

ADVISERS MEET BOY IN SHORT PANTS TRIED FOR MURDER FOUR CHAPTERS

Road Problems in Coos County Presented by 25 of Committee Wednesday

The advisory committee to the County Court on roads met at the court house Wednesday evening with President Morrison in the chair and Wm. A. Reid, of Marshfield, as secretary.

The following changes in representation from the various districts were announced as having been made at district meetings in the past two weeks:

In district No. 3, H. A. Walker succeeds Fred Larsen.

In District No. 6, E. H. Koger succeeds C. A. Rodine.

In District No. 15, J. N. Gearhart succeeds J. D. Bennett.

In District No. 21, C. D. Jarman succeeds Geo. W. Dafoe.

In District No. 26, E. E. Weekley succeeds J. H. Shields.

Twenty-five of the thirty-six districts in the county were represented, which spoke well for the interest in roads considering that the rains of the past four days had put most of the wagon roads of the county on the blink.

Judge Wade said the County Court was much pleased with the previous meeting on Oct. 15, and that he was sure that it would prove that many heads would be better than one when it came to deciding on a road program.

In the matter of a committee to counsel with the state highway commission and learn what more they would do for Coos county if another bond issue was voted, the following members were named: Chas. Hall, L. J. Simpson and Elbert Dyer.

The new road map showing the districts as re-arranged in September by the County Court was presented to the meeting by Charles Hall and ordered made a part of the records of the committee. Numbers of blue print copies of this map from the county surveyor's office were on display in the room and it is expected that copies for each of the districts showing its exact boundaries will be provided for the committee.

To secure working funds for the committee different means were proposed, but it was finally decided to permit the commercial clubs of the various cities of the county to donate \$5 each for that purpose. R. H. Mast, treasurer of the old Good Roads Association, was also permitted to turn over the funds in his hands to the treasurer of this association. (This method of raising money is to be commended as better than the "Drives" which have become so common since the war.)

The secretary of the committee was made its treasurer and a vice president was elected by ballot. W. T. Dement, L. J. Cary and J. N. Gearhart were placed in nomination. The result was the election of Mr. Dement by 16 votes to eight for Cary and two for Gearhart.

Charles Hall moved that the representatives of the various districts be asked to state what they desire for the districts or for certain roads and that these statements be made a part of the records. Mr. Gearhart supplemented this with a motion that each district make a record of its road needs and an estimate of what the work would cost, for the secretary.

The statements by the committee-men present which followed were illuminating as to road conditions in Coos county, but it is entirely beyond the limits of our space and time to transcribe our notes for this week's issue. A few statements must suffice.

The upper Coos river country was declared by Mr. Mercer to be absolutely without roads. They weren't asking for paved roads—only rock or gravel.

Marshfield wanted the 100 yards of county road between that city and North Bend paved. There is, of course, an immense amount of travel there.

J. D. Laird, of Sitkum, wanted the Coos Bay wagon road put in shape for a market road to the Bay, where they could always find a market for anything and all the produce they had for sale. The plank road to Coquille was worn out and they wouldn't be able to come here over it much longer. They were going to get a lot of back taxes pretty soon. The farm people,

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Harold Howell, Charged With the Murder of Lillian Leuthold, Faces His Accusers Without Flinching—Strong Points of the Prosecution and Defense as Stated by Witnesses—Full Resume of Testimony up to This Morning

The case of the state of Oregon against Harold Howell, the 15-year-old boy charged with the murder of Lillian Leuthold, a pretty sixteen-year-old school girl at Bandon on the 27th of last July, was called in the Circuit Court here Monday, and nearly the whole day was spent in securing a jury.

The jurymen selected to try the case were: Walter Laird, Sitkum rancher; P. W. Laird, Myrtle Point bank clerk; Max H. Dement, Myrtle Point rancher; Carl L. Davis, Marshfield timber expert; George Brownson, Bridge farmer; Henry Bryant, Bridge farmer; Joseph Olin, North Bend clerk; E. E. Hampton, Arago rancher; Ray Dement, Myrtle Point stockman; Lloyd Spire, Myrtle Point farmer; E. C. Mather, North Bend business man; Geo. S. Davis, Coquille, retired farmer.

Nine jurors were excused during the day after being questioned as to their qualifications: C. S. Winsor, W. E. Bettys, T. P. Hanley, T. M. Hermann, Mcir Dano, Henry Lorenz, Marion T. Clinton, Claude Nasburg, J. A. Lamb.

At two o'clock Sheriff Gago went out to summon five more talesmen, but all the jurors above named except Geo. S. Davis, were from the regular panel.

The only witnesses examined on Monday was A. E. Hadsell, a civil engineer, who had prepared a map of the scene of the tragedy with distances between all the principal points indicated. Mr. Hadsell's examination was concluded Tuesday morning. After that the majority of the witnesses for the prosecution were called before the court adjourned in the evening.

That morning the court room was filled and all the afternoon it was densely packed with many of the audience standing. It looked like a movie audience when some popular specialty was being shown.

The strongest testimony given for the defense was probably by the state witness in giving the time at which they had been the defendant near the time of the tragedy.

Joseph Warden, at whose house the Howell boy spent much of that fateful Sunday afternoon, swore that he was five minutes before six when the boy went out of his gate and that he went around the barn and out to the north towards his own home and not to the west where the tragedy occurred. Indeed he made it a good deal stronger than that by saying he could hear the boy hollering as he went down through the timber still farther toward his home and away from the scene. Asked what the boy was saying Warden repeatedly answered that he was hollering "just as a boy would."

According to his testimony Howell played cards on the kitchen table with Carroll Warden until Mrs. Warden wanted to use the table to get supper, when Harold said it was "about supper time" for him and started for home, taking his gun with him—the rebored 22 which cuts such a figure in the case.

Carroll Warden, his son, also testified to the same effect, as did his mother, Mrs. Ella Warden.

Then came Dan Kooztz, an uncle of the Howell boy, who was at the Howell home and said Harold got there at five minutes past six and that the boy then staid there until 6:30.

It was evident to everybody that if Harold was at these places at the time given he could not have been where Lillian was killed at the time the crime was committed.

H. C. West, a rancher who lives nearer than any other to the scene of the crime, testified as to what he was doing after coming home from church that Sunday afternoon at 4:30 and that about six, when he knew he must be at the evening services in an hour, so his attention was called to the time, he heard some one holler in a high voice, but couldn't call it a scream. He stood up on a fence and heard the voice of a man hollering twice. Then he heard a shot and two or three seconds later another. If those were the shots that killed Lillian Leuthold, it must have been about six o'clock when that event occurred. And that it was very near that time

was the testimony of Mrs. Jennings at whose house Lillian visited that afternoon. Bertha Jennings testified that when she and Lillian went out of the house that afternoon the clock struck five. Then they picked berries and ate them, and she picked flowers and gave them to Lillian. Finally Mrs. Jennings told the Leuthold girl that it was getting toward six and that it was time for her to be going home. She said she repeated this statement. While she would not attempt to state the exact time, she said it was nearer six than five. Bertha testified that Lillian was a fast walker and it would take her fifteen or twenty minutes to reach the scene of the tragedy. She had timed herself in walking from her home over to the ferry road, a little beyond where Lillian was killed and it took her twenty minutes.

All this tended to fix the time of the murder at not much earlier than six o'clock.

Taking these different bits of testimony and putting them together it was plain that unless somebody was mistaken as to time, Harold could not have been where Lillian was shot at the time that event occurred. And they all seemed to keep their time by the same standard—the Moore Mill. Of course, these state witnesses were not disinterested and the testimony as to the time Harold Howell reached home must be considered with that in view.

Taking up again the testimony of H. C. West where we left off above, he went on to say something he related to the time, which had an unexpected result. He said after the sound of the shooting he heard some one whistle five times. His place was 150 yards from the scene of the murder. The district attorney at once called Mr. West's attention to a conversation he had with him two days after the murder and wanted to know if he told him about the whistling then and why he did not, but the attorney for the defense objected to this line of questioning him in regard to that conversation and the objection was sustained.

But Hall was not the only one surprised by this statement of West's, for McKnight immediately announced that he would later call West to the stand and make him a witness for the defense.

Mrs. Leuthold, the mother of the murdered girl, testified that there had never been any trouble between the Howell boy and her daughter, that she had seen him in the yard when he was around her house with other boys, that she didn't know anything to lead her to suppose that he killed her daughter, "except what I've seen."

John Leuthold, the father, retold the story of the missing girl and the finding of the body, how she was lying 20 feet from the edge of the road with her head towards the road. Her clothing was all pulled up above her head from her breasts down. When shown a coat his answer was as laconic as Jacob's, "It is my daughter's coat." He never knew Harold and never knew of any trouble between the families.

Melissa Jennings, at whose home Lillian was visiting that Sunday afternoon, told about the finding of the body, seeing the pool of blood near the log, she said "Mr. Leuthold, here is blood." He followed the trail into the bushes and in a moment exclaimed, "Oh, my God, here she is." Her back was all covered with black and blue bruises. In answer to a question whether her own 24-year-old son had not been accused of the crime, she said:

"The mob did accuse him."

Bertha Jennings told of her intimacy with Lillian and identified the hat shown her with the bullet holes through one side as the one Lillian had worn the last time she saw her. She also said she wore a plush coat and red tan slippers. The district attorney asked her which was the front of the hat and she indicated it. Of course, no woman would have asked such a question, but any man would.

Dr. R. B. Leap, of Bandon, saw the body of the dead girl, where she was found and afterwards in the morgue. She was shot twice, the first time on the right side from behind, the second

time from the left, the bullet going through the head and being taken out about where the first went in.

The doctor identified the clothing of the dead girl. There was a mark on the body, a scratch with the skin not broken through. It began eight or ten inches below the shoulder and was 6 or 8 inches in length. There were marks on the skin above the knee but the skin was not broken. They looked like finger prints. He saw the body an hour or so after it was found. There were no bruises on the arms but indications of hands as there were above the knees. Either shot would have killed her, the first not necessarily at once but the second must have resulted in instant death.

W. R. Mavty, the Bandon undertaker who cared for the body, identified Lillian's clothing, which was stained with great patches of blood where the body had been dragged through a pool of blood. The skirt was torn when taken from the body just as it is now. So it was with the under vest, except for the cut that was made to remove it from the body. The dress, too, was cut and the witness thought the coroner did this when he removed it from the body.

F. E. Wilson, the county coroner, testified to holding an inquest on the body. The body had light marks across the back and hips and one pretty heavy mark across the abdomen.

He found a gun at the Howell home, which was marked, "22 long rifle." Here the witness was asked whether he had compared a bullet he fired from this gun with the bullet taken from Lillian's head.

Here a lively crap occurred between the attorneys, McKnight offering authorities to support his contention that the attempted identification was not admissible testimony and Sherwood bringing forward authorities to show that it was. The court took the matter under advisement.

What the attorneys for the state wanted to show was that the marks made by the rifling channels of the gun were identical in the two bullets—the one that went through Lillian's head and the one that the coroner shot from the Howell rebored rifle into a clay bank.

McKnight's motion to strike out this testimony was denied.

The second time he called at the Howell home to get the weapons they had, the boy didn't try to cover up anything.

Bessie Oman, an elderly lady, who said she lived not more than a quarter of a mile from the scene of the tragedy, heard shooting near six o'clock, two shots, when she was out in her yard. They were perhaps half a minute apart.

Lawrence Leuthold, a thirteen-year-old brother of the murdered girl, testified to being out in the woods with Harold Howell and Carroll Warden on the afternoon the crime was committed—only 100 yards above the scene of the killing. He identified the gun shown him as the gun Harold Howell had that afternoon and said there was the letter "H" on the cart-ridges. They did some shooting at that place, fired at a stick thrown up in the air and three times at chipmunks.

They separated about 4 o'clock and the other boys went towards the Warden home. The shells were not found.

Carroll Warden, who was arrested shortly after the murder as a suspect but discharged before the preliminary, was called. Harold Howell came to his home at 2 p. m. the Sunday of the murder. They fired three shots out of his gun and three out of Harold's. Harold went home between five and ten minutes before six. Went up afterwards to the place where they were shooting that afternoon, with Lawrence Leuthold and a detective. Found two shells. He marked these shells with a knife on the side with his initials, but he identified one, saying, "This is one of them."

John Leuthold testifying again said he and his son, John, found two shells near where his daughter was killed by shifting the dust of the road through a dishpan punched with holes for about nine feet along it. He said: "One pan we got one shell and the next another, right where the biggest

pool of blood was we found them. They couldn't have been a foot apart."

I. H. Willard, 73 years of age, helped hunt these shells and gave exactly identical testimony about finding them. W. McKay testified to the same effect and identified the shells shown him as the ones they found there.

John Leuthold told of finding another shell no longer ago than last Thursday where the boys were shooting that Sunday afternoon, and Sheriff W. W. Gage identified the shell.

The testimony for the state continued through nearly all of Wednesday.

Sam Whetstone, the Coquille gunsmith, told how both the bullet taken from the head of the murdered girl and the shell Coroner Wilson fired from Harold Howell's gun had the identical irregular markings due to the irregularities in the barrel of the rebored gun, and how they must be different from the markings on bullets made by any other gun.

Whetstone expressed the opinion that the shot that killed Lillian Leuthold could have been fired from no other gun except Howell's.

George Tribbey testified that the Howell gun had been rebored to shoot a 25 bullet and that the work had been done by an amateur.

J. W. Riley, the detective employed on the case, testified about cutting the bloody pockets out of Harold Howell's trousers and sending them to Dr. Benson at Portland for a microscopic examination.

Dr. Robert L. Benson, of Portland, an expert in blood stains, testified that in the left hand pocket of Harold's trousers there were stains of blood that were beyond any question of doubt made by human blood.

When the state rested its case Wednesday evening John Kronenberg was called as the first witness for the defense told of picking up the Howell boy when out in his automobile and said he had a rabbit that had been shot and that was bleeding. J. C. Goodman and Eddie Lewis both told of Harold's having killed a rabbit.

Mrs. Joseph Warden testified that eleven days before the murder Harold had cut his thumb with a knife and that it was bleeding, so that it will, of course, be argued that is where the human blood stains on his trousers' pocket came from.

Mrs. Howell, the boy's mother, testified to having burned a lot of trash after the murder and that an apple box full of old shoes went into the fire among which were the shoes Harold wore on the day of the murder.

Dan Kooztz, the boy's uncle, testified to having walked from Howells' to Wardens' in 8 minutes. He had no watch and when Mr. Sherwood asked him to tell the time of Harold's goings and comings at home on other days that the Sunday, he had testified about, he was all at sea and couldn't give a single instance.

The matter of the places where the defendant was on Sunday afternoon about six o'clock was gone over again in great detail by the people who had testified for the state.

The testimony offered by the defense yesterday evening and this morning indicated several lines of argument.

Fred Fieger and Ed Biescke, Bandon stage drivers or teamsters, testified to measuring a lot of tracks, evidently made on Sunday because they were crusted over by a shower that night, running up the hill a quarter of a mile from the place where the girl was murdered. Fieger said they measured every other track for 250 yards and found them all 10 1/2 inches long.

Biescke testified they went a quarter of a mile and measured ten or fifteen tracks of that size and about half as many that were 11 1/2 inches long.

Rolla Lewis testified this morning to conditions on the 20-foot trail leading from the road to the place where Lillian's body was found. He saw blood on the ferns and blackberry vines. Some fern was crumpled up but the brake and briars not so much. There were twenty to 40 people there when he arrived.

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\$400 Fine and 4 Months in Jail Here for the Greek Bootleggers

The last booze story we have had been published as a serial in the dailies. The first chapter was staged at Roseburg last week where Sheriff Quine and his deputies captured 40 cases of liquor which was loaded in two automobiles in an attempt to run it through, presumably to Seattle. One auto escaped. Sheriff Quine was assisted by Deputy Sheriff Rafferty and Constable Dillard. They got a tip from Myrtle Creek that the cars loaded with contraband liquor were on the way to Roseburg. Two cars were captured and 40 cases were shot in the tire of the third but it got away.

The Roseburg Review gives the following interesting details of the arrests:

"Twenty-two cases of whiskey were said to have been in one of the cars, while 18 cases is the amount declared to have been contained in the other."

The lady, who gave her name as Mrs. F. Miller, and who is believed to be the wife of one of the two men in the first car, attempted to persuade the officer in charge of her car that she should not be arrested, as she was a woman and traveling alone, but the officer was not seductive and the pleas were unavailing. The driver of the second car was Bert Brown, both captives giving their address as Seattle. The officers think that Brown and Mr. Miller, if the latter was the driver of the car which escaped, were the owners or the responsible parties for the booze.

The man was fined \$250 and the woman \$150, a total of \$400 for the two. The money was paid and they left town.

The scene of the second chapter was laid in the Rock creek canyon, where the cars that escaped with a hole in its tire got stuck and was pulled out by P. W. Laird, with his auto stage. The Greeks, who were driving it had offered him \$10 to get them out of the bog, but when they were out they put up only one dollar. Laird, on reaching Myrtle Point tipped the outfit off to Marshal Jim Brown, telling him what kind of a cargo they had.

Sugar Loaf Mountain is the scene of Chapter 3. There Marshal Brown met the Greeks. He examined their car and found it full of bottled whiskey. This was transferred to the marshal's car and the officer got in with the other two men and took them to Myrtle Point and later to Coquille, where they were landed in jail. They were both Greeks and claimed that they got the whiskey at Medford and were going to ship it from Marshfield to Portland. It was thought at Roseburg that the original destination of the cars was Seattle, but they had got off their schedule and any port would do in a storm.

Monday morning the Greeks were taken before Justice Stanley and pleaded guilty right off the bat. They gave their names as Peter Gloia and Albert Roth, the latter evidently being a temporary one.

The stuff captured with them consisted of 59 quarts of Nelson whiskey, 23 quarts of the Pepper brand, and 11 of Elmwood. Besides this there were 69 1/2 pints of Cedar Brook. It requires but little figuring to see that at the price the stuff is quoted today—\$15 a quart—they would have realized almost \$2000 from the sale of this auto load which a busted tire sent astray.

Justice Stanley sentenced each of the men to four months imprisonment in the county, all and to pay a fine of \$400.

The latter will evidently be easy, as one of the men is reported to have a bank book showing a deposit of over \$30,000 in a Portland bank.

In sentencing them Justice Stanley said:

"You are accused of violating the prohibition laws of this State. The people of this state have said repeatedly, at the polls and through their legislators, that intoxicating liquors are not wanted in this State and a heavy penalty has been fixed for violating this law."

"You have deliberately started out to violate a law of the State; to this Court that is more reprehensible than it would be to injure a man seriously during a sudden heat of passion, because you premeditated a violation of a law."

"This Court hereby serves notice on you and through you to all persons

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