

THE McCANN'S STORY.

Killing of Cicero Described by the Brothers.

JAMES THROWS IN SOME ACTING

Both Try to Show They Acted in Self-Defense After Warning Cicero—Closing the Case.

The fourth day of the McCann murder trial in the superior court came to an end in the middle of Assistant Prosecuting Attorney Morris summing up to the jury, and was continued until today. The two defendants, James and John McCann, were called to testify in their own behalf, and the testimony of the first-named principal was a piece of acting that the audience which crowded every part of the court room very much enjoyed. Mr. Hastie in his cross-examination of the two brothers sifted and sifted again their story of the assault and the subsequent killing, and many of his questions were to be a keen sarcasm on the possibilities of the situations the two men described. Witnesses were next called to testify to character and to the fact that Cicero, when Mr. Morris began his summing up, and had not concluded when the court rose.

James McCann's Dramatic Powers.

Thomas Provan, the first witness of the day testified to certain conversations with Cicero and the McCanns, and N. W. Bolster, stenographer, was briefly examined in regard to his notes taken at the preliminary hearing. The first witness called was James McCann, a well-built, middle-sized man of 20, with a dome head peeping through thin hair and a heavy red mustache. He seemed to be choosing his words and trying to "put on style" in the first part of his examination, but when the leading facts had been brought out and he was left to tell his own story he addressed the jury in a manner as fervid and dramatic as Mr. Lewis at his best. In fact, he outdid his distinguished counsel's best efforts in rapidity of enunciation, in dramatic gesture and pose, and in personal pathos. He evidently believed that he had made considerable of an impression, for when Mr. Hastie in cross-examination asked him if he did not remember a pretension to declamatory powers, he gave a half-hearted denial that his manner contradicted.

It is told how he had heard from the witness Provan that Cicero had been saying that he would beat the McCanns at the election by fair means or foul, and that he determined to go and talk it over with Cicero "in a fair and manly way." His father had talked with Cicero that morning, and had said the talk didn't amount to anything. As he was going out, his brother John said to him that Cicero was a dangerous man. "Why, you know," John said, "that he attacked Cameron, that he shot Weir, that he hired a man to do up old man Rogers, and threatened to shoot Mr. Griswold at the last election."

Yes, witness knew all that, but he wasn't afraid of Cicero. He put his revolver in his pocket, and he told the jury that he had done so. He told the jury that he had been saying, and as Cicero started to strike him with the shovel he was working with, he pushed him over. Then Cicero tried to reach for his gun, and his brother John said: "Give him the gun if you have to." When asked why he did not use the revolver, witness said he saw no occasion for it.

He re-enacts the shooting. His great effort was in depicting the shooting scene, which he acted in great detail. He had fired three shots in the air to scare Cicero from advancing on him and firing at him with a Winchester. Then he determined to make a rush for him. "I cast one long, lingering look over my shoulder at my brother," he gasped, "and then looked at Cicero advancing, and believing that his quarry already lay dead at his feet, I cast one long, lingering look toward my brother. I felt Cicero pressing the revolver I had dropped against my right side. I was a goner. I knew no more. Then I heard a shot and my brother pitched me up."

In cross-examination by Mr. Hastie, he said that he felt the revolver in his side and pushed it away. He did not remember John handing him back his revolver, nor did he know that Cicero was killed. John McCann's version of it.

John McCann, who was next called, is two years younger than James and bears a strong resemblance to him, but is taller. His story was fairly corroborative of that of his brother in the incidents that led up to the first shot, and in regard to the second shot he said that he had run toward his house and got the rifle. When Cicero appeared his brother called out, "Go, go back," and ran among the logs. "I got my gun," he said, "and now I've got 'er." Then he shot at Jim and Jim fired in the air. They exchanged three shots and then Jim closed with Cicero. "Jim threw his arms about Cicero's neck, then Cicero wheeled him round and shot me, Cicero on top. It was then that the impulse came to me," said the witness, "with a dramatic touch, "to rush forward and put Mr. Cicero off my brother. I felt the rifle lying to the right and the revolver to the left. With my right hand I got hold of Cicero by the collar and threw him off my brother. Cicero's left hand was raised toward the revolver, and thinking that he would kill my brother with it, I grasped it with my left hand. I grasped it in the cylinder, as I picked it up. I threw Cicero off and I heard a report that I thought was the rifle. With fear and anxiety I tossed my brother up. I did not know at that time that I had shot Mr. Cicero. I did not intend to shoot him, and my right hand was on the magazine of the rifle. I picked it up for fear he would kill me again."

There was no attempt at declamation in the recital. It was told as a simple narrative of facts, coldly and more as the experience of an uninterested spectator than as of the principal in a tragedy. In his cross-examination by Mr. Hastie, however, the witness occasionally lost his coolness, yet his answers were ready and voluble, and he evidently prided himself upon his facility of repartee, and this variety more than once put him into trouble, for the cross-examination was too close for any general opinion to pass muster. This was his conclusion.

"Did you shoot Cicero?" asked Mr. Hastie. "No, sir." "Who did shoot him?" "I will just explain it." "Did you shoot him?" "I didn't shoot him." "Did Jim shoot him?" "He didn't shoot him." "Did Cicero shoot himself?" "He did not."

"Was he shot?" "I heard a shot; I thought it was the rifle that had gone off and shot my brother by the collar and threw him to one side." "You didn't know that you left Cicero with his brains blown out and his wife weeping on his dead body, did you?" "I did not."

Experts on Bullet Wounds. Dr. H. E. Merkel was called as an expert on gunshot wounds, and the bullet wound in the head of deceased having been described, he was asked to state the position of the weapon held. He said the weapon would have been held in the left hand at an angle of about 45 degrees. His testimony, which was somewhat surprising, helped the prosecution rather than the defense. The prosecution did not put any question to him. Dr. E. Boerke was called for a similar purpose, and in this case the testimony of such testimony Judge Humes observed: "Oh, then, the pistol must have been in the right hand."

Chamberlain's Cough Remedy. When troubled with a cough or cold give this remedy a trial. You will be more than pleased with the result. It will cure a severe cold in less time than any other treatment. It relieves the lungs, opens the secretions, aids expectoration and effects a prompt and permanent cure. There is no danger in giving children for it contains nothing injurious.

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pointed toward the spot where the bullet entered," he said, "the witness, without noticing the sarcasm of McCann's reply, the defense then rested its case. The witnesses, Davis and Hutchison, were called in rebuttal by the prosecution on minor points, and Assistant Prosecuting Attorney Morris began his summing up the evidence to the jury at 5 o'clock the court adjourned to this morning.

SUIT WAS BEGUN TOO LATE.

City Judges Grade Tax Claim Against the Kaufmans. Judge Langley sustained the demurrer of David Kaufman to an amended complaint of the city of Seattle, in which an attempt was made to collect \$25,000 grade assessment on lots 3 and 4, block 54, of Terry's first addition, on the ground that he was not a party to the action within the time specified by law. Mrs. Kaufman now comes into court and answers the suit by saying that the city made a mistake when it commenced the suit by suing her individually, when the property belonged to both her and her husband as a community interest in the property. A demurrer by Kaufman brought out the fact that he was served more than four years after the action was originally begun and six years after the assessment was made. Judge Langley decided that the action against the suit and dismissed the complaint as to him.

Mrs. Kaufman filed her answer yesterday, in which she claimed that at all times since the suit was started the property was a community holding, although the title was in her name. She also said that the action was not commenced against her and her husband within the time limit and that there was also a defect in the complaint in that David Kaufman was not joined with her as a party defendant and to effect the time allowed by law for the commencement of the suit had expired.

Large Sums Pro Rata. Deposit \$20 a year for twenty years, the life and principal will be paid at death. "Special Income" policy. Mutual Life of New York. Wm. S. Pond, general agent.

COST OF PRISONERS' MEALS. Commissioner Baker suggests Economy Quarantine Officers' Wages. At the monthly meeting of the police commission last evening Mr. Baker suggested economy in the feeding of city prisoners, which he estimated at \$200,000 annually. He proposed that the cost of food for prisoners be reduced to 15 cents a meal, but that rate is still being paid. No action was taken.

REPUTATION HIS SLANDERS. Seattle Turnverein Condemns Wegener's Attacks on the Judges. The mistaken impression created by the resolutions already published that the Seattle Turnverein had endorsed the attacks on the judges, and that the funds to secure a new trial for Henry Craemer caused that body at its last meeting to adopt the following declaration: "Referring to the misunderstanding caused by a resolution in regard to the efforts of Mr. Wegener in behalf of H. Craemer recently adopted by the Seattle Turnverein, we have to declare that, although recognizing the unselfish motives of Mr. Wegener, we do not approve his untrue reports about the proceedings in the Craemer trial, nor do we intend to support the attacks on the judiciary of this city and state. If Mr. Wegener and others have given an unjustifiable interpretation to this resolution, we are not responsible for it and it was not our intention that it ought to be used thus."

Coroner's Inquest on Wooding. At the inquest held at Latona by Coroner Askam over the remains of Charles J. Wooding, the jury composed of J. W. McLeod, A. Allan, J. P. Deborner, W. C. Wagoner and H. L. Tibbels, Jr., found that the death was caused by his being struck by engine No. 2, train No. 3, of the Seattle, Lake Shore & Eastern Railway Company. That the death was accidental and due to no blame or carelessness on the part of the employees of the road.

Daddy McGlynn Becomes a Benefactor. T. P. McGlynn, better known as "Daddy" McGlynn, secretary of the Coast Seamen's Union, has entered the holy bonds of matrimony. The lady is Miss Laura E. Grant, of New Brunswick, and the knot was tied shortly after 7 o'clock yesterday evening by Judge Glasgow. In the absence of the bride's father, the municipal court room was thronged with witnesses, the affair being a profound secret.

Tax Levies of King County Towns. With the exception of Seattle, all the municipal corporations in the county have returned their tax levy. Ballard is the highest with 14 mills, and Issaquah the lowest with no levy at all. For the second time in its municipal history the following figures are as follows: Ken, 12 mills; Issaquah, no levy; Ballard, 14; Columbia, 10; Auburn, 8.

Now They Will Be Happy. William Hamler, of Blaine, who recently failed to secure a license to wed Della R. Steen, of Blaine, because she was under age and did not have her mother's consent in writing, appeared at the auditor's office yesterday afternoon with the necessary document signed by Mrs. A. W. Steen, and went away happy.

Cost of the Experts' Work. County Auditor Beman yesterday figured up the expense of having the books of the deceased examined by Milton G. Stewart, and found it to be \$1,181.15. Work was commenced April 2, 1895, and completed November 1.

New Suits Filed. The following new suits and informations were filed in the superior court yesterday: State vs. Thomas Clayborne—Assault with a Dangerous Weapon; State vs. Neis O. Brakke vs. M. M. Myhra—\$1000 promissory notes; default and judgment; Henry Towerlton vs. E. W. Mills—\$500 promissory note, interest and attorney's fee; Louise Ackerson vs. E. C. Kirby—\$2000 note, \$2000 promissory notes.

Court and County Notes. The will of James Conley was admitted to probate yesterday. All of the property was bequeathed to his daughter, Lillie E. Conley, wife of A. C. Martin, of this city. Judge Humes yesterday issued an order for George S. Beaulieu, engineer of the steamer Julia Thompson, to appear at 2 p. m. on November 15 and show cause why he should not be committed for contempt in not complying with the divorce decree.

Diving horse, Madison park today, 1:30 p. m. Dr. Carver, Madison park today, 2:30 p. m.

Children Cry for Pitcher's Castoria.

NEW OFFICER NEEDED

Health Board Renews Demand for Sanitary Inspector.

QUARANTINE TOO EXPENSIVE.

Council Comes in for Another Scorching—Search for a Quarantine Breaker—Vital Statistics.

At the meeting of the board of health yesterday afternoon the old discussion in regard to the appointment of a sanitary inspector was renewed. Dr. Miller stated that the present method of quarantine in scarlet fever cases has been found very expensive and unsatisfactory, for though the number of cases has diminished, the number of centers of infection has increased. At present there are sixteen families guarded by eleven sets of watchmen, and the cost of the quarantine is \$1000 a day and does not have the desired effect of stamping out the contagion. Dr. Miller proposed that an assistant be appointed to quarantine, and asking the council to go from place to place and see that the children are washed daily with a solution of bi-chloride.

Health Officer Palmer was asked to draw up an ordinance, to be presented to the council, making it a misdemeanor for any member of an infected family to go outside the house during the continuance of the quarantine, and asking the council to appoint a sanitary officer, who must be a physician, to enforce it, the present system to continue until the ordinance is passed. The council refused to do so. Dr. Russell scolded the council for its action in this matter, and said the board of health might as well be abolished if no action was taken on the ordinance. The board considered the closing of the schools as the best thing ever done to stop the spread of scarlatina.

Health Officer Palmer and the health officer hunt up the brother of Ethel Edwards, who has left the infected house at 217 Lakeview street and is in the city. Dr. Palmer reports a letter from the brother, saying that Moran Bros. & Co. applied for permission to dump ashes on their tide flat property, even when partly mixed with garbage, and the board of health approved the application. The report of the health officer for October shows 31 deaths, against 48 during the preceding month, a death rate of 6.29 per thousand, against 7.74. There were 42 cases of death from scarlatina in 32 houses, a large increase over September, when only 8 cases were reported. The disease made its appearance in the First, Second and Third wards, and the majority of cases since. Other cases of contagious diseases reported are diphtheria 1, measles 12 and typhoid fever 12. The board of health ordered 60 gallons of milk and condensed 4 quarter beefs.

BLACKMAIL, SAYS LACY.

He Threatens to Have Mrs. Ballou Arrested—The Disappears. Mrs. Lacy, wife of H. Ballou, Tacoma, gained nothing by her attempt to find out from her divorced husband, Harry Lacy, leading man of "The War of Wealth" company, the whereabouts of her daughter Jessie, and he had been confronted with a threat of arrest, and hurriedly left town, accompanied by her aged mother and the boy whose paternity boldly faced the attorney, and he had been included in his estimate for 1894 \$3000 loss of 25-inch hose to replace the Paragon hose now in use. He reported that he had paid to the city treasurer for \$25 received from the Front Street Cable Railway Company for damaged hose.

Changes of Climate. Kill more people than is generally known. Particularly in this case in instances where the constitution is delicate, and among our immigrant population seeking new homes in those portions of the West where malarial and typhoid fevers prevail at certain seasons of the year. The best preparative for a change of climate, or of diet and water, which change necessitates is Hostetter's Stomach Bitters, which not only fortifies the system against malaria, in variable temperature, damp, and the debilitating effects of tropical heat, but is also the leading remedy for constipation, indigestion, and general debility. Bodily troubles specially apt to attack emigrants and visitors to regions where the climate is new, and the population is new, whether used as a safeguard by sea voyagers, travelers by land, miners, or of agriculturists in newly populated districts, this fine specific has elicited the most favorable testimony.

A Horse Falls and Breaks His Head. A horse belonging to George E. Hall, the coal dealer, fell on Jackson and Fifteenth streets yesterday afternoon and crushed his head so that it had to be killed. The team was hauling a load of coal, when one horse was seized with colic and lay down. The driver forced it to get up, but it fell striking its head on the edge of the sidewalk and crushing it.

Thursday's statement of the condition of the treasury shows: Available cash balance, \$179,098.15; gold reserve, \$26,841,264.

Do you know that woman? Well, I should say I do, and I only wish I had never looked upon her face. I have only myself to blame for marrying her, and if there were any law that would punish her she is one. I would not have said anything at all in reply to her talk, but when things reach the point that she says I am the father of her illegitimate son, I feel called upon to remonstrate. The divorce was obtained in 1878, seventeen years ago, and as she says the boy is only 14, if he be my son, it must be a strange instance of what botanists term "spontaneous generation."

"I look upon this last piece of work as her continually trying to make herself popular in the eyes of the public. The man in the Post-Intelligencer she took to her credit a French name that she has no claim to in any way. She comes from Los Angeles, California, and her name was Lansbury."

"After I was so fortunate as to be divorced from her, she followed me to New York city and I got to get away from her. She is in an open court, her attorney said to her: 'You are the biggest liar on earth, and I withdraw from your case.' Even that did not humiliate her, and it was only after she had been divorced from me that she got out of the city."

"I say to her candidly that I will not tell where Jessie is and that Jessie does not want to hear from her. The date of leaving Jessie is only 15 years old. She is 21, and moves in good company and I would not disgrace her by writing her to look for me. I will not tell who says she wants to 'see her child.' I was warned before I reached Tacoma that she was after me and I purposely avoided her by going to Los Angeles. I did not want to see her, but now that she has attempted this blackmailing business I am anxious to see that she receives something at the hands of the law."

At the theater that evening there was an expectation of a scene between the two women, and a crowd of people gathered in front of the theater. Mrs. Ballou should she suddenly appear. It was rumored that she had threatened Mr. Lacy, and every preparation had been made to receive her. But Mrs. Ballou kept quietly in the hotel, and made no move, save to send a note making inquiry as to Jessie.

Mrs. Ballou is a rather stout, medium-sized woman, of perhaps 25, with round face, dark eyes and hair.

THE ESTIMATES FOR 1896.

What the Fire Department Will Cost—Fire Loss in October. Chief Cook's estimate of expenses of the fire department for December was approved by the fire commission on Wednesday, as follows:

Table with 2 columns: Item, Amount. Salaries \$4,250.00, Stable \$100.00, Equipment \$125.00, Fuel \$50.00, Water \$1,918.29, Office \$5.00. Total \$7,968.29.

Colliers called attention to the fact that the amount for water appearing in the monthly statements of the fire department is not an item of actual expense, but a simple transfer from one department of

For Lung Troubles

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Medal and Diploma At World's Fair.

"Seven years ago, my wife had a severe lung trouble, which physicians called consumption. The cough was distressing and attended with spitting of blood. As doctors did not help her she tried

and was surprised at the relief it gave. One bottle of this medicine cured her, and she has not the least doubt but Ayer's Cherry Pectoral saved her life."—K. MORRIS, Memphis, Tenn.

the city to another. It is charged to the fire department and credited to the water department.

Chief Cook submitted the following estimate of expenses for 1896, consideration of which was postponed till this evening:

Table with 2 columns: Item, Amount. Salaries \$4,250.00, Fuel \$50.00, Water \$1,918.29, Office \$5.00. Total \$7,968.29.

The report of Chief Cook showed fires, losses and insurance for October as follows: Number, 18; loss on property, \$1,250.00; insurance on property, \$371.50; loss on contents, \$1,040; insurance, \$2,780; insurance paid, \$2,684.30. Exclusive of this was the Henry fire of September 11, not included in the report for that month; loss on dwelling, \$55,000; insurance, \$30,000; loss on contents, \$25,000; insurance, \$8,000; insurance paid, \$27,433.88.

Chief Cook reported that the repairs on engine No. 4, undertaken by the Washington Iron Works, had not been done satisfactorily, though the motor and city. He was instructed to notify the members of that firm that they must furnish definite assurance to the commission by Friday evening, October 12, or necessary work should be done soon and properly. The chief also reported that during October he had tested all the hose in the department, that 200 feet of Paragon hose had burst under the test pressure, and that he had included in his estimate for 1894 \$3000 loss of 25-inch hose to replace the Paragon hose now in use. He reported that he had paid to the city treasurer for \$25 received from the Front Street Cable Railway Company for damaged hose.

Mr. Collins made a graceful finale to the season by giving the mayor and city council to come up to the Armory Friday evening, November 15, to see the Seattle firemen win the championship of the Pacific coast at the tug-of-war for the Fire-Intelligencer trophy at the S. A. C. assault at arms.

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