

THE AVONDALE FIGHT  
Eye-Witnesses Tell How Joe Cicero was Killed.  
LAWYERS TOYING WITH SKULLS.

Defense Brings Out Some Palliating Facts and Weakens the Case Against Old Man McCann.

The second day's trial of the three McCanns for the murder of Joseph Cicero at Avondale continued until after 9 o'clock last night, and at the prosecution had not called all its witnesses and adjournment was taken this morning. Mr. Hazle and Mr. Morris, for the state, put in a mass of corroborative evidence that showed McCann violently assaulted and killed Cicero, dealing him one blow, among others, that fractured his skull, and that John McCann fired the shot in the brain of Cicero, from the rifle which death ensued. As to McCann, the father, there was evidence of threats that he had spoken to the prisoner John about it, but denied that he had any ill-feeling toward the McCanns. He was asked if he had not been arrested in Tennessee, whence he removed to Washington six years ago, for running a distillery, and whether he had not taken counsel with Morris, the assistant prosecuting attorney, as to the possibility of his being examined on his past life in that moonshining state. He admitted having done so, but said he was not engaged in that business. The minor points of his testimony as to the murder were that he had held the rifle well to his earlier statements.

**Skills Are In Evidence.**  
There was an interesting display of the skills in the cross-examination of the very first witness called. This was Dr. P. Askan, the coroner, and he had rarely taken his seat on the witness stand when Mr. Lewis called for a newspaper and a graining skull. "As we will need a skull to refer to, I have brought my own," he observed. "Well, you said 'I have brought you,'" said Messrs. Hazle and Morris, in a breath, and they produced two more skulls.

The introduction of such ghastly paraphernalia is common in murder trials, and to see them carelessly handled about by the lawyers always gives the sensation of a far more or less than a trial. It was so in this case, and the thrilling part, the pathetically thrilling, came in when Mr. Lewis was cross-examining Dr. Neville as to the autopsy. Holding the skull in his hand, he asked in an indifferent manner: "Yes, to find the course of the bullet you saw the top of like this, and then took a chisel." The widow of the murdered man was sitting at the back, just inside the rail. At the mention of saw and chisel she suddenly sobbed, and then bowed her head into her handkerchief and wept bitterly. To her fevered imagination suggested a picture of suffering, as well as the horrible mutilation of her dead husband.

She is a pretty woman, with the pure oval contour, olive skin, hazel eyes and soft, dark, wavy hair, over a smooth, broad forehead of a typical Madonna. Yet she is of American parentage on both sides, and was born and brought up in Indiana. She was dressed in black cloth, neatly and stylishly made. When the floodgates of her sad recollections were suddenly opened, she wept with the abandon of a child, but the paroxysms being passed, she prinked out the puff sleeves of her dress with the coquetry that in a pretty woman seems to be a part of her nature. Her mother and sister of the McCanns watched the play of the skulls and listened to the talk of sawing and chiseling with absorbing interest, but they did not cry. It did not refer to their dead.

**The Cause of the Wounds.**  
The cross-examination of the coroner was first as to the bruises on the face of the deceased, which were admitted to be such as a man might get by falling. The fracture on the left side of the head was also such as might be inflicted by a fall on a rock or on a stump, such as that near where the fatal shot took place, but when he was asked whether after receiving such a blow a man could walk an eighth of a mile, spend ten minutes, return that distance, and then be shot, he testified that for two or three minutes and throw and hold down a man as heavy as himself, the witness hesitated. Mr. Hazle introduced an objection that the expert testimony the question called for. Judge Hume testified said: "Let the witness answer." Witness at first said that after such a blow it would be impossible for a man to do what was described, and then he toned it down by saying: "I don't think it would be likely."

After the bullet wound had been described, he was asked to have the appearance of an explosive wound rather than a direct cut, as if the pistol had been held close and slung, such a wound were committing suicide. To this the doctor merely testified as to the character of the wound, crediting the suggestion of suicide.

In the cross-examination of Dr. L. C. Neville, who assisted at the autopsy, this suggestion of the policy of the defense was also marked. The questions were similar. Dr. Neville thought such a blow on the side of the head as that received by the deceased was enough to kill a man, but not immediately. It was true it would render him senseless. Both of these medical gentlemen were asked if they had noticed Dr. Miller at the autopsy, and admitted that they had, at which Mr. Lewis cast a look at the jury as if to intimate that they would hear something interesting upon this point when Dr. Miller was called by the defense.

Abner Davis, the first witness of the tragedy, was an old man with a wan face, in faded light clothes, who spoke in a low voice and mumbled so badly that when a question had been asked and made over to it the scope of his comprehension, he had to be asked to repeat his answer in a clearer tone. Having already told a story of the fracas between the McCanns and the dead man twice, he got through his direct testimony straight enough, but his cross-examination by Mr. Lewis was tedious, and the result for the defense did not seem to be very material. His testimony was to the effect that, as he was at work on the road, the two McCanns came, and while Jim struck the coroner on the side of the head with something in his pocket, John threw off his vest and put his fists at Cicero, who had been knocked down by Jim, but who did not strike. He heard him call out, "Give him the gun, Jim," but Jim did not draw his revolver then. Witness stopped John and told him Jim had shot at Cicero. He also testified to the shooting, saying that he believed James did all or most of it.

**Map of the Scene of the Tragedy.**  
Just as Charles Hutchinson, another Avondale witness, was sworn, Mr. White brought out a map of the scene of the alleged murder for the use of the jury, and time could be permitted for the prosecuting attorney to look over and compare it. Judge Hume did not see why they should stop for that, and Mr. Morris then made a special plea, saying it would only take two minutes. "Then take your two minutes," replied Judge Hume. The counsel came in directly and tried to set up the map. As they did so the court hurried them by calling to Mr. Hazle to put the question to the witness. The counsel came in directly and cross-examination were long-drawn out, and in the reiteration of details afforded little enjoyment to the crowd in attendance, but it had the effect of making much dissipation in numbers throughout the whole day.

Hutchinson was the rancher who was on horseback at the time the two McCanns came along the Avondale road and shot Cicero.

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began the attack on Cicero. He described the first part of the quarrel, but the latter part, the actual shooting, he could not testify to because his horse became so scared at the noise in his cross-examination several startling questions were put by the defense. The first was whether witness was not in a Seattle restaurant the evening previous in company with Botsford, another witness, and whether when the proprietor asked what they were doing in town Botsford answered, "We are down here to fix up old McCann," and whether witness added, "Yes, and we are prepared to do him up this time." Witness answered that he did not say anything of the kind. He was asked if he had not been estranged to McCann's farm, and this he admitted and said he had spoken to the prisoner John about it, but denied that he had any ill-feeling toward the McCanns. He was asked if he had not been arrested in Tennessee, whence he removed to Washington six years ago, for running a distillery, and whether he had not taken counsel with Morris, the assistant prosecuting attorney, as to the possibility of his being examined on his past life in that moonshining state. He admitted having done so, but said he was not engaged in that business. The minor points of his testimony as to the murder were that he had held the rifle well to his earlier statements.

**An Eye-Witness's Story.**  
John Parham was an important witness from Avondale who was next called. He said: "I was down at Cicero's that morning to see the horse and to see what was down to where they were working on the road, John and Jim McCann came up, John at a trot. Jim went up to the deceased and took his pocket watch and an old father, did you, Cicero said, 'Oh, go on, or something of that sort. Jim took him by the hair, and with something he took from his coat pocket struck Cicero on the head and knocked him over. Jim struck him two or three times in the face."

Then John squared up to Cicero, and witness said, "I understand that you are too much." John said to him, "Give him some of that you've got in your pocket, Jim." Witness could see Jim raise his hand in his pocket, but he didn't take his hand out that time.

He saw Cicero go to the house and saw him all the time after his return with the rifle. John McCann called out to Cicero to go to the house, and Cicero came on and Jim fired three times at him. Cicero fired and Jim jumped for him. Cicero saw John coming and threw down the gun. Jim clinched and fell, Cicero on top, and John McCann turned and saw them in this position. He came back, took the revolver out of his brother's hand, and hitting Cicero by the collar, shot him in the back of the neck. He then gave the revolver to Jim, picked up the rifle and went away, with his arm round his brother.

When asked by Mr. Lewis what his business was witness answered, "a little of everything." He admitted that when Cicero came from the barn with the rifle John and James had better get out and shoot him before he can get to you." The defense also brought out that Cicero kept walking on while Jim shot at him three times, and yet didn't fire his rifle.

**Bringing in the Old Man.**  
John Henry Gordon was the first witness to seriously implicate McCann senior, and even his testimony was weakened by cross-examination. He testified that on the day of the killing, between 10 and 11 o'clock, he was with Cicero, and overheard a conversation between him and old McCann. The latter said, "I understand that you are going to do all you can against John on election day." Cicero replied: "I expect to." McCann said: "You are nothing but a gambler, and we'll put you where you won't bother us at election." Cicero admitted that this was a change from his first testimony, when he had testified that the expression was: "We will put you where you won't bother us." By a series of questions, Mr. Lewis endeavored to prove that this had reference to the fact that McCann claimed that Cicero was not a citizen, and that McCann intended to take steps to prevent his voting.

Edward Bokford, another neighbor, also testified to this wordy quarrel between old McCann and Cicero. Mr. Lewis again objected to such evidence on the ground that it was inadmissible as against John and William McCann, they not being present at the time. Mr. Lewis again objected to such evidence on the ground that it was inadmissible as against John and William McCann, they not being present at the time. Mr. Lewis again objected to such evidence on the ground that it was inadmissible as against John and William McCann, they not being present at the time.

**A Husband and Wife Together.**  
Mrs. Frank Ska, whose house is about a mile from McCann's, and also her husband, testified to McCann's version of the quarrel between himself and the deceased. Their account tallied in many respects. The wife quoted McCann as saying, "I have a great mind to let John give Cicero a good thrashing." Later on in his story McCann, according to her testimony, said: "I have a good mind to get Jim to knock his brains out."

She talked volubly on the witness stand, but her husband, who is an Italian, had some difficulty. In her cross-examination she again testified to both the expressions of McCann quoted. In his testimony he gave the later, and in cross-examination had to admit that in his testimony at the inquest he quoted McCann as saying: "I have a great mind to let Jimmy give a good thrashing to Cicero." McCann also said that if Cicero went to the polls he would not vote, and when asked why, McCann replied that Cicero was not a citizen.

**Campbell Pleads Guilty.**  
G. W. Campbell, charged with obtaining \$700 from Zolnden Bros. September 10, yesterday pleaded guilty before Judge Hume, who reserved sentence. Tang Chung Yow, accused of stealing \$51 and a blanket from one of his countrymen, pleaded not guilty.

**New Suits Filed.**  
The following new suits were filed yesterday in the superior court: First National bank of Seattle vs. C. W. Mullen and E. W. Way—Promissory note \$1,000. Mary L. Severance vs. Mary Rathbone Allen and W. F. Allen and the A. H. Holladay Company—Foreclosure, \$800. Solid vs. Loomis—Contract, \$100. W. P. Perrigo vs. ux—Foreclosure, \$19,200. William Farmier vs. Quirk First of Washington—Contract, \$100. Henry Western vs. J. P. Quirk and Annie Farrell—Goods delivered, \$25. Thomas Gilchrist vs. Emma Taylor et al.—Promissory note, \$2,000. Charles H. Baker, receiver Merchants National bank vs. the county of King—Excessive assessment.

**Court and County Notes.**  
County Treasurer Maple was in his office for a short while yesterday, feeling somewhat better, though he still carries his arm in a sling.

Judge Langley yesterday decreed cancellation of the judgment of Francisca Zinick and her children against the Sitka Mill Company.

The appeal bond of Adolph Krug has been approved, with William Ritterhoff, E. P. Sweeney, Arthur and Herb Hoffman, Schuler and wife as sureties.

Judge Langley yesterday appointed Alpheus Eyers guardian ad litem to represent Burton and William E. Egan in the suit brought against them by John Biakie.

Lewis J. Fowler, charged with maliciously destroying M. L. Alvord's water reservoir, was expected to plead yesterday, but he simply filed a demurrer, which will be argued Saturday.

Licenses to wed were issued Monday to William John Jones and Maggie Kelly, both of Seattle; and to John and Katie Keeley, both of Seattle; and yesterday to Owen Harp, of Seattle, and Nellie Graves, of Bremerton.

Judge Langley yesterday granted a non-suit in the Shaw will case, in which the widow of Jacob Shaw sought to break the will of the entire property, with Oregon title of \$15,000 to Grant Shaw and his sister, Mrs. Helen R. Millon.

The suit of Mrs. Sexton against the Oregon Improvement Company for \$10,000 damages sustained by the death of her husband in the Lewis and Clark company having the whole day in Judge Osborn's room yesterday and will be completed today.

THE VOTE CANVASSED  
Old School Board Prepares the Way for the New.  
TROUBLE OVER COAL CONTRACT  
O. I. Co. Sample Lots Accepted, but the Contract Divided—Davies' Old Account Paid.

The members of the board of education here working on a contract with the board, and within an hour and a half they had acted as a canvassing board, received themselves into a board of education, approved the tally sheets, and the board that was in arrears, approved the accounts for October, listened to a man with a grievance, had a little family quarrel over the board's support of the following day and overhauled an old book account of four years' standing.

The work of the canvassing board was soon done. As required by law, Justice Caldwell met with the directors, all of whom were present, and when Secretary Ogden had called out the tally sheets, Chairman Collett declared the following as the official result of Saturday's election, the figures agreeing substantially with those already given by the Post-Intelligencer:

For full term of three years—  
Chilberg ..... 4,983  
Wells ..... 3,832  
Stedman ..... 1,193  
FOX ..... 1,000  
Winslip ..... 905  
To fill unexpired term—  
Thomas ..... 3,677  
Bell ..... 2,238  
Total vote ..... 8,936

The secretary was instructed to notify the county superintendent of schools and the county board of election to Messrs. Chilberg and Wells for the full-term and Mrs. Thomas for the unexpired term. Then the canvassing board about 11 o'clock met on the board of education convened.

The most important item of business turned up in the refusal to carry out what was claimed to be a contract with the Oregon Improvement Company for the public school coal supply for the current season, amounting, according to Secretary Ogden's estimate, to \$120,000. The following extracts from the Journal of the board show the beginning of the affair. Bids had just been opened for the coal supply, when it was ordered that the Oregon Improvement Company deliver one car load of May Creek double-screened lump coal to each school, and the contract with the Oregon Improvement Company to furnish coal to the district for the remainder of the present school year.

The proposition made to the Oregon Improvement Company in accordance with this action, had been accepted by the company, the coal had been delivered, the janitors of the contract satisfactory, and last night Frank E. Burns, coal agent for the Oregon Improvement Company, addressed a letter to the board of education, in which he stated that the letter had been read, King moved that the contract be awarded to the Oregon Improvement Company, but his motion was seconded by MacDougall, who moved that the contract be equally divided between the Oregon Improvement Company and the Seattle Coal and Iron Company, the latter having the double screened Bryant medium coal at \$2.02. There was a sharp discussion, during which Mr. Burns appeared, and claiming that the conditions imposed by the board, and was entitled to the following vote on the motion: MacDougall, 10; Chilberg, 10; King, 10; T. W. Sexton, 10; and the motion was carried by a vote of 40 to 10.

The balance of \$108 on an old account of G. Davies & Co. against the school district, which was paid by the board, and now in the libraries of the various schools was allowed and ordered paid, only King voting against it, with the statement that the account had been paid by the board, and that no more about it to vote for paying it. Mr. Davies was present, and looked happy at the prospect of getting the money, which he has waited four and a half years.

**CONFIRMED THE CHOICE.**  
Commissioners Name Black Diamond Road Supervisor—Experts Report.  
The board of county commissioners yesterday appointed E. W. Harper supervisor of road district No. 28, the Black Diamond district, for the term beginning January 1, 1936. The appointment is only in conjunction with the election of the two candidates, J. W. Harper and J. W. Watkins, agreed as a solution of the vote at the regular election, September 2, when each received 57 votes. In the advisory election Harper received 109 votes and Watkins 54, and yesterday the board ratified the people's choice.

Most of the session yesterday was spent in the discussion of the contract with the Oregon Improvement Company for the public school coal supply for the current season, amounting, according to Secretary Ogden's estimate, to \$120,000.

**PET Cigarettes**  
are again on sale by all progressive dealers.

In auditing small bills. The report of the experts charged with the examination of ex-Treasurer Byron Phelps' accounts was formally accepted and filed. The board renewed the liquor license of Brown & Kaler, of Georgetown, and approved the bond of O. E. Anrud, A. Gurley and R. A. Tosh, the recently elected commissioners for the Squak slough drainage district.

**His Wife is Safe for Thirty Days.**  
Robert Nickols, who considered it necessary two months ago to thrash his wife, yesterday pleaded guilty before Judge Glasgow and was sentenced to thirty days in the city jail. Since the offense he has been conveniently absent from the city and was arrested immediately on his return yesterday morning.

**Scarlet Fever Case From Townsend.**  
Health Officer Palmer reports no new cases of scarletina outside of those houses already quarantined, except that of Ethel Edwards, who lives at 217 Lake View street. She contracted the disease in Port Townsend while on a visit, and the rash had already appeared before her return.

**the doctors**  
approve of Scott's Emulsion. For whom? For men and women who are weak, when they should be strong; for babies and children who are thin, when they should be fat; for all who get no nourishment from their food. Poor blood is starved blood. Consumption and Scrofula never come without this starvation. And nothing is better for starved blood than cod-liver oil. Scott's Emulsion is cod-liver oil with the fish-fat taste taken out.

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Dry Goods, Clothing, Wearing Apparel and Household Furnishing Goods at closer prices than have yet been quoted in Seattle. If you are interested in money-saving this is the place to buy such goods.

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We have a full stock of this perfect interlining: Sponge Crepon is the best interlining made; it retains its shape indefinitely and is satisfactory in every particular.

**Domestic Values.**  
Just opened a new line of Outing Flannels, best quality, 10c. 10-4 Gray Blankets, fine grade, 55c. 10-4 White Cotton Blankets, 75c. 10-4 Gray Wool Blankets, extra heavy, 60c. 10-4 Gray Wool Blankets, 75c. 11-4 Gray All-Wool Blankets, very warm, regular 55 quality, special, \$3.50.

**Shoes at Reduced Prices.**  
Our stock is now complete, consisting of ladies' misses', children's, boys' and youths' fine shoes, in all the latest styles. We quote prices for this week lower than ever.

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Special Children's Wool Hose, 10c, 15c, 20c, 25c, 33-1-3c pair.  
Ladies' Combination Suits, \$1.50, \$2, \$2.50.  
Children's, 55c, \$1.25, \$1.50 to \$3.50 suit.

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Sole agents in Seattle for Dunlap hats.  
**Boys' Clothing.**  
Boys' reeders, \$2.00, \$3.00.  
Cape overcoats, \$2.50, \$3.50, \$4.75.  
Cape overcoats in extra heavy blue beaver, \$5.00.  
Boys' slaters, \$7, \$7.50.  
Boys' mackintoshes, \$3.00, \$3.75.

**Clothing.**  
Good weather for overcoats and mackintoshes.  
Overcoats in blue and black jerseys, \$10, \$15, \$18.  
Mackintoshes in blue and black chevrons, serges, tricots and diagonals, \$4, \$6, \$7.50, \$12, \$15.00, \$18.  
Nobby styles in our imported mackintoshes, \$20 and \$22.50.  
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