called upon nim at Washington to inquire as to what he (Robertson) knew of the Kribs deals.

Scoffs at Robertson.

Counsel for the defense scoffed at the idea that Robertson had called Senator Mitchell a liar. He did not believe a man of Robertson's caliber had the courage to call a Senator a liar, and he declared no matter what was the outcom of the case, that Robertson would go out into the world and be shunned by men and women as long as he lived. He pictured the Senator as having absolute trust in Robertson, and said that his betrayal of his employer was almost like that of a son, for Senator Mitchell had treated Robertson as a son. At various times during his argument he had paid tributes to his clients, and he concluded stating that he did not believe the Senator guilty.

Heney's Closing Argument.

As soon as court convened after the noon recess, District Attorney Heney began his closing argument. He began by saying that for three days the Jury had listened to counsel for the defense. He warned them not to heed the appeals for sympathy that had been addressed to them. If they did this, the speaker said, they would be violating their oath of office. Mr. Heney took a fling at Judge Bennett. It was done in passing, but the barb and sting was there. He recalled that both Judge Bennett and ex-Senator Thurston had told where they were from and recalled to the minds of the jurors that when Judge Bennett was examining them, he found one juror who was from Iowa. He quoted Judge Bennett as having said, "I'm from Iowa, too," and he characterized this as pettifoggery.

Passing from Judge Bennett, Mr. Heney took up the charge that had been made by Mr. Thurston that he, Heney, had been employed by the Secretary of the Interior. This the District Attorney denied. He said that this official had nothing to do with his coming to Oregon, and that he had been sent here by Attorney-General Knox to prosecute the Puter case. It was while investigating this case he discovered tapestried and velveted halls, and milthat the lesser criminals were in the toils and were being sheltered by those high in office. He repudiated the contentions of the defense that he was the homes of his laborers-happiness. seeking to make Senator Mitchell a scapegoat. In all, he said, some 80 persons were implicated in the indictments found by the grand jury. It was at this point that he explained how Kribs escaped indictment.

Judge J. B. Henshaw, a member of the Supreme bench of California, sat of days and nights of weeping, days and with Judge De Haven during the morn- nights of filness in a hotel in a strange ing session. He listened with a great city, during which her husband never deal of interest to the argument of ex- called at her rooms, of a statement ad-Senator Thurston, as did a number of leged to have been made by the husband, local members of the bar. The court- in which he said, "You may tie yourself room held another overflow crowd. In in an attic, or commit suicide, for all I the afternoon those who listened be- care." Mrs. Talbot says her husbane yond the open doors became so noisy that Judge De Haven interrupted Mr. Heney and instructed the bailiff to a good mother and had neglected the clear the hallways and close the doors. Tomorrow morning District Attorney Heney will resume his argument, but verbiage and told in the first person, is in how long he will talk he has not de- part as follows: cided. In all probability it will con-Tinue into the afternoon session. Judge De Haven's instructions, which by the case will probably go to the jury late in the afternoon.

HENEY ANSWERS DEFENSE

Declares Mitchell Has Been Indicted for Subornation of Perjury.

The Mitchell trial will not close nor the before Monday afternoon. Senator Thursand at the opening of the afternoon session Mr. Hency began his closing address. He was interrupted by Judge De Haven at 320 o'clock, however, and court was adjourned until Monday morning at 10 o'clock, when the speaker will finish the presentation of the Government's case and proper wishes and refuses to talk with me on matters in which I am deeply conand the Judge will make his charge to the jury. It is thought that Tuesday morning will see a verdict either for the

Senator Thurston closed his argument yesterday morning with a brilliant peroration and appeal to the jurors on the ground of the defendant's past years of service to the people of the State of Oregon. He also paid a high tribute to the District Attorney, saying that the whole United States had been culled to find the man best suited to the duties devolving

the defense were taken up by Mr. Heney, who answered them fully. It had been asked, he stated, why the Government had not indicted Frederick A. Kribs, the king of the landgrabbers. The reason was simple, and if the counsel for the other side had noticed the indictment they per-haps knew. All of the chaims secured by Kribs had been taken in 1900 or in 1901. and for this reason all of the Kribs trans the time the investigations of The Government had never offered any immunity to Kribs. He was perhaps wen dering why he had not been indicted, and would in all probability know for the first time when he read in the papers why he had escaped. If the Government had told him why he had not been indicted, it was very probable that none of the checks and papers and the testimony could have been secured from him.

It would perhaps be wendered why, if the criminal law would not reach Kribs, why the civil law had not stepped in and wrested the titles from the unlawful holders of public land, but the people of the state perhaps knew or would trust him in saying that these cases could be and would be taken up and prosecuted at the never came would be taken up and prosecuted at the never came would be taken up and prosecuted at the never came. would be taken up and prosecuted at the

first opportunity.

The question asked by Senator Thurston as to why Mitchell had not been indicted

RICH MAN TREATS WIFE LIKE SLAVE

Mrs. Annie D. Talbot Sues for Divorce.

IS A MILLIONAIRE HUSBAND

Accused of Vicious Treatment and Cruel Neglect.

SUPPORT \$2500 A MONTH

William H. Talbot, the Big San Francisco Lumberman, Defendant in Suit Which Shows Sensational Charges.

SAN FRANCISCO, July 1 .- (Special.)-Mrs. Annie D. Talbot has filed a com plaint in the Superior Court against her husband, William H. Talbot, praying for separate support and maintenance and the custody and care of their three children, Vera, aged 14 years; W. C. Talbot, aged 12, and Eric Talbot, aged 10. She further prays for possession of the family residence at 2600 Jackson street, \$2500 a month for the support of berself and the children, \$5000 for attorney's fees and \$2500 costs of

The suit is an illustration of the adags that there are some things money cannot buy. Happiness is one of them. The husband is president of the well-known lumber firm of Pope & Talbot, and is reputed to be worth in the neighborhood of \$1,000,-000. The home of Mr. and Mrs. Talbot at Scott and Jackson streets is one of the finest in that fashionable and wealthy locality, is assessed for \$52,000 and with its furnishings cost probably over \$100,000 With this beautiful bome, three bright and pretty children to romp through lifs lions of dollars with which to satisfy every whim and fancy, this four or five times a naire could not buy that which fills

Wishes Her Dead.

The wife tells a pathetic story in he complaint of neglect, heartlessness and ering indifference" that she consid ered brutal, of an amount in which her arms were bruised and her wrist sprain falsely accused her of being "an optum flend"; that he declared that she was "not

The wife's complaint, stripped of legal

have three children, who are devoted to me, and whom I love with all a mother's way, may be long, will follow, and the love. For a number of years my husband has disregarded his marriage vows, has been extremely cruel and has wrongfully inflicted upon me bodily injury and griev-

Makes Life Unbearable.

"He has treated me so disrespectfully that I am sick in body and mind. He has accused me of undutiful conduct and neg lect of the children, while on the contrar; case be placed in the hands of the jury I have devoted my life to their care and proper rearing. This charge he has made, ton finished his eloquent appeal for the not only in the presence of the children sympathy of the jury yesterday at noon. but of other persons. He has falsely ac studied indifference, ignores my expressed and proper wishes and refuses to talk with cerned and declines to state wherein I have erred or been guilty of any impropriety toward him or the children. He has absented himself both by day and night for long periods, and gave me no reason for it.

"He has borne himself as though was an inferior or a servant and entitled to no consideration, speered at me, unjustly criticised me and acted as though I had no rights as a wife or a mother that he was bound to respect. In April, 1900, I told him I was sick both in mind and body and could no longer endure his treatment. He then wrote me a letter, promising better treatment, but he soon relapsed into

the old ways.

ised and swore that he would act more gently toward me, that he would be unselfish and strive to make my life resumed his cruelty. In the Winter of 1908 I was in poor health, and in Febon in March and I met him at the depot, kindly and affectionately, but he re to the Manhattan Hotel he acted so coldly and indifferently that I broke near me.

9, 1903, and on the way he was utterly indifferent to me. Arriving home, he Youth's department. Page 46. shook his flet in my face, and with Raffles, the amateur cracksman, Page 47.

said he would do as he pleased, that he would put me where I belonged, and that I might do anything I wished—tie myself in the attic or commit suicide, for all he cared, and that I was nothing.

"In October he subjected me to gross nsult and indignity; he would not per mit me to eat at the regular diningtable, to write or telephone my friends, allow me suitable clothing nor leave the house for a day. He took the children away, and for four months would not permit me to see nor communicate with them. When I gently urged him to give up or cease his visits to a certain woman who had grossly insulted me, he in anger replied that he would not, and that there were a lot of other women he visited whom I would not like. When I urged him to resent or protect me from the many insults offered me by persons hostile to me, he has declined."

PRESENTS FROM SULTAN Senator Bacon and Wife Have Audience at Palace.

CONSTANTINOPLE, July 1 .- (Spe cial.)-United States Senator Augustus A. Bacon, of Georgia, and his wife were granted an audience by the Sultan this evening. The Turkish ruler displayed marked courtesy toward the Americans, and throughout the integview was most cordial in manner. The audience was arranged by Min-ister Leishmann, who accompanied Senator and Mrs. Bacon.

At its conclusion the Sultan conferred upon Senator Bacon the grand cordon of the Chefecat and offered to Mrs. Bacon a gift of porcelain manufactured in the imperial potteries.

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Anti-Trust Act Broken on Ten Counts.

SEVENTEEN

Chicago Packers Named by Grand Jury.

REBATES FROM RAILROADS

Net Brings in Officials of Two Com panies Organized to Control All By-Products of the Packing-Houses.

CHICAGO, July 1.-The Federal grand jury today handed in a report indicting 17 men prominent in the packing industries of the country for violation of the Sherman anti-trust law, and four officials of the Schwarzschild & Sulzberger Company, for alleged rebating to the rail-

Besides these individual indictments bills were voted against five corporations-Armour & Co., Swift & Co., Nelson Morris & Co., the Cudaby Packing Company and the Fairbanks Canning Company. The men indicted for alleged conspiracy in restraint of trade, which constitutes violation of the Sherman act, are:

Packers Who Are Indicted.

J. Ogden Armour, president of Armour Armour & Co.
T. J. Conners, director Armour & Co.
P. A. Valentine, treasurer of Armour

Co.
Sumuel McRoberts, sesistant treasurer
Armour & Co.
Louis F. Swift, president of Swift & Co.
Charles Swift, of Swift & Co.
Lawrence A. Carton, treasurer of Swift Arthur F. Evana attorney for Swift R. C. McManus, attorney for Swift & Veeder, general counsel for

A. H. Veeder, general counsel for Swift & Co. Edward Cudahy, of Cudahy & Co. D. E. Hatwell, secretary of Swift & Co. Edward Morris, secretary of Nelsch Morrie & Co.

Sulzberger who were indicted for alleged rebating with the railroads are all connected with the traffic department of the corporation. Their names are: Samuel Well, B, S. Cusey, C. B. Todd and V. D. Shipworth

The indictments voted for alleged viola tion of the anti-trust law were identical in each instance. The indictments contained each ten counts.

The first and second counts of the in dictments pertained only to beef sold in domestic trade. The third count charges conspiracy in restraint of trade and commerce among the states and with for eign nations in fresh, dried, smoked, cured, canned and pickled meats and in certain by-products of the packing industry, viz: Sausage casing, sausage containers, oleo stock, stearine and oils, and also in butter, eggs and poultry. This count charges that the trade which the defendants were carrying on in the abovenamed commodities was to be restrained in several ways.

Partition of Markets.

First-Competition in the buying of cat tle at the stockyards in different cities was to be prevented and destroyed by the defendants, who required their purchasing agents to refrain from testifying against each other.

Second-Some partition as to the sale of the above commodities in foreign and domestic markets was to be prevented and destroyed by the defendants fixing noncompetitive and unreasonable prices for such commodities, and requiring their representatives of the different markets to-fix prices by agreement from day to day according to what the market would

Third-The supply of the above con modities was to be curtailed and restricted whenever necessary to maintain the prices so fixed.

Fourth-The United States was divided up into territories between the defendants, and each was to keep its own territory without interference by the others.

Packers Paid an "Ante." Fifth-There was a division as to the

dant in a given market; if one packer sold more than his percentage during a given week, he was obliged to pay an "ante" of so much per hundredweight, according to the territory in which the matter occurred, into a pool to cover divided among the packers who fell short on their sales. Sixth-Certain corporations, namely

the Aetna Trading Company and the Oppenheimer Manufacturing Company, were to be appointed exclusive agents of the defendants, to handle the saus age casings and containers, and these companies were to make arrangements with the several concerns which had been handling such merchandise in the markets of the world for working in harmony and controlling the output and price of the merchandise. This scheme involved the destruction or "tanking" of large quantities of casings whenever the supply was too

poration, was to handle oleomargarine oils and products on substantially the same lines, excepting that there was to These agents of the packers were also to make contracts with small packing oncerns throughout Europe for their output of casings, and these casings were either to be destroyed or handled in connection with the goods of the

The fourth count charges that the same matters mentioned in the third count as being in restraint of trade and commerce constituted an offense on the part of packers to monopolize

such trade and commerce, The fifth count specifically covers the handling of the by-products, casings and containers, oleomargarine stocks stearine and oils, and describes a conspiracy in restraint of trade to be effeetive in the same way as set forth in the third count with reference to all of the products mentioned.

Monopolize Casings Business.

The sixth count charges the casings conspiracy to be an attempt to mon opolize trade and commerce in that commodity in the United States and in

foreign countries.

The seventh count sets forth the particulars concerning the organization of he National Packing Company, and charges that the object and effect of that organization was to destroy competition, not only between the packers who were interested in the National Packing Company, but between the other ten small packing companies which were consolidated by the device of organizing the National Packing Company, and this is described as a conspiracy in restraint of trade and

The eighth count makes out the or ganization of the National Packing Company to be an attempt to monopolite the same trade and commerce. The tenth count relates to similar actions in connection with meats and byproducts.

Took Rebates From Railroads.

The indictment against Messrs Well, Cusey, Todd and Skipworth, of the Schwarzschild & Sulzberger Company, charges that on February 3, 1993, the four men conspired with others to the Jury unknown to commit an of-fense against the United States by so-liciting and accepting for the Schwarzs-child & Sulzberger Company from cer-tain railroads large sums of money as rebates of the money paid and to be paid by Schwarzschild & Sulzberger empany for the transportation

A specific case was mentioned against Cusey as having occurred on January 22, 1964, when it is said he presented to the favor of Schwarzschild & Sulzberger, which claim was numbered 10,519 by the packing company, and P.187.250 by the Michigan Central, amounting to \$278.80. A number of other cases similar in character were mentioned sgainst Cusey and the other three men. Appended to the indictment was a copy of a letter alleged to have been written May 29, 1994, by Cusey to Assistant General Freight Agent Birchett, of the Mobile & Ohio, in which he declared that such business as Schwarzschild & Sulaberger had been giv-ing the railroad had been diverted until the company received more consideration

Violated Sherman Act.

Assistant Attoney-General O. H. Pagin said in explanation of the indictment; "The indictments are based upon the act of Congress approved July 2, 1899, popularly known as the Sherman anti-trust law. The first section of this act makes it an offense for any person or corporation to engage in any combina-tion in the form of trusts or otherwise, or conspiracy in restraint of trade or comoffense to monopolize or attempt to mon opolize any part of such trade or com-merce, the penalty under each section in case of conviction being a fine not exceeding \$5000, or imprisonment not extion of the court. Of course, a corporation could not be imprisoned, and in this direction the punishment by fine is all that can apply. In all other respects stand in the same attitude as individuals

"The question as to what co a trust is not thoroughly settled. Some authorities include in the definition of a trust the idea of placing stocks of different corporations in the hands of another corporation to be held in trust and managed without the interference of the separate corporations which are

thus put in combination.

"If this is the correct definition of a trust the indictment in this case does not charge the defendants with having formed a trust, there being no allega-tion that the stocks of the large packing companies are held in trust for the purposes of management. It is true that the stock of ten smaller packing con-cerns previously running in opposition to the big packers was bought up by individuals connected with the big a panicky packing corporations, and placed with heginning: another corporation organized for the purpose of holding these stocks—the National Packing Company; but this indictment makes no direct charge against the National Packing Company were officers of the big packing com-Ball for defendants was fixed at

\$5000, which they will furnish. WILL BE TRIED IN JULY.

Packers Shadowed, but Many Escape

CHICAGO, July 1.—Trials of those under indictment will probably begin in the July term of the District Court. The United States District Attorney's office, although somewhat reticent, admitted that the

eads of the chief packing companies are The attack of the Government on the o-called beef trust created consternation in many quarters, but although it was sudden, many men desired as witnesses escaped service. Some have been found in Canada, some in Europe, and others in various parts of the world.

where they are safe from the subpensa, which are still in the hands of deputy

Leading packers were shadowed, and in one instance a stenographic report of a conversation between two leading packers in the lobby of a downtown hotel was taken by a detective. At this time it was discovered that private detectives, acting for some of the packers, were following Federal officials and secret ser-vice operators, making daily reports to their remplayes. In their turn the Govtheir employes. In their turn the Government had, these detectives followed.

BY MUTINEERS

Odessa Threatened by Potemkine's Guns.

ULTIMATUM IS GIVEN CITIES

Said to Have Resulted in Supplies Being Sent.

SOLDIERS GUARD STREETS

Public Is Not Permitted to Approach Any Point From Which View of the Sea Can Bo Obtained.

ODESSA, July 1 .- (10:50 P. M.) - Matters appear to be becoming increasingly se rious. Although there is a flood of wild rumors in circulation, it is difficult to ascertain the truth of any of them.

According to one of these rumors, which is from an apparently reliable source, a deputation of one man from each of the mutinous ships, the Kniaz Potemkine and the Pobledonostseff, today visited the General and notified him that unless the city capitulated to the mutineers within 48 bours the warships would begin a bem burdment,

Strong forces of military goard every street lending to the harbor, and the publie is not permitted to approach any point overlooking the harbor or the sea, even in the suburbs, where the garrisons have een strengthened by an addition of four battnilons of infantry and a battery of artillery, the latter of which has mounted Michigan Central a claim for rebates in a heavy gun on the high ground in Alex-

ander Park, commanding the harbor. Muny fears are expressed that the renainder of the Black Sea squadron now here and consisting of two battleships, two cruisers and six torpedo-boats, will

join the mutiny. RUSSIAN ENSIGN AT MASTHEAD

Report That Mutinous Crew Has Surrendered Vessel.

ST PETERSBURG, July 2-(3 A. M.)-The St. Andrew flag is now flying from An Odessa dispatch received here at 2 o'clock this morning reports in these words the surrender of the battleship by her mutinous crew, and adds that a steam er has gone out to the Kniaz Potemkine

with a supply of provisions. This was the first definite statement received in St. Petersburg regarding the surmerce among the several states, or with | render of the battleship, and the dispatch, which leaves so many details yet to be cleared up, is accepted here with caution, and until it is fully established that an adequate guard has been placed aboard the battleship, and command restored to her commissioned officers, apprehension

not be ended. During Saturday St. Petersburg was without definite knowledge as to whether the crew of the Kniaz Potemkine had returned to its allegiance or whether the revolt still continued and perhaps had spread to other ships, and the inability of the government to announce an end of the uprising gave rise to the darkest reports. The few dispatches which arrived yesterday through the official agency were evidently carefully censored and lacked reference to the mutiny, but the details they have about the hurried emplacement of coast artillery in positions commanding thorities to allow the sailors of the Kniaz Potemkine to purchase provisions seemed

to bode III.

Vague Dispatch From Heenan. American Consul Heenan, at Odessa, who on Friday announced the surrender of the Kniaz Potemkine, yesterday sent a panicky dispatch to Ambassador Meyer

"Terrible news." It gave a report that other ships of the Black Sea fleet had mutinled, and declared, though not definitely, that two warships, evidently the Kniaz or any of its officers except such as Potemkine and the Georgi Pobledonostseff, were in the harbor, but no mention was made as to whether the revolt con-

> Altogether, it seems apparent that the submission of the sailors of the Kniaz Potemkine to Vice-Admiral Kruger's equadron on Friday was only temporary and that the mutineers had changed their minds after their return to the harbor and the departure of the squadron,

> Whether the crew of the Pobledonostseff shared the disaffection is not definitely known, but the Knfaz Potemkine evidently vacillated for a long time as whether they would continue the long contest or throw up the sponge.

It is reported here that 300 deserted from from the Kniaz Potemkine during Saturday and threw themselves on the mercy of the authorities, thereby leaving the mutineers too short-handed to fight and work their ship. The report continued that the Vechl's crew declined an invitation to come aboard, and join the forces of the Kniaz Potemkine, and that the surrender of the battleship therefore was inevi-

It is not known what punishment is in store for the mutinous sailors, though it is reported that the government has de mutineers, however, who were under the leadership of a former ensign named

(Concluded on Page 5.)