



THE WEATHER. Forecast made at San Francisco for thirty hours ending midnight. August 24: San Francisco and vicinity—Fair Thursday, with fog in the morning; fresh west wind. A. G. McADIE, District Forecaster.

THE CALL

THE THEATERS. ALCARAZ—"The Great Interrogation." Matinee. CENTRAL—"On the Wash." CHUTES—"Vaudeville." Matinee. COLUMBIA—"Mrs. Wiggs of the Cabage Patch." GRAND—"Arrah Na Fogue." MAJESTIC—"Hearts Courageous." ORPHEUM—"Vaudeville." Matinee. TIVOLI—"Rob Roy."

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RUSSIAN PLENIPOLENTIARIES FLATLY REJECT THE PRESIDENT'S PEACE PROPOSITION

Russia's peace plenipotentiaries have flatly rejected the President's compromise scheme, advanced with the hope of preventing a rupture at Portsmouth. Japan accepted the compromise and Baron Komura offered it as his Government's own proposition. Without an instant's hesitation De Witte rejected it. Unless Japan recedes on the indemnity question the conference will be declared off.

RUSSIA'S ATTITUDE IS FIRM

Japan Must Recede to End the War.

"Not One Kopeck of Indemnity" Is Ultimatum.

WHOLESALE FIRM FAILS FOR \$60,000

Armer Bros. & Co. Owe More Than They Can Pay.

Creditors Hold Meeting and Find Stock Is Worth \$30,000.

Board of Trade to Institute Thorough Investigation of the Collapse.

COOK, IN HIS REPLY, SMITES LAWLOR

In a reply to the Grand Jury's criticisms of his actions in the brothel cases Judge Carroll Cook criticizes Judge William P. Lawlor rather caustically, raising question unsparingly as to his fitness to preside on the bench. Cook maintains that the Grand Jury report was in contempt of court and that the members of the inquisitorial body are liable to numerous libel suits.

CRITICISM OF BROTHER JUDGE AND DISTRICT ATTORNEY

Czar Is Ready to Yield to Mikado on All Other Points.

De Witte Styles the President's Compromise Proposition a "Sham."

Following the Russian rejection of the President's compromise proposition in the peace conference yesterday, an adjournment was taken until Saturday. The present outlook is that the envoys will then meet only to adjourn sine die. Advice from St. Petersburg indicate an unalterable determination upon the part of the Czar to withdraw his plenipotentiaries unless Japan unequivocally recede from her demand for indemnity. Following the failure of the negotiations yesterday, the Russian envoys authorized a statement explaining their position. Although presumably correcting the erroneous ideas of a portion of the American press as to the Russian attitude upon the President, with his compromise proposition as its theme, the statement declared that Russian national honor could not be purchased by a surrender, and that the efforts of Russia's American friends were misdirected in the belief that honor was held so lightly in St. Petersburg that it could be satisfied by a mere change in the phraseology of the Japanese demands.

Armer Bros. & Co., wholesale coffee, tea and spice merchants at 19 Main street, have failed for \$60,000. The firm's one asset is its stock on hand, valued at \$30,000. A meeting of the creditors was held yesterday morning in conjunction with the Board of Trade. The session lasted three hours. A rigid investigation will be conducted. The failure came as a thunderbolt to the creditors and business men of the wholesale district. Armer Bros. & Co. were thought to be in sound financial standing. The cause of the failure has not been learned. The defunct firm is a corporation promoted by Louis and Sigfried Armer. Sigfried is managing the establishment, while his brother, Louis, is in Central America, looking after the coffee crop. Monday the firm notified the Board of Trade that it had failed. There was an immediate scurrying of creditors, many of whom were heavily affected by the sudden slump in the Armer Company's finances. When the special meeting of the creditors was called by the Board of Trade many merchants of the wholesale district assembled. For three hours the Armer's attorney sparred with Chairman E. W. McCarthy of the Board of Trade, one of the heaviest creditors. McCarthy thwarted every attempt on the part of the lawyer to allow the firm to continue business and make good its liabilities. A partial agreement was reached. Sigfried Armer will be allowed to sell, providing he can find a purchaser who will pay enough for the establishment to allow the creditors to cash on the dollar. The conference will be resumed to-day. The heaviest creditors are: McCarthy Bros., 113 Front street, \$8000; M. J. Brandenstein, \$6000; Haas Bros., 100 California street, \$5000; Anglo-American Bank, street bank unknown; Davis & Co., commission brokers, D. Ghirardelli & Co., H. Levy and Robert Cochran. Armer Bros. & Co. had been in business in this city for the past three years.



Grand Jury Report Rouses Ire of Man on the Bench.

HARPS ON OWN WORTHINESS

Asserts That Jurors Are Open to Hosts of Libel Suits.

JURISDICTION IS INTERPRETED

Judge Carroll Cook is out with a hammer for Judge Lawlor. Yesterday afternoon he produced a lengthy reply to the report of the Grand Jury declaring that the inquisitorial body was guilty of contempt of court in criticizing his actions in the brothel cases. Judge Cook's reply included a "knock" at Lawlor and District Attorney Byington. The document was ordered spread upon the minutes of the court and a record made thereof. Here is what Judge Cook says of his brother jurist: It is a well known fact that the Judge presiding in Department 11 of the Grand Jury as to attorneys in habeas corpus cases flogging with their petitions to Department 12. Judge Cook says of himself: It is hard for any one to understand under these circumstances why attorneys should present their claims for decisions to the Judge of Department 11, who is not a lawyer, and who has no special knowledge of the general practice of law and who has—as well as his knowledge from books and decisions—his experience in criminal trials of over a quarter of a century to aid him in his decisions? Cook maintains that the members of the Grand Jury were in contempt of court when they criticized his actions in the brothel cases. He says that it was the duty of Judge Lawlor to order that part of the report stricken from the court records. The Grand Jury report, declares Judge Cook, is a document not worth being read and will entail on the members of the Grand Jury a host of libel suits. To proceed against them, Judge Cook adds, would be beneath the dignity of a court of justice.

ART MUSEUM CURATOR PUT OUT BY POLICE

Official Ax Wielded by J. Pierpont Morgan.

LEAPS TO HIS DEATH FROM BOAT IN BAY

Thomas McDermott Takes His Life on Way to Vallejo.

WOULD HAVE PUNISHED JURORS

Judge Cook's choleric reply is almost as long as the report itself. It goes into details of Cook's decisions in the brothel cases, which were reversed by the Supreme Court. It dwells upon Cook's interpretation of the duties of grand jurors. Judge Lawlor and District Attorney Byington refused to discuss the document. Following are extracts from Cook's reply: There are two ways in which the court can take notice of such a document; one is by adjudging as contempt anything therein contained which would amount to a contempt of court; and the other is to spread upon the minutes of the court, as they exist, showing the falsity of such report or any part thereof, if it contains matter absolutely devoid of foundation and truth, as does the report to which I allude. Had such report been presented in this department of the court I certainly would have ordered all that portion relating to the Superior Court stricken out as impertinent and in no sense any business of the Grand Jury, and would have then and there adjudged the jurors presenting the same guilty of contempt of court.

STATUS OF GRAND JURY

Clearly should the clerk of the court, the bailiff of the court or a juror in the court undertake, in the face of the court, to criticize the Judge thereof, whether justly or unjustly, there can be no question but that such act would be a contempt of court. When in addition to such criticism and innuendoes—unsubstantiated by any facts—a petty juror or grand juror, or a Grand Jury as a body, should undertake to say to the court, or to any one of its Judges, that a certain action therein pending should be decided in a particular way, it would be such an unwarranted interference with the court and such an unlawful attempt to influence the judgment of the court that there is no court in Christendom, having any knowledge of the law, that would not in the spot, without hearing evidence or defense, adjudge the act to be a contempt of court. As I stated at the outset, the said report having been filed and become a record of the court over which I preside, cannot be passed by without notice being taken of it, and I believe it to be more in comport with the dignity of the tribunal over which I have been elected to preside, and over which I have presided for the past nine years, to spread upon the minutes of the court the facts of their actual existence, and show the utter and complete falsity of that portion of said report entitled "Courts," for, by an examination of those facts it will be apparent to any one caring to examine them that that portion of the Grand Jury's report is absolutely devoid either of foundation or of truth, and if the balance of the report has no better foundation than that which it contains relative to the courts it is a document not worth being read, and one which will undoubtedly entail upon the grand jurors, and each of them, under section 935 of the Penal Code, a host of libel suits. Although jurisdiction to punish those guilty of said contempt, in the face of such report, has possibly been lost by the failure of the Judge in whose presence it was committed to act as the law required, the Judge contained would still have the power, under section 925 of the Penal Code, to proceed against the members of said Grand Jury, and each of them, by action for libel; for that section after specifying some of the duties of the Grand Jury, reads: "Provided, that if any Grand Jury shall, in the report above mentioned, comment upon any person or official who has not been indicted by said Grand Jury, the said comments shall not be deemed to be privileged."

NEW YORK, Aug. 23.—F. Edwin Elwell, curator of sculpture of the Metropolitan Museum of Art, has been put out of the museum by a policeman, under orders of J. Pierpont Morgan. The bronze statue given by Morgan to the museum is too big for the rooms of antiques. Storey, director of the museum, gave instructions about the statue, which Elwell derided. Storey reiterated his orders and Elwell said he would not obey them. The curator of sculpture said the curator of painting, even if the latter happened to be for a while acting director, had no right to interfere with his work. Storey referred the dispute to J. Pierpont Morgan, president of the museum. It hastened Morgan's return to New York. He said to Storey: "You are acting director. Dismiss Mr. Elwell." Storey said that he could not—that it was against the by-laws of the museum. "Get a policeman," said Morgan. Storey sent for a policeman. He said to Elwell: "I hope you will not compel me to use force." "It's a forlorn hope," replied Elwell. "I will not go unless you use force." Elwell was then put out of the museum by force.

GILROY OFFICIALS BEFORE GRAND JURY

Called Upon to Testify in Regard to the Slot Machines.

SULTANS RIVALS INSIST POISON FOR HER HAND CAUSED DEATH

HONOLULU, Aug. 23.—The tragic death of Mrs. Jane L. Stanford has been recalled by a sensational story published here to the effect that representatives of the Stanford estate have practically offered monetary inducements to local physicians to change their opinion that strychnine caused the death of Mrs. Stanford. It is alleged that the bill of \$150 of Dr. C. B. Wood, who performed the autopsy on the body of Mrs. Stanford, has been refused payment by the estate on the ground that the Territorial authorities should have performed the autopsy. Dr. Wood declares that he was employed on behalf of the estate by Dr. Humphris, and the latter said that he considered the refusal to pay Dr. Wood to be amazing, as he considered the employment of a private autopsy physician to be proper. The Star in its story of the matter says that in different interviews a representative of the estate indicated to the physicians that it would be satisfactory to the estate if they could revise their findings of poisoning, and in such event their bills would not be questioned, and that Drs. Humphris, Day and Wood would be each paid the amounts of their claims of \$150 each. All four doctors are preparing a statement to place their version of the scientific facts of the case before the public in final justification of their decision concerning the cause of the death of Mrs. Stanford.

REFUSES TO UNITE MAY AND DECEMBER

SEATTLE, Aug. 23.—Justice of the Peace Davis today refused to perform the ceremony making L. O. Lander, aged 63 years, the husband of Lizzie Alexander, aged 16 years. Lander is a rancher on Vashon Island. The girl is the daughter of a neighboring woman, who gave her reluctant consent to the union so that Lander could secure the license. Lander walked into the courtroom of Justice Davis just before the noon hour. He led his intended bride by the hand. Walking up to Justice Davis he handed him a document, that proved to be a license to wed the child he was leading. Justice Davis hesitated a moment and then flatly refused to perform the ceremony, saying it was unnatural.

SAFRAN, Aug. 23.—The Grand Jury to-day is investigating the subject of slot machines, which are operating in Gilroy and Santa Clara, although all other towns in the county have abolished them. Mayor George T. Dunlap, the members of the Gilroy Council and other Gilroy officials appeared before the Grand Jury this morning in answer to a summons. The District Attorney holds that the operation of slot machines is illegal, while the officials of Gilroy and also of Santa Clara contend that as the State Supreme Court has not yet definitely decided the question municipalities may legally issue licenses to slot machine owners.

MANILA, Aug. 23.—When the transport Logan, bringing Mr. Taft and his party, arrived at Overtown the visitors were entertained by a force of 1405 cavalry. An interesting trip was made across the lake. When the party arrived at Jolo there was a picturesque demonstration. Hundreds of natives paraded before the visitors in decorated boats, and 12,000 representatives of various tribes soon assembled to greet Mr. Taft and Miss Roosevelt. The visitors witnessed carabao fights and war and other native dances. The Sultan of Sulu was with the Taft party in the grand stand, having a gorgeous retinue with him. At the army and navy ball the Sultan wore a marvelous new uniform, which was made in Paris at a cost of \$1800. The Sultan presented Miss Roosevelt with a large perfect pearl and also with a saddle of bestiered boxwood. He also gave Mr. Taft a saddle. The members of the party presented the Sultan with two small pearls and one wonderfully large one. The ball was the most brilliant in the history of Jolo. The party left Jolo at daybreak and arrived at Malaban early next morning. Several members of the party made a trip across the island, in which Miss Roosevelt, Miss Boardman and Miss McMillan were escorted by cavalry on a dangerous ride.

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HE KNOCKS JUDGE LAWLOR

It is a well known fact that Judges Sloss, Hunt, Hubbard, Sewall, Murasky, Trout, Graham and McMillan try no criminal cases. It is likewise a well known fact that the criminal cases arising in the city and county of San Francisco are tried in Departments Six, Eleven and Twelve. It is