

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 to farmers, James and Sarah (Johnson) Baker. By 1900, at the age of 17, Harry, the oldest of eight children, was also farming with his father in Reilly Township. About a year later, when he was 18, Harry left the farm and went 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."

CRIMINALS

Kimber 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. Sophia died in 1902. By 1910, George W. Baker temporarily moved his family to Hamilton, Ohio and worked odd jobs, including as a guard at the Mosler Safe Company. By 1913, he returned to Jackson County and became a Deputy Sheriff to his brother, Sheriff William Baker. Kimber apparently stayed in Hamilton.

Nelson H. Barger was born during June 1894 in Owsley, Kentucky to farmers, Jackson and Menda Barger. During 1910, he was living in Elkhorn, Kentucky. It is unknown how he came to be in Hamilton in 1919.

Nelson J. Barger, 4th cousin to Nelson H., was born September 1, 1897 in Owsley, Kentucky to farmers, William Delaney and Seattie Barger. His father died when he was 17 years old. He was drafted into the United States Army, fought during World War I, and was discharged from the Army on June 28, 1919. At 23, he moved himself, his mother, and two sisters to Hamilton.

Justus Tucker Bowling was born June 27, 1898 in Perry County, Kentucky. To farmers, Elijah and Elizabeth Bowling. He was still in Perry County in 1910. It is unknown how he came to be in Hamilton in 1919.

Hargis Callahan was born April 26, 1901 in Breathitt, Kentucky to merchant Edward Ned and Tymandy Callahan. He was still in Breathitt during 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, Nelson J. Barger, Kimber Baker, Justus Bowling, and Hargis 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. About 11 p.m., the four men armed themselves with revolvers. Barger had a .32 revolver and a .38 caliber revolver. They met at the Grand Theater, agreed to split up and meet again at Fourth and Court Streets, and Bowling and Callahan left.

At 1:06 a.m., Merchant Patrolman Baker sent in a report from the Second National bank, as was probably required every hour on the hour. About 1:10 a.m., before Barger and Baker left, two temporary private policemen hired by the merchants, Frank S. Brown and Charles Morton, found Barger and Baker loitering and ordered them from the entrance to the theater. They arrived first at Fourth and Court Streets at about 1 a.m. on December 15, 1919.

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. 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 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 where he heard the sound of the shots and found Patrolman Baker. He then ran to the Crystal restaurant to call the Police, and found there Thomas McGreevey, Municipal Court Clerk, who in turn notified the Police.

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

FUNERAL

In the span of six years, Nellie May Baker lost her two sons and her husband. Also surviving him were his parents; daughters, Dorothy Baker (5) and 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 and at the Eagles Temple they were met by an escort, under the command of Inspector Dulle, of twenty patrolmen, including; 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. He was buried December 18, 1919, in Greenwood Cemetery.

INVESTIGATION

Inspector Dulle, Detectives Hetterich and Reily, and Officers Welsh and Hufnagel 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, probably 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.

Several hours after the murder, as yet unknown to the Police, the revolver was returned by Barger to the poolroom proprietor. Barger and Baker fled to Berea, Kentucky where they tried to hide out in the mountains.

That afternoon, 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.

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.

Several persons were arrested on the night of the 16th and morning of the 17th as possible suspects. Several more were arrested at 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 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 the 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 attempts to kidnap and lynch them.

In fact, Detectives Charles Hermann and Detterich were in Berea. Nelson J. Barger was arrested by City Marshal R. J. Abner on Friday the 20th. Detective Detterich brought him back to Hamilton on Saturday, December 21, 1919. When returned to Hamilton, he was immediately taken to the Butler County Jail where he provided a written confession to Safety Director Grevey and Butler County Detective Frank W. Clements. Confessions were also given by Justus Bowling and Hargis Callahan. 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.

Detective Hermann 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. "Baker had

been arrested on Thursday, the 18th, by L. C. Baldwin, city attorney of McKee, Jackson County" and he turned him over to Jackson County Sheriff William Baker, Kimber Baker's uncle. The sheriff's brother and Kimber Baker's father, a deputy sheriff, took the suspect home, supposedly agreeing to have him back to the jail by morning. He did not.

JUSTICE

Prior to a Coroner's Inquest on December 27, 1919, only Nelson J. Barger was charged with the murder and three others, Hargis Callahan, Nelson H. Barger, and Justus Bowling were held as material witnesses under a \$5000 bond. Not much is known from our sources about Nelson H. Barger, but it is apparent that he was somehow involved with the planning and probably, when arrested, was carrying a concealed firearm.

After the Inquest, on December 30, 1919, all four were arraigned before Judge Kautz in Municipal Court on warrants signed by Detective Hermann for Murder of the 1st Degree. None were represented by counsel and all pleaded not guilty. 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.

Sheriff P. S. Whitlock was elected Sheriff to replace William Baker in Jackson County, Kentucky and on January 1, 1921, 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. But Whitlock hired the former sheriff and Baker's uncle as a Deputy and we doubt any serious actions were taken to find and turn over Baker. By March 10, 1920 even the attorney general of Kentucky had dropped the investigation. Kimber Baker, as least using that name, has never been heard from again.

On January 17, 1920 Judge Clarence Murphy arraigned the defendants recently indicted by the Butler County Grand Jury. Nelson J. Barger pleaded Guilty to the Murder but Not Guilty to the Robbery for which he also had been indicted. Callahan, Nelson H. Barger, and Bowling pleaded Not Guilty. We believe Kimber Baker was also indicted for 1st Degree Murder and Robbery.

On January 30, 1920 a pool of jurors was identified, and Barger's trial was set for March 1, 1920.

At Barger's 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 guilty without a recommendation of mercy – the first such verdict in Butler County since 1904. On March 14, 1920, Judge Murphy sentenced Barger die in the electric chair on July 30, 1920, in the Ohio Penitentiary.

On March 14, 1920, Judge Murphy found Nelson H. Barger guilty of carrying a concealed firearm and sentenced him to prison. During 1924, he died in prison of Meningitis.

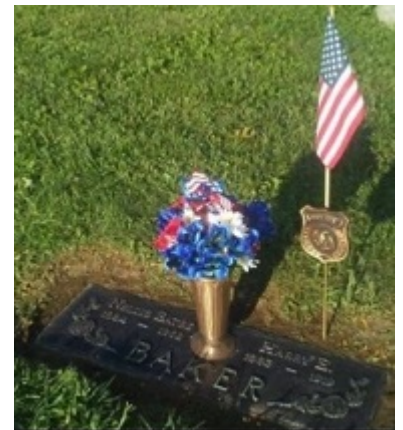
On October 7, 1920, an Ohio Supreme Court ruling, regarding the lack of an "attempt robbery" statute, eventually caused the nulling of the 1st Degree Murder indictments for Bowling, Callahan, and Nelson H. Barger. Barger was in prison already for his other conviction, but Bowling and Callahan were released and returned to Kentucky, raised families, and appear to have had normal lives.

Attorneys appealed the Nelson J. Barger's conviction, but the appeals court rejected the appeal during 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, on 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 very 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.

AFTERMATH



Mrs. Baker still lived at 648 Minor in 1920. On December 28, 1920, she remarried Gordon Bruce Bates and moved to another state. She passed away on August 24, 1962 and was buried with Patrolman Baker.

Patrolman Baker's great-nephew, 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.

Hamilton Police Chief Craig Bucheit presented to Chief Deputy Baker's widow a proclamation commemorating the hundredth anniversary of Patrolman Baker's murder at their annual open house on Tuesday, August 6, 2019. Family members were in attendance.

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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