

## *Henry Olson*

ILLINOIS

**T**HE citizens of Rockford, Illinois, were horrified by the cold-blooded murder of Floyd Stotler.

Floyd and his father, Orville Stotler, were in charge of the Hart Oil Station at the corner of Broadway and Kishwaukee Streets in Rockford at about nine o'clock on the evening of September 6, 1927. Father Stotler had finally found an opportunity, after nine o'clock, to glance over his daily paper, only to be startlingly interrupted by two young masked bandits, who, at pistol points, ordered his son Floyd to "stick them up." Floyd replied, "Put them down and quit your fooling. What is the joke anyway?" One bandit snapped back, "Stick them up, we mean it, stick up."

Floyd grabbed for one of the bandits—a shot was fired, and the bandits disappeared through the door into the night, deserting the Chrysler roadster in which they had driven up to the filling station. Floyd slumped to the floor, crumpled and bleeding, in great agony.

Police Officers Lloyd Fry and John Ott, from headquarters, responded to a hurry call. They took Floyd to the hospital, where he received immediate attention. An emergency operation was unsuccessful, and Floyd died.

The Police Department of Rockford and the sheriff of Winnebago County at once began the search for clues. The only tangible bit of evidence at hand was the .22-caliber bullet taken from the body. The Chrysler car was found to have been stolen in Rockford. A number of suspects were picked up and held for questioning. The night of the murder, police officers called at the home of Henry Olson, a twenty-six-year-old mechanic who lived only about a block from the Hart Oil Station. Henry did not have a good reputation among the officers of the law, and they investigated him when Orville Stotler's description of the general build of one of the bandits seemed to fit Olson. The officers questioned various members of the family concerning Henry Olson's whereabouts during the evening. The Olson statements, however, satisfied the police for the time being that

Henry had spent the evening at home with his young wife and other members of his family. Stotler could not give a complete description because the bandits had worn handkerchief masks, almost completely covering their faces, except for holes for the eyes.

Various suspects were brought before Father Stotler for identification. Some he eliminated, but of others he was not sure. These were presented to him a second and a third time, and he studied them from all angles, with caps on and caps off. About a week after the shooting, Henry Olson was added to the group, and Stotler at once identified him as the bandit who had shot his son. Despite the mask, Stotler said that he could identify Henry by his high cheek bones, hollow cheeks, light hair, height, and general build.

With this positive identification, the case against Olson was presented by Prosecutor William D. Knight to a Grand Jury, under the foremanship of George F. Colton, which heard the testimony of Stotler and Physician Sheeche. An indictment for murder was returned against Olson on October 7, 1927, and the case called for trial on October 24, before Judge Arthur E. Fisher in the Circuit Court of Winnebago County. Olson was defended by Attorney Harry B. North of Rockford. The newspapers took a great interest in the case and supplied their readers with sensational news. The community thought Olson guilty.

Both the prosecution and the defense submitted testimony about the general location and situation of the oil station. Orville Stotler's positive identification of Olson was the only evidence connecting Olson with the murder. Defense Attorney North was convinced of his client's innocence and made strenuous efforts by cross-examination over the better part of two days to break down Stotler's identification.

Olson's defense was the alibi that he had spent the evening at home. Mr. and Mrs. Aaron Sanfordson, neighbors of the Olsons, testified that they had seen Olson sprinkling his lawn about six o'clock the evening of the tragedy, and that Mrs. Olson was then out. Emanuel Olson, his father, and Adolph Olson, his brother, said that they knew that Henry was at home at 8.30 and that they heard him moving about the

house after nine o'clock, the time of the shooting. Mrs. Sarah Olson, his mother, said that she had spent the evening on the porch of her home with Henry, the defendant, and that shortly after nine o'clock Henry's wife alighted from a bus across the street. Henry went to meet her. Then they all sat on the porch for a short time. The testimony of Mrs. Henry Olson's visit to her aunt, Mrs. Josie Glass, was corroborated by her sister, and by Mrs. Glass; and of her return on the bus, arriving at Kishwaukee and Buckbee Streets just about nine o'clock, by bus driver James Dounett. Mother Olson also testified that while she, Henry, and his wife were sitting on the porch Vito Turciano, a flagman at the Illinois Central station on Kishwaukee Street, came for a drink. Turciano confirmed this and said that when he came to the Olsons' house it was about 9.15. Shortly after this the family went to bed. The prosecutor's objection to the testimony of Henry's wife was sustained by the court so that she was not permitted to take the stand. According to the defense testimony, the first the Olsons heard of the tragedy was when the police called to question Henry during the night.

The defense further tried to weaken Stotler's identification by introducing testimony to show that his description of the bandit just after the murder varied from that given at the trial and also that for some days he was not sure which of several suspects, dissimilar in appearance, was the true culprit.

The case as thus outlined, and after arguments of counsel, was given to the jury with the Judge's instructions. The jury was locked up for the night. In the morning, they reported themselves deadlocked—six to six. Since there appeared to be no probability of an agreement on a verdict, Judge Fisher discharged the jury. The defendant was released on bond again until his new trial, which started on February 13, 1928. The jury this time, under Foreman Elvidge, found him guilty of murder, as charged in the indictment, upon practically the same evidence that had been used at the first trial, and fixed the penalty at life imprisonment in Joliet Penitentiary. Mr. North at once made a motion for

a new trial, and Judge Fisher permitted Olson to remain at liberty under a \$10,000 bond, thus evidencing his doubt of Olson's guilt, despite the verdict of the jury.

Thereupon, Olson vanished from Rockford. It was learned that he had driven with his wife in their car to Chicago and from there had telegraphed the family to come for the car. Henry and his wife disappeared completely. A nation-wide search was unsuccessful. There were rumors about Rockford that the second bandit was Olson's wife and that the escape had prevented her indictment. By the community, Olson's flight was considered an admission of guilt.

MR. NORTH, firmly believing his client innocent, continued his efforts to solve the mystery, and one day a fruitful lead came to him. A physician in the city reported that a maid-servant in his family had stated that Olson was not guilty. The police questioned her, but she denied making the statement or knowing anything about it. Later, she was taken by the police for further questioning. She then admitted that she had made the statement, and said that her eighteen-year-old sweetheart, Maurice Mahan, had boasted to her that he and his eighteen-year-old chum, George Bliss, had held up the filling station and that Bliss had done the shooting. These two boys were arrested and, questioned separately, finally confessed. They gave complete details concerning the facts, each corroborating the other, so that there was no doubt as to the genuineness of the confessions. They were indicted and arraigned and entered pleas of guilty before Judge Edward D. Shurtleff, whereupon Bliss was given a sentence of thirty years and Mahan, fourteen years, in the state penitentiary.

EVERY effort was made to locate Henry Olson and his wife, to give them the good news. The new developments were broadcast through the press and the radio with a message to Olson to return home. After some weeks, Mr. North received a telegram from Olson in New Orleans, where he had

finally seen the notice in the newspaper. Upon receiving assurances that the news story was true, the Olsons returned to Rockford. A new trial, his third within a period of six months, was ordered by Judge Fisher, and Olson was acquitted on March 16, 1928.

He settled down in Rockford, vindicated before the law and before the community.

THIS miscarriage of justice was due to mistaken identity. The positive identification by Orville Stotler, a victim of the tragedy, outweighed in the minds of the jury the mass of evidence which indicated that Olson was at home at the time of the shooting. The jury evidently preferred to believe that nearly a dozen people were perjuring themselves rather than admit that Father Stotler could have been mistaken. The fact that Olson "jumped" his bail confirmed the community in its belief that he must have been the murderer. As he left the court room, his emotions were a mixture of happiness and righteous indignation. It is perhaps superfluous to add that he was never compensated by the state of Illinois or anyone else for his ordeal.

#### BIBLIOGRAPHY

1. Records in the cases of: *People v. Olson*, Case No. 6180; and *People v. Bliss and Mahan*, Case No. 6210, Circuit Court, Winnebago County, Illinois.
2. Acknowledgments: Judge A. E. Fisher, Rockford, Ill.; Mr. H. B. North, attorney at law, Rockford, Ill.; Mr. Lewis F. Lake, Clerk of the Circuit Court, Rockford, Ill.; Mr. Edward L. McCleneghan, attorney at law, Rockford, Ill.