Merchant Patrolman Harry Elmer Baker | City of Hamilton



Age: 36
Served: 14 years
1904 to December 15, 1919

OFFICER

Harry was born July 22, 1882 in Oxford Township in Butler County, the first of eight children born to farmers, James and Sarah (Johnson) Baker. During his teen years, Harry was a fulltime farmer with his father in Reilly Township. About 1901, at 18, Harry moved to Hamilton. He joined the Merchant Police in about 1904.

Six years later, in 1910, he married Nellie May Davis, a telephone operator. Their first child, James Baker, died at birth in 1913 due to a difficult delivery. They had a daughter,

Dorothy Hina Baker, in 1915. In 1917 they lost another son, John Francis Baker, due to a difficult delivery. Their last child, Eva Mae Baker, was born in 1919. The four of them lived at 648 Miner. Harry was also a member of the Hamilton Lodge No. 39 of the Knights of Pythias.

By 1919, he had earned the reputation of being “cool, brave, efficient, modest, and unassuming, but vigilant in the discharge of his duties.”

BAKER/BARGER GANG

Kimber Baker

Baker was born December 17, 1898 in Pond Creek, Jackson County, Kentucky, the youngest of eight born to farmers, George W. and Sophia Lea Baker. He was born into the famous Baker-Howard Feud that had been going on for almost sixty years in the Clay, Owsley, and Jackson Counties region. The feud had already resulted in more than a hundred deaths, including murders of and by law enforcement officers, and, in January 1900, Kentucky’s governor. He clearly was raised to have no concern for authority, property, or life.

By 1910, George Baker moved his family to Hamilton, Ohio and worked odd jobs, including as a guard at the Mosler Safe Company. In 1913, he moved his family back to Jackson County, in Annville, and became a Deputy Sheriff for his kinsman, Sheriff William Baker. Kimber joined the United States Army from Annville. His military career was unremarkable, and he was discharged on May 28, 1919. By then, his mother was dead and most of his siblings scattered. His father was still a a deputy sheriff, but he was living in his son-in-law’s house. Kimber settled in Hamilton.

A near contemporary of Kimber Baker, if not associate, was

George W. Barrett, also involved in the feuds, including the "Battle of Manchester" in Clay County, would later flee the state, settle near Cincinnati, and in 1935 murder Federal Bureau of Investigation Special Agent Nelson Klein at College Corner, Ohio.

Hargis Callahan

Callahan was born April 26, 1901, in Breathitt, Kentucky to a politically powerful merchant and former sheriff, Edward Ned and Tymandy Callahan. The Callahans were involved in their own feuds in Breathitt County and if related to the Bakers, only vicariously so. Edward was a feud leader and when Hargis was 11 years old, his father was shot through heart from outside his general store. Soon after he died, *The Cincinnati Post* predicted that the 11-year-old would be heir apparent to the feud and would exact revenge. It is unknown how he came to be in Hamilton in 1919.

Nelson J. Barger

Barger was born September 1, 1897, in Owsley, Kentucky to farmers William Delaney and Seattie Barger. His father died when he was 17 years old. The Bargers were not known to be involved in the feuding in the region and by 1910, they were living in Pike County. He was drafted into the United States Army, fought during World War I and "severely wounded" in September 1918. He was discharged from the Army on June 28, 1919. At 23, he moved himself, his mother, and two sisters to Hamilton.

Nelson H. Barger

Nelson H. Barger, 4th cousin to Nelson J., was born during June 1894 in Owsley, Kentucky to farmers, Jackson and Menda Barger. These Bargers were also not known to be involved in the feuding. It is unknown how he came to be in Hamilton in 1919.

Justus Tucker Bowling

Bowling was born June 27, 1898, in Perry County, Kentucky to farmers, Elijah and Elizabeth Bowling. Perry county is contiguous to Owsley and Clay Counties, and Clay County Jailer John Bowling was killed during the feuds, but it is not known if or how closely he was related to the Bakers. He was still in Perry County in 1910. It is unknown how he came to be in Hamilton in 1919.

INCIDENT

On December 10, 1919, Nelson J. Barger borrowed a revolver from the proprietor of a poolroom. During the afternoon of December 14, 1919, he, Kimber Baker, Bowling, and Callahan met on B Street in Hamilton and planned to hold up a crap game and its operator, James Pappas, at an all-night restaurant on Court Street. Nelson H. Barger was not apparently among them.

By 11 p.m., the four men were armed with revolvers. Nelson J. Barger had two revolvers in .32 and .38 calibers. They split up and agreed to meet at the Grand Theater at Fourth and Court Streets about 1 a.m.

Barger and Baker arrived first at the theater about 1 a.m. on December 15, 1919.

At 1:06 a.m., Merchant Patrolman Baker sent in a report from the Second National bank, as was probably required every hour.

About 1:10 a.m., two temporary private policemen, Frank S. Brown and Charles Morton, hired by the merchants, found Barger and Baker loitering, and ordered them from the entrance.

About 1:15 a.m., **Patrolman Baker found them** loitering under the arch and near the stone pillar of the mill on the Fourth Street side. He inquired as to their business there at that time of

night. Their answers provoked suspicion and Patrolman Baker tried to detain them. They resisted, and Kimber Baker drew his revolver and fired.

Patrolman Baker grabbed at the revolver and scuffled with him. Barger, watching for a time from some five feet away, drew from his pocket the .32 caliber revolver, pointed it at Patrolman Baker, and twice pulled the trigger. The revolver did not fire. He then drew the .38 caliber revolver, aimed, and fired twice. The first round went into Patrolman Baker's back. The second shot missed Patrolman Baker and struck Kimber Baker in the left shoulder. Kimber Baker and Barger ran, leaving Patrolman Baker on the sidewalk.

The two shots were heard by Russell Sutherland from South Fourth Street and Maple Avenue. He also saw two people running south on Fourth Street and east on Maple Avenue. He responded to and found Patrolman Baker. He then ran to the Crystal restaurant to call the Police. There he found Thomas McGreevey, Municipal Court Clerk, who in turn notified the Police.

Several hours after the murder, Nelson J. Barger returned the revolver to the poolroom proprietor. He and Baker fled to Berea, Kentucky where they tried to hide out in the mountains.

DEATH

Patrolman Baker died within a few minutes of being shot, at 1:20 a.m. Barger's bullet entered his body about the left shoulder and passed through a both lung and the pericardium of the heart and shattered two ribs. His own firearm was still in his pocket.

In the span of six years, Nellie May Baker lost her two sons and husband. Also surviving him were his parents; daughters, Dorothy

Baker (5), and Eva May Baker (3); and siblings, David Baker, Homer Baker, Glenn Baker, Earl Baker, Mrs. Amanda McCormick, Mrs. Sadie Miller, Martha Baker, and Ethel Baker.

On December 18, 1919, the funeral took place from his home on Minor Avenue and, at 2:30 p.m., at the Church of Christ on East High Street. The funeral cortege came up Central Avenue and Second Street. At the Eagles Temple it was by an escort of 20 patrolmen under the command of Inspector Dulle, including Patrolmen O'Zimbleman, Zoller, Weismann, Keller, Josken, Clark, Hoffmann, Jones, McClellan, Huber, Boles, Garver, Koons, Thompson, Kieser, Everich, Gradolph, Knodel, Korb, and Hufnagel. The active pallbearers were Patrolmen William Bishop, John Keating, and John Cahill from the Police Force and W. J. Moran, George Sepin, and John Sampson from the Uniform Rank, Knights of Pythias. Reverend C. R. Sine officiated at the services in the home and at the church.

Patrolman Baker was buried December 18, 1919, in Greenwood Cemetery.

INVESTIGATION

Inspector Dulle, Detectives Hetterich and Reily, and Officers Welsh and Hufnagel were working at the time of the shooting and hurried to the scene and found Patrolman Baker dead. Coroner Edward Cook was called and removed the remains to the Bonner and Cahill Funeral Home.

Police recovered a cap that they thought might have been lost by one of the bandits. There were no witnesses to the killing, but the private police officers and Herbert Stricker saw the two men before the incident, and one was wearing a cap. Mr. Stricker later saw the two running and the one no longer had the cap. Descriptions of the two were broadcast to all the departments in the region. The cap that was found at the scene was fairly

unique and determined to have been manufactured in Cincinnati, so Detective Charles Herrmann went there to make inquiries. After visiting several facilities, he found identical caps for sale at Pettit and McKeown, 31-33 Main Street. He then found that one was sold to a young man at 328 South B Street in Hamilton.

After noon on the day of the shooting, Chief of Police Stricker and Director of Public Safety Henry B. Grevey announced they had a few clues. They thought there were only two suspects. Detective Peter Hetterich mentioned there was one clue and it was later made public that a cap was left at the scene with a tuft of hair still in it.

Several persons were arrested on the night of the 16th and morning of the 17th as possible suspects. Several more were arrested in a raid at 328 South B Street at 2:30 a.m. on the 17th. By the afternoon of the 17th, all but four had been released as murders suspects. Three of the four were Hargis Callahan, Kelch Barger (probably an alias for Nelson H. Barger), and Justus Bowling, reportedly arrested by Officers Bishop, Leonard, Guhill, and Niedermann. Those released included John Barger after he and Myrtle Barger gave statements exonerating themselves and implicating the other three.

By the 19th, it was widely believed that Hamilton officials were in Berea, Kentucky looking for suspects. The mood of the citizens of Hamilton was such that law enforcement officials kept information about arrests and non-arrests confidential for fear of kidnap and lynchings.

In fact, on the 18th, Detectives Charles W. Hermann took a long train ride to Bond, the Jackson County seat, arriving at 7:30 p.m. They were met by County Attorney L. C. Baldwin who informed

them that Kimber Baker was under arrest in the county jail and would be turned over to them in the morning. The detectives did not want to wait until morning, but Kimber's father being a Deputy Sherrif and kinsman to the Sheriff, the protests of the detectives were ignored.

Berea City Marshal R. J. Abner arrested Nelson J. Barger at Bobtown, Kentucky, about seven miles from Bereau on Friday the 20th. Detective Detterich traveled there and brought him back to Hamilton on Saturday, December 21, 1919. By December 21st, Nelson J. Barger was charged with First Degree Murder and the revolver he used had been turned over to Chief of Police Charles Stricker. At the Butler County Jail Barger provided a written confession to Safety Director Grevey and Butler County Detective Frank W. Clements.

JUSTICE

Prior to a Coroner's Inquest on December 27, 1919, only Nelson J. Barger was charged with the murder. After the Inquest, on December 30, 1919, Detective Herman had warrants signed against the other four, three of which were in custody and Kimber Baker was still in Kentucky. Chief Stricker explained that the warrants had been withheld originally for the three so that they could testify at the Coroner's Inquest against Nelson J. Barger. The four in custody were arraigned before Judge Kautz in Municipal Court. Counsel represented none, and all pleaded not guilty.

The Butler County Grand Jury indicted all five on January 17, 1920 for 1st Degree Murder and attempted Armed Robbery. Judge Clarence Murphy arraigned the four that were in custody.

Nelson J. Barger

Nelson J. Barger pleaded Guilty to the Murder but Not Guilty to the Robbery for which he also had been indicted.

On January 30, 1920, a pool of jurors was identified, and Barger's trial was set for March 1, 1920. During the trial, on March 5, 1920, Judge Clarence Murphy dropped the charge of Attempted Robbery. At the time, there was no "attempt robbery" charge in Ohio statutes and there was no overt action to rob the intended victim. Barger took the stand and repeated his confession, but during cross examination he blamed Kimber Baker for firing the fatal shot.

On March 6, 1920, the jury returned a verdict of guilt without a recommendation of mercy – the first such verdict in Butler County since 1904. On March 14, 1920, Judge Murphy sentenced Barger to die in the electric chair on July 30, 1920, in the Ohio Penitentiary.

Attorneys appealed the conviction, but the appeals court rejected the appeal in November 1920. On November 27, 1920, the District Court of Appeals issued a Death Warrant and set an execution date of January 21, 1921. Barger appealed to the Ohio Supreme Court on December 2, 1920 and on December 21, 1920 they refused to review the case.

On his last day in office, January 8, 1921, Governor Cox pardoned five felons and stayed the electrocution of Barger until March 1, 1921 in order to allow his attorneys to file another appeal to the Supreme Court. The court, however, threw that out on January 27, 1921. Barger was extremely ill with tuberculosis by then. After several more reprieves issued by the governor, Barger died on April 18, 1921. His body was returned to Hamilton for burial.

Nelson H. Barger

Justus Tucker Bowling

Hargis Callahan

Barger, Bowling, and Callahan pleaded Not Guilty.

On March 14, 1920, Judge Murphy found Nelson H. Barger guilty of carrying a concealed firearm and sentenced him to prison.

On October 7, 1920, an Ohio Supreme Court ruling, regarding the lack of an "attempt robbery" statute, caused the nulling of the 1st Degree Murder indictments for Bowling, Callahan, and Nelson H. Barger. Barger was still in prison for his gun charge, but Bowling and Callahan were released and returned to Kentucky and raised families.

Callahan might have gotten involved in the feuding business. He was shot once in 1924, but there are no other stories regarding his involvement.

Also in 1924, Barger died in prison of Meningitis.

Kimber Baker

On the morning that Kentucky officials agreed to hand over Baker, the Attorney informed the detectives that the prisoner had been released, on his own recognizance, to his father with the promise of his return in the morning. When he failed to show, Sheriff Baker advised, "He's up in the mountains somewhere," and made no apparent attempt to find him.

Detective Hermann, who stayed in Berea for the apprehension and return of Kimber Baker, returned empty handed on Monday, December 22, 1919. "We were simply double-crossed by the authorities down there in the case of Baker," said Hermann.

Other than by probably members of his family, Baker was never

heard from again.

EPILOGUE

By December 29, 1919 newspapers in Kentucky were calling for the removal of the Sheriff and his Deputy under a new constitutional amendment for removal of such public officials for failing in their duty. Kentucky's Governor Morrow assigned Commonwealth Attorney Godfrey Rader, supposedly of Danville (30 miles from Berea) to investigate. However, Rader actually originated from Jackson County. It was no surprise when, on March 6, 1920, Rader's "investigation" exonerated the Jackson County officials. Sheriff Baker denied that the prisoner was ever turned over to him and added that there was never a warrant shown for Kimber Baker's indictment.

Ironically, Sheriff William Baker was shot and killed in the line of duty not soon after, on May 2, 1921, when he and one of his deputies tried to quiet and threatened him with arrest as an alternative.

Sheriff P. S. Whitlock was elected Sheriff to replace William Baker in Jackson County, Kentucky and on his first day in office, he received from Hamilton Police Chief Stricker a notice of Kimber Baker being wanted for murder and the posting of a $500 reward. There is no indication that any serious actions were taken to find and turn over Baker.

Mrs. Harry Baker, on December 28, 1920, married Gordon Bruce Bates and moved to another state. She died on August 24, 1962 and was buried with her first husband, Patrolman Baker.



Patrolman Baker's great-nephew, Butler County Chief Deputy Sheriff Loren Baker, became aware of Patrolman Baker and was instrumental in having his name added to the National Law Enforcement Officers Memorial. Chief Deputy Baker spent years traveling through Kentucky and trying to track down Kimber Baker, to no avail.

Hamilton Police Chief Craig Bucheit presented to Chief Deputy Baker's family a proclamation commemorating the centennial anniversary of Patrolman Baker's murder at their annual open house on Tuesday, August 6, 2019.

Patrolman Baker's gravestone was sinking into the ground. Family members contacted the cemetery, and they raised the monument and added a police marker for $170.00.

If you know of any information, archives, artifacts, or images regarding this officer or incident, please contact the Greater Cincinnati Police Museum at Memorial@Police-Museum.org.

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