

PRESIDENT'S THIRD TERM DECLARATION

Puts Forth a Statement Saying That He is Not a Candidate and Would Not Accept a Nomination if Tendered Him.

Washington, June 11.—The following statement has been given out at the White House:

"I regret that the suggestion of a third term has been made. I doubt whether I am called upon to give it. But there are now questions of the gravest importance before the administration and the country and their consideration should not be prejudged in the public mind by even the suggestion of the thought of a third term. In view, therefore, of the reiteration of the suggestion of it I will say now, once for all, expressing a long settled conviction, that I not only am not and will not be a candidate for a third term, but would not accept a nomination for it if it were tendered me.

"My only ambition is to serve through my second term to the acceptance of my countrymen, whose generous confidence I so deeply appreciate, and then with them to do my duty in the ranks of private citizenship.

(Signed)
"WILLIAM MCKINLEY."
Executive Mansion, Washington, D. C., June 10, 1901.

FRIENDS NOT SURPRISED.

Washington, June 11.—President McKinley's official announcement this morning disposing of the third term has suggested by some of his admirers a great surprise among his friends, who have known of his deep convictions on the subject. When Senator Dewey's suggestion ten days ago that the President should be re-elected for a third term began to be seriously discussed and when several of the President's friends felt called upon to endorse the idea, the President decided that the public mind should be cleared of even the suspicion that he was seeking to break down the precedents of the past by becoming a candidate for another term. He broached the subject to Secy. Long last yesterday afternoon. He told him that he believed an announcement at the very inception of the discussion would be wise and last night officially informed the members of the cabinet who had been informally called to-

gether of his decision. It met with hearty approval. There was unanimous concurrence in the belief that discussion of a third term for the President, if allowed to go on, would not only place the President in a false light before the country, but would arouse antagonism and would badly embarrass the administration in the solution of the great questions before it. The brief announcement which the President had prepared was given out by Secy. Cortelyou at noon today.

HANNA EXPECTED IT.

Cleveland, O., June 11.—"It is just what I expected the President would say if he said anything at all on the subject," was the comment of Senator Hanna today when he read President McKinley's statement in reference to a third term.

"I have never exchanged one word with the President concerning the matter," he continued, "and have considered all the talk bearing on the subject as premature. According to my judgment, it is too early to discuss presidential candidates for the next term."

Asked if he was in favor of maintaining the precedent established by President Washington in reference to the number of years the chief executive should hold office, Mr. Hanna said: "I don't think the precedent set by Washington has a great deal to do with the matter. But there is undoubtedly a strong sentiment among the people against such a proposition."

SPEAKER HENDERSON'S VIEWS.
New York, June 11.—Hon. D. B. Henderson, speaker of the House of Representatives, is quoted by the Paris correspondent of the Journal and Advertiser on the third presidential term as follows:

"Regarding the third term, I will say first that I am opposed to it as a rule. Secondly, there may arise conditions demanding it, and therefore the hands of the country should not be tied. Thirdly, as to President McKinley the time has not arrived for discussing a third term. Continuity in office might dull the minds of the people and prevent them from perceiving the difference between election and life tenure."

"After twelve years in office, even people cursed with Boerian dullness would feel 'quo vadis.' The people invariably rectify our tendency to error."

PORT ROYAL MINE EXPLOSIONS.

Another Occurred Today—It is Believed That This Settles the Fate of All the Entombed Miners.

West Newton, Pa., June 11.—Another explosion occurred at the Port Royal mine of the Pittsburgh Coal and Coke company shortly before noon and several of the rescuers were dangerously injured. Fire Inspector Callaghan and Fire Boss McFee were the most dangerously hurt and may die. This last explosion in many minds settles the fate of the entombed men and all hope of seeing them out alive has been abandoned.

Not a miner in this district believes that one of the seventeen men entombed in the Port Royal mine by the explosion last night is still alive. There is no fire to judge from appearances at the pit mouth, but the force of the explosion was so great that none of the men, so the miners say, could have survived the shock. The complete list of the dead is as follows:

William McCune, superintendent, married, two children.
John Kirk, mine boss, married; three children.
William Allison, superintendent West Newton, married; four children.
Daniel Alsop, mine boss.
Thomas Labin, miner, married.
Michael Roy, fire boss, married.
Thomas Gleason, fire boss, married.
Chris Howells, fire boss, married; one child.
Anthony Stokles, married.
Frank Davenport, miner, married.
Taylor Gonsauls, Jr., married.
John Gonsauls, Jr., married.
Peter McKendall, married.
John Burke.
Bernard Ball, miner.

William McCune was superintendent of the Port Royal, comprising five mines. He was a large stockholder in the Pittsburgh Coal company, and his family lives in West Newton.

William Allison was a second cousin of President McKinley.

Early this morning Harry Beveridge and two miners, three of a rescuing party that went into the mine to bring out their mates who were entombed, were sent to the McKeesport hospital. Beveridge had both hands broken and the other two miners were badly injured.

At 5:05 a. m. today an inspection party entered the mine, through the shaft on the Baltimore & Ohio side of the Yorkville river. It is their purpose to penetrate as far as possible to locate the dead bodies with hardly hope of finding any one alive. The fans

in both shafts, No. 1 being on the north side of the river, were started up to clear the mine of smoke, fire damp and the after damp, remaining from the explosions last night.

The explosions are supposed to have been between entries 20 and 25, three thousand feet back from the shaft. The disaster occurred about 6 o'clock last evening. An explosion was heard by men at shaft No. 2 and suddenly a cloud of smoke burst from the mouth of the shaft. It was known that Anthony Stokles, John Peebles, George Daly, Frank Davenport and James Settle were in the mine. A searching party composed of Supt. William McCune and nine others went down shaft No. 2. Just before they were lowered the bell was rung from the foot of the shaft. The cage was already down and it was brought up with Settle on it. The rescuing party then went down. Nothing was heard of them, and in an hour another rescuing force, led by James Bailey and William Williams, fire bosses, was let down the shaft. They had groped their way about 200 feet when two explosions were heard in rapid succession. The shaft lamps in the hands of Bailey and Williams were blown fifty feet away and they themselves were thrown violently to the ground. There was no response to their calls for their comrades, and both men hurried back to the shaft and were drawn up in the cage. From then until 9:04 a. m. no others went down the shaft as it would have meant certain death from the afterdamp. The party that went in this morning was composed of Mine Inspector Bernard Callaghan, Gen. Supt. John Rose, Fire Boss William McFee, Fire Boss Daniel McCullough, Fire Boss Peter McIndon and Pit Boss Robert McKenney. All but Callaghan were brought from the various mines of the Pittsburgh Coal company. At 10 a. m. the body of Taylor Gonsauls, Jr. was brought to the surface by the party headed by Inspector Callaghan. A big crowd surrounded the mouth of the shaft when the corpse was brought out and the scene was pitiful in the extreme. Many women were there looking for their husbands, fathers and brothers and they wildly appealed for the rescuers to save their loved ones.

The Port Royal mine has always been considered dangerous. There was a similar explosion in the mine seven years ago by which one man was killed. The use of safety lamps has been made especially imperative in these mines by the district inspector of mines, owing to the great danger from gas that was known to exist, but careless miners sometimes use open lights and this helps them to make bigger day wages. This is what probably caused yesterday's explosion, but the inquiry which will follow may develop a different cause.



THE NATIONAL EDITORIAL CONVENTION IN BUFFALO.

From June 10 to 16 Buffalo will be visited by thousands of makers of public opinion. The occasion is the sixteenth annual convention of the National Editorial Association. Mr. J. M. Page, editor of the Jerseyville (Ills.) Democrat, corresponding secretary of the national association, and Mr. W. J. Kline, publisher of the Amsterdam (N. Y.) Democrat, president of the association, will make addresses. The editors will be welcomed to Buffalo by Mr. George E. Matthews, editor of the Buffalo Express, chairman of the reception committee. At the business meeting one of the events will be the election of a successor to the late Hon. Matt Parrott of the Waterloo (Ia.) Reporter, who at the time of his death was president of the national association. Besides the big convention there will be held sessions of various state associations, whose members come from all parts of the country.

VAN RENSBURG SURRENDERS.

A Hundred Men Following His Example and Coming in.

London, June 11.—Lord Kitchener reports to the war office under date of Pretoria, June 11, as follows: "Mr. van Rensburg and his command have surrendered at Pietersburg. One hundred men have come in and others are following."

Commissions Signed.

Washington, June 11.—The President today signed a brief commission of Gideon C. Bantz, to be assistant United States treasurer, and of John R. Roys and Daniel W. Wurtebaugh to be lieutenants, junior grade, U. S. N.

California Editorial Association.
Buffalo, N. Y., June 11.—The Editorial Association of California has elected the following officers for the ensuing year:
President, J. H. Baumgartner, Pasadena Star; vice president, P. M. Holt, Los Angeles Imperial; secretary, P. S. Castleman, Riverside Press.

MRS. MCKINLEY STILL IMPROVES.

Washington, June 11.—Mrs. McKinley's physicians held a brief consultation this forenoon, after which the following statement as to her condition was issued:
"McKinley's physicians report that she continues to improve and is slowly gaining strength."

Commander Tilly Arrives.

San Francisco, June 11.—Commander R. P. Tilly, U. S. N., governor of Porto Rico, arrived here today from Pago Pago on the steamer Ventura. He is on leave of absence and will proceed east without delay.

Tornado Strikes Andrian, Minn.

Andrian, Minn., June 11.—About 1 o'clock this morning a tornado struck this town and swept clear a strip half mile wide. A number of houses were badly damaged. No fatalities are reported. Telephone and electric light wires are scattered over the streets and hundreds of fine shade trees are prostrated. The damage will aggregate many thousands of dollars.

Cambridge Mathematical Honors.

Cambridge, N. J., June 11.—The remarkable feature of the mathematical honors list issued today was the two brothers, named Gama, sons of a native of Bombay, were sixth and seventh wranglers. The senior wrangler is D. S. Brown of Calus college. There was one woman wrangler, Miss L. M. Reynolds, of Newham college.

JOHN KIMBALL DEAD.

John J. L. Kimball, son of the late John Kimball of the old firm of Kimball & Lawrence, and of Mrs. Julia A. Kimball, died last night of nephritis. Mr. Kimball had been a sufferer for years from a chronic kidney trouble, but serious illness set in about a week ago, when it was seen by his attending physicians that death was approaching. Mr. Kimball was 35 years old, having been born in this city, and he leaves his mother and two sisters, Mrs. R. C. Woodruff and Miss Blanche Kimball.

AFTERNOON MINING CALL.

May Day and Century Advance—Richmond-Anaconda Very Active.

Business was a little quieter on the mining exchange this afternoon. May Day and Century were the features. The former sold up to \$1.34, while the latter was traded at \$2.35. Daily went up to \$2.15. Ajax sold at \$1.24, while Mammoth sold at \$2.30, and Star Con. was active at 44%. Richmond-Anaconda sold at 27. Yankee Con. was weaker at \$4.65. Lower Mammoth released 160 at \$4.40 while Con. Mercor sold down to \$3.68. Utah sold at 72, with West Mountain Glory going as high as 33.

CLOSING QUOTATIONS ON THE PRINCIPAL STOCKS WERE AS FOLLOWS:

Stocks	Bid.	Asked.
Ajax	1.24	1.25
Con. Mercor	3.05	
Century	2.35	2.35
Daily	2.15	2.20
Daily-West	2.15	2.20
Dexter	62 1/2	
Eagle and Blue Bell	79	80
Grand Central	4.76	4.85
Lower Mammoth	4.00	4.05
Mammoth	2.25	2.25
Martha Washington	14	15
May Day	1.33	1.33 1/2
Richmond-Anaconda	26 1/2	27 1/2
Sacramento	33 1/2	36 1/2
Star Con.	43	44 1/2
Swansea	3.50	3.59
South Swansea	57 1/2	58 1/2
Tetro	12 1/2	14
Tesora	70 1/2	72 1/2
United Sunbeam	55	55
West-Morning Glory	33	34
Yankee Con.	4.65	4.71

AUERBACH WINS OVER WILSON.

Supreme Court Decides for the Former in Noted Estate Sale.

THE SURVIVING PARTNER

His Privilege to Object to Proceedings Which Would Prejudice His Interests and Work Hardship.

Five opinions were handed down by the Supreme court this morning.

The first of these is an affirmation of the decision of the lower court in the estate of Frederick H. Auerbach, deceased, R. G. Wilson, appellant, vs. Theodore and Isaac Auerbach, executors, and Samuel H. Auerbach, the opinion is written by Justice Baruch, Chief Justice and Justice Baskin concurring.

The appeal was from an order in probate, refusing to annul a sale of certain personal property, the executor's half interest, which had been made by the executors of the estate of Frederick H. Auerbach, pursuant to an order of the court. R. G. Wilson had bid higher than Samuel H. Auerbach, the surviving partner. The court ordered that the sale to Wilson be declared null and void owing to the fact that it had no jurisdiction in the premises in ordering the sale.

The Supreme court holds that there is right of appeal, not only from the final decree but also from the final orders of a court in the administration of decedent's estate.

With regard to the argument that Wilson was not a party to the suit, and therefore had no right of appeal, the court holds that in accordance with the notice of sale the appellant became the highest bidder and was thereupon recognized as the purchaser of the half interest of the decedent, and although the court declared the sale void the appellant became at least a quasi party to the proceedings, and it would seem if the court erred in making the order he was in equity entitled to have it reviewed on appeal. "By his bid," says the Supreme court, "and payment of the \$10,000 certified check required as a deposit he subjected himself quasi hoc to the jurisdiction of the court, and could, provided the court had jurisdiction to order the sale, have been required to perform his contract specifically so as to complete the purchase. He was therefore entitled to pursue his remedy by appeal."

As to whether the court erred in refusing to confirm the sale the appellate court holds that upon application of the executor the court may order the surviving partner to give a bond or render an account whenever it appears necessary, and in cases of neglect or refusal may, after notice, compel it by attachment, and the executor may maintain against him any action which the decedent could have maintained. The legal title to all the joint personal property upon the death of one of the partners the court considers becomes vested in the survivor as trustee, and it is his duty to dispose of it in good faith for the best interests of all concerned. A court, even upon the application of an executor or administrator, cannot order a summary sale of such property and deprive the surviving partner of his possession and control of the joint property.

The Supreme court maintains that the administrator had no authority to intermeddle at all with the partnership affairs, except to call on the surviving partner to close up the partnership affairs, and account for the surplus belonging to the estate. His authority only extended to settling up and distributing the remainder under probate direction to the interested parties.

The court does not understand that the executors or surviving partner's management of the business, who has therefore no right to object to proceedings which would prejudice his interests and work a hardship upon him.

Mr. Samuel H. Auerbach was represented by Marshall, Royle & Hempstead, and Judge Ogden Hiles, while Day & Street were on the other side of the case.

BUDD WINS.

In the case of George H. Budd against the Salt Lake City railroad company, the lower court is again affirmed. The opinion is again written by Justice Baruch, the other justices concurring. This was an action for damages, the jury awarding the plaintiff \$2,500 for injuries sustained, from which deduction the city railway appealed.

HADDOCK LOSES.

The case of Benjamin R. Haddock against the city was reversed, Justice Baskin dissenting. The opinion is again written by Justice Baruch.

\$432.32 against the city for services claimed to have been performed by him as constable. The Supreme court holds that the contract under which Haddock recovered was illegal, and the respondent has shown no right of recovery, either in law or equity, for any services rendered in pursuance of such contract.

Justice Baskin, in dissenting, says that it was the duty of the respondent as constable to serve and return summons and executions directed or allowed to him by the justice of the peace. If he had refused he would have been amenable to the justice, and the fact that his contract with the city was void did not bar him from recovering the fees allowed a constable.

LOOSE PRACTICE SCORED.

The opinion written by Justice Baruch in the case of H. R. C. Smith vs. L. P. C. Nelson, Charles Fogren, Jacob Jensen and Isaac Jensen, appellants, and concurred in by the other members of the Supreme bench, affirming the lower court. This was an action brought to recover damages from defendants for herding their sheep on plaintiff's premises without his consent. A written compromise was offered, and judgment taken for the amount specified in the compromise. The defendants claimed that the court erred in taxing costs to them.

The questions of law involved in this case are almost identical with the preceding one. The appellate court holds that the fees in cases where the trespass is committed by sheep shall be but one half the fees in other civil cases in which a report to persons removed with directions to modify the judgment as to costs.

JUDGMENT MODIFIED.

The last opinion also written by Justice Baruch the other justices concurring is a modification of the lower court's finding in the case of A. R. C. Smith vs. August Valentine and Oscar Jensen which was appealed by the defendants. The questions of law involved in this case are almost identical with the preceding one. The appellate court holds that the fees in cases where the trespass is committed by sheep shall be but one half the fees in other civil cases in which a report to persons removed with directions to modify the judgment as to costs.

CAFFALL FUNERAL.

Funeral services over the remains of Richard John Caffall were held in the Twenty-first ward this afternoon under the direction of Bishop Marcellus Woolley. Elder Chas. W. Penrose preached the funeral sermon and there were remarks by Bishop Wm. Thorne of the Seventh ward, Bishop Robert Morris of the Eleventh ward and Counselor Herbert J. Foulger. The opening prayer was by Elder Wm. Tuddenham and the music was by the vocal choir. Floral offerings were profuse and grandsons of the deceased acted as pallbearers. The deceased was held in universal respect therefore there was a large attendance at the services.

MRS. WELLING DEAD.

[Special to the "News"].

Farmington, June 11.—Mrs. Emily Holmes Welling, a well-known and estimable lady of Farmington, died at that place at 5:45 o'clock this morning. No particulars regarding her death have been made known. She was fifty years old and the widow of Job Welling, who died some years ago. She leaves a family of several children. The funeral will be held from the Farmington ward meeting house at three o'clock Thursday afternoon. Her friends and friends of the family are invited to be present.

LATE LOCALS.

Two new cases of smallpox were reported today. They were Emma May Appel, 16 years old, at 521 south Fifth East street; Rebecca Stayer, aged 57, at No. 8 Bellevue place.

The report of the bank clearings for today again shows over 100 per cent increase over the report for the corresponding day of last year. Today's clearings amount to \$54,411.85, as against \$36,591.75 for the corresponding day of last year.

Under an order of the Third district court the personal property of the late Frederick H. Auerbach will be sold at public auction at noon on the 25th inst. This property is entirely aside from the partnership property that has been under dispute in the courts until today and consists of stocks, bonds and books, together with the gold watch of the deceased.

Another contingent of nine couples obtained licenses to approach the hymenal altar today: Walter W. King, 25, and Len Alt, 25, both of Salt Lake; Peter W. Elson, 23, Moroni, and Rose Paer, 20, Willard; Ernest W. Smith, 22, and Sabina Smith, 22, both of Salt Lake; Arthur J. Wagstaff, 26, and Jessie E. McDonald, 24, both of Holladay; Ernest Prashler, 21, and Katie Cannegieter, 22, both of Murray; Samuel C. Adams, 27, and Edie Kelly, 20, both of Salt Lake; Benjamin W. Brown, 25, and Theresa Turnbow, 25, both of Salt Lake; Charles B. Faraday, 27, Three Mile Creek, Ida, and Eva Conover, 24, Park City; Monroe W. Barton, 28, and A. Lenora Hunter, 23, both of Salt Lake.

CHINESE COOK MURDERS THE MATE

Belonged to Schooner J. A. Campbell—For 24 Hours There Was a Reign of Terror—Assassin Steamed to Death.

Honolulu, June 5, via San Francisco, June 11.—(Correspondence of the Associated Press).—Details of the most shocking tragedy at sea that has been reported since the famous mutiny on the bark Hester some years ago were brought last Sunday by the American schooner J. A. Campbell, Capt. A. E. Smith, from Port Blakeley with lumber. The mate of the vessel, Adam Huber, was murdered by the Chinese cook, and the latter, after terrorizing the whole crew by holding possession of the galley for nearly twenty-four hours, during which it was every moment feared he would set fire to the vessel, was subjected to a steaming process to bring him out, but shot himself rather than come forth and be captured and when the crew finally entered the galley they found the Chinaman's body literally cooked by steam.

GRAND JURY INVESTIGATION.
The grand jury, which is investigating the charges of bribery in the legislature has submitted a partial report to Judge Humphreys, but as a further report is coming, the report has been filed with the court and not made public. Today Judge Humphreys gave the jury a statement, submitting to them, it is said, a new line of inquiry. The grand jury has made a very rigid inquiry into the matter, having examined fifty or more witnesses.

ACCIDENT TO THE OREGON.

The battleship Oregon arrived here on the morning of the 20th on her way home from the orient. As she was dropping her anchor off port an accident occurred, resulting in the serious wounding of Chief Boatswain J. B. Murphy, who was one of the men who helped Lieut. Hobson to sink the Merrimac at the entrance to Santiago harbor. The Oregon's anchor chain parted as her port anchor was being dropped and Murphy, who was superintending the dropping of the anchor chain, was struck by the chain as the end came back. His leg was broken and he was almost instantly killed. The Oregon's anchor chain machinery, receiving a dangerous gash on the head, The Oregon is taking coal here and is about ready to leave for San Francisco.

REP. BECKLEY RETURNS.

The return of Representative Beckley from his trip to present Home Rule resolutions to McKinley in San Francisco, has been the signal for commencement of harder work in the house and senate. Beckley reported to the house on his return yesterday. He stated that he had interviewed the President in San Francisco and had been received very cordially. President McKinley had stated his intention to visit Hawaii in the near future. He had advised Beckley to return to Hawaii and tell the Home Rulers to work on appropriations for the public good, work in harmony with the executive department and forget past difficulties.

PORTO RICANS STRIKE.

Some of the Porto Ricans sent to Kilauea in a small strike and riot on the 26th ult. They went from Elele to Makawili on a strike and being refused employment at the latter place started for the cannelfield, armed with knives, with a view to persuading others to join them in a strike. Police were sent for, and those who were armed, ten in number, were arrested. The court of claims created by the recent legislature to hear claims for losses caused by the great eruption of fire that destroyed a dwelling in which a plague case had occurred, has been in session a little over a week and already has, it is said, much more business than it can attend to in its allotted term of six months. Japanese Consul Mikai Saito has about 2,000 claims with inventories taken immediately after the fire in behalf of his countrymen. The largest single claim, so far, put in is for \$7,000, asked by a Chinese merchandise firm, for a building and stock that went up in smoke.

The bark Reeper, Capt. Saitake, arrived here fifty days from Newcastle on the 25th with a report to persons removed with directions to modify the judgment as to costs. They were W. Fredericks and John Kellar.

LAND IS OPEN TO THE PUBLIC.

Lake Bonneville Irrigation Company Tract Relinquished to the Government and Thrown Open for Public Settlement.

Yesterday afternoon's mail brought Secretary Groo of the State land board an acceptance on the part of the general land office at Washington of the 250,000 acres of land in Millard county, selected by Utah under the Carey act and relinquished by this State owing to the falling through of the enterprise under which the land was to have been reclaimed and made arable. The commissioner at Washington announced that the land had been thrown open for settlement by the general land office. The tract had been selected under a

MAY DRAW FUNDS.

University Regents Can Get Building Money in Advance.

Attorney General Breeden today handed down an opinion to Chairman James Sharp of the board of University regents in reply to the following:

"The regents of the University of Utah have let a contract for the erection of museum and shop buildings. It is a matter of common knowledge that large building operations cannot well be conducted unless prompt payments are made as bills come due. Consequently we desire to know in advance for the bills we think will become due during such month."

Your opinion is respectfully solicited, on request of the board of regents, as to whether the regents may draw such building appropriations as needed."

After reviewing the law respecting the appropriation of \$75,000 made by the last Legislature the attorney general's opinion is as follows:

DUNFORD'S DISCHARGE.

Successor Will be Appointed by Senators Rawlins or Kearns.

Hon. Joseph L. Rawlins, Utah's senior senator, was asked today whether he had been officially notified of the failure and discharge from West Point of Cadet Dunford. He replied in the negative, saying that all he knew concerning it was what he had seen in the press dispatches. Until he had received formal notice he could, and would, do nothing.

A considerable number of citizens have been of the opinion that Senator Rawlins, being the State's senior member of the upper branch of Congress, and having named young Dunford, would be entitled to also name his successor. But Mr. Rawlins does not take the same view of the case. He is inclined to believe, in view of the fact that he has already named two cadets, that the honor this time will fall to Senator Kearns, though it may come to himself instead.

As to whether Jarvis will be appointed direct that is entirely another question. The prospects are that a future examination will be held, in which all who desire to compete for the place may enter. Should Jarvis win again he will doubtless go to West Point this time. Should another pay a higher percentage then he will go as a matter of course.