

## KOCH'S FATE SOON TO BE DECIDED

Childs and Brown Address Jury in Masterful Efforts and the Twelve Will Soon Retire to Vote on Life or Death for Young Dentist.

## ACQUITTAL IS LOOKED FOR

Verdict for Defendant Expected by Most Although Many Think Jury Will Disagree.

The Koch murder trial is nearly over. The evidence on both sides is all in, the arguments to the jury are finished and now all that remains is the judge's charge before the twelve good men and true retire to their room to decide whether Dr. George R. Koch shall go free or hang.

The state rested its rebuttal yesterday morning at 9:20 and the defense announced that it had no rebuttal offer. General Childs then arose and began his address. It was a masterpiece, as every auditor soon felt. He went over the history of the crime and treated of every phase of the case and the defendant's possible connection with it.

When the noon recess was taken he was not near finished and after the judge's gavel opened court at 1:30 he spoke for over three hours more.

He finished with a peroration that for pure eloquence has seldom been equaled in an address to a jury and when he took his seat it could be plainly seen that he had made a strong impression on the jury.

L. L. Brown, who ever since the trial begun has been sitting quietly taking notes preparing for a great effort, began his address after a short recess had been taken. He talked for an hour and then left the rest of his argument for this morning.

Mr. Brown has a powerful delivery and a wonderfully logical way of presenting facts to a jury and they watch him with keen attention.

### ONLY EYE WITNESS TESTIFIES OF CRIME.

The testimony of Asa P. Brooks as given by the reporter for the St. Paul Globe is reproduced here and is as follows:

The general impression seems to be that Asa P. Brooks has made the defense easier. He was on the witness stand all the afternoon and the greater part of the morning, and though called by the court and therefore subject to a most rigid cross-examination on the part of the state, his testimony appeared to lose little of the firm effect it produced. When Judge Webber announced after the morning recess that the court would itself call Asa P. Brooks in order that both sides might have a chance to cross-examine him a sudden hush, unusual in its significance even for a court room, fell on the spectators. It was one of those dramatic silences that are more impressive than any sounds or any uttered words. And for several minutes after Mr. Brooks had seated himself in the witness chair, the court's tersely put questions, the witness' equally brief replies might easily have been heard in the corridors outside the court room.

### KOCH NOT THE MURDERER.

The court's questions led up to the all important one: "Was the man whom you saw kneeling beside the prostrate body when you looked into the room the defendant, George R. Koch?" and when the answer came, clear, firm and readily, "No sir, it was not," the silence in the room ceased to be felt, the suspense was over.

The state's attack began sharply and was brisk throughout. It sought to prove that statements previously made by Mr. Brooks belied the testimony he gave to the court. It was noticeable that the cross-examination did not claim the same hushed attention as the testimony to the court, yet what the latter was to be was known, the result of the former was unknown. The enigma of the New Ulm murder case remained still something of an enigma after he left the witness chair. He was not perceptibly ruffled by the rapid fire of questions of Gen. Childs.

He occasionally moved his hands, but only two or three times his position, and he never once seemed disturbed mentally. A man slow to make up his mind and perhaps over-conscious, one would be apt to decide after listening to his deliberate replies to the state's questions. He swore positively without a suggestion of hesitation, looking the defendant full in the face as he did so, that George R. Koch was not the man he had seen kneeling beside the body when he looked through the transom.

### PROSECUTION TRIES TO TRIP WITNESS.

The purpose of the cross-examination by the state was to show that immediately after the murder he had not been certain of this and therefore, by inference, that he had sworn falsely. In conducting the cross-examination Gen. Childs used a transcript of the testimony given by the witness at the coroner's inquest and during the investigation conducted by the citizens' committee. Mr. Brooks told the story familiar now to everybody in New Ulm, and perhaps in the state, of his discovery of the murder. Gen. Childs from the typewritten transcript, then read parts of the testimony given by Mr. Brooks to different individuals and during the various investigations in which he said that he would not swear that Dr. Koch was not the murderer and he would not swear that he was the murderer.

Asked if he had made this statement to the several persons and in the several instances mentioned, the witness admitted that he had, but he added that each time this statement was accompanied by an explanation which he asked permission to give.

### EXPLAINS CONTRADICTIONS.

That permission being finally given by the prosecution, the witness said in a very clear voice:

"I never made to any person the statement that I would not swear that Dr. Koch was not the murderer and that I would not swear that he was, without first explaining, that if it were possible for emotion or passion to so change a man's countenance that it was not recognizable, then the man I saw might have been Koch; and I always added that I did not think it possible for anyone so well acquainted with Dr. Koch as I was not to be able to recognize him by his figure, even if his face were changed."

The description which Mr. Brooks has so frequently given of the murderer, that he was below the medium height, very pale and had high cheek bones, he repeated. It is a general description that might fit the defendant and the state made the most of it.

When the defense took the witness it put questions with a view to emphasizing the fact that Mr. Brooks was a very close friend of the murdered man and merely a social acquaintance of the defendant; that he had mentioned after the murder that in general appearance the man he saw kneeling beside the prone body resembled a number of citizens of New Ulm.

Mr. Brooks did not once contradict himself during his long examination and both sides admitted that he made an ideal witness.

### SOMERVILLE OUT-LINES DEFENSE.

For half an hour Mr. Somerville poured forth an eloquent denunciation of the state's case. When he had finished a scathing reference to the refusal of the state to place Asa P. Brooks upon the witness stand, Mr. Somerville proceeded to outline the case of the defense.

"We will attempt no mitigation. We will show to you beyond a reasonable doubt that he did not commit this crime. We want not only an acquittal for this young man, but an exoneration. But before we get through we will show you a clue which, if this Pinkerton prosecution had followed it, you would not be here trying George R. Koch. We will show you that an unknown man was seen going into the stairway of Gebhardt's office a few minutes previous to Koch's coming out of the barbershop. We are not here as prosecutors, but we will furnish evidence pointing unmistakably to this man."

A summary of the points which the defense will take up in proving its case is as follows:

It will prove an alibi substantiated by the testimony of witnesses whose integrity is above suspicion. It will prove beyond a shadow of a doubt that Dr. G. R. Koch was at home at the time this foul murder was committed. It will be shown that he arrived there in his usual trim appearance, his clothing in absolute order, and with not a trace of that terrible excitement under which the perpetrator of a murder, hot from the scene of his dastardly crime, would have shown. It will produce evidence that will point with unmistakable certainty to the man who committed this crime. It will be evidence of unquestionable character. Further it will prove that Dr. G. R. Koch had sores on his hands on Monday, the day previous to the murder, and testimony will show how and when he received these injuries.

### HOW KOCH WAS INJURED

It will be shown that Dr. Koch received these injuries on Sunday while out driving with a young lady; that when he got out of the rig to shoot, the horse became frightened. That while Dr. Koch was running to catch hold of the horse, he fell, receiving not only injuries on his hands but a scratch on his face. It will be shown that Dr. Koch has in his possession the lead pencil it is alleged was found beside the body of the murdered dentist. It will show that Dr. Koch did not send the package of poison to Dr. Gebhardt, and the sample box received by Dr. Koch will be accounted for. It will be shown that Dr. Koch had enough arsenic for dentist purposes to kill a hundred men, and that if he had intended sending poison he would have used this rather than the bitter and easily detectable strychnine.

### HAMMER BELONGED TO GEBHARDT.

He did not have to steal poison from the medicine chest of a physician. The defense will not deny that the handkerchief at one time belonged to Koch, but it will be conclusively shown that there were many ways in which it might have come into the possession of another.

The defense will prove beyond a doubt that the hammer found beside the body of the murdered dentist was one which Gebhardt owned and had had in his office for some time previous to the crime.

As Mr. Somerville stood in front of the jurors he was the focus of all their eyes. As he took up the separate circumstances upon which the state rests its case, the jurors followed him carefully and were evidently much impressed.

### DR. VOGEL TESTIFIES TO KOCH'S CLOTHING

Several witnesses testified Thursday that he wore his everyday suit of clothes, a salt and pepper coat and vest and a striped pair of pants. Dr. Vogel, in particular, remembers this suit. He was with Koch until late in the evening and noticed Koch's trousers, in particular, when the dentist threw his legs over those of the witness while they were sitting in the law office of Hoidale & Somsen. It was also clearly shown that the doctor wore the same clothes on days immediately following the homicide.

The importance of this testimony is that no blood stains were found on Koch's clothes and as the murder was a particularly bloody one the establishment of this fact is a strong point for the defense.

WAS KOCH QUICK CHANGE ARTIST. Another strong point established is

found in the inquiry, which will undoubtedly be put to the jurors, viz:

Could Dr. Koch, who was seen in front of the barber shop immediately before the crime, wearing the clothing described, have thrown aside his overcoat and stiff hat, donned a slouch hat and then committed the murder?

Who ever perpetrated the dastardly deed jumped out of the rear window How then could Dr. Koch have regained in possession of his hat and overcoat in which he appeared on the street the next morning?

These questions appeal strongly to Koch's friends. He could not, it will be urged, have placed these articles in the alley after he passed the barber shop, this testimony shows, that some one was heard walking heavily up the stairs, leading to Dr. Gebhardt's office.

The proceedings of the afternoon had been tame, the witnesses being excused without cross examination and interest was growing listless when the name of E. G. Koch was called by the bailiff.

The first business of the defense after the opening of the case by Mr. Somerville, was to call witnesses for the purpose of impeaching the state's witness, Dingler, for this purpose six witnesses were examined and at the conclusion of their testimony it was very evident that the defense had succeeded in its undertaking and that the evidence of the hammer would have little weight with the jury.

The defense introduced other witnesses on Friday who testified they had seen a similar hammer in the possession of Dr. Gebhardt and still other witnesses who identified the hammer as one they had owned for many years and had purchased in Fairmont, so it appears that so many different identifications of the hammer have been made that very little weight can be given to the connection it has with the defense.

### MOST PATHETIC SPECTACLE.

Then followed the most pathetic spectacle ever witnessed in the Brown county court house.

The aged father of the man on trial for his life moved slowly toward the witness chair amid a solemn stillness. The lawyers on both sides drew closer together, the jurors leaned forward and the curious crowd listened breathlessly.

It was certain that the young dentist's alibi would be attacked and from the first to the last question put to the venerable witness it was clear that his testimony was all important.

On direct examination, the witness testified clearly and directly regarding his son's alibi. He said George arrived home on the night of November first, at twenty-two minutes of ten o'clock and this statement he adhered to throughout, a considerate, but nevertheless searching, cross-examination, conducted by General Childs.

Asked how he was so sure of the time, he stated that on the Saturday night before the murder, he had chided George for coming home late at night. When, therefore, George came in before ten o'clock Tuesday night, (the night of the murder), he noticed the time in particular.

After George had been in the house a very short time, he went out to get some shells in the hope of shooting a rabbit he had seen on his way home. He was gone about two or three minutes. He came back, picked up a magazine or book, sat near the witness for a half hour and then went after an apple in the cellar.

### OLD MAN BECOMES MIXED.

A plat of the Koch home was shown to the jury and a part of the witness' testimony was given before the jurors with the plat before them.

On cross-examination Mr. Koch was unable to remember the time at which George arrived home, after having been admonished to get in earlier to spend more of his time at home. He was only absolutely clear and positive, regarding Tuesday night the night of the murder.

Gen. Childs was persistent, but kindly in his interrogatories, and only once roused the ire of the aged witness.

Did you have a talk with Anton Richartz on November 22, 1904, on your land near Richartz's place? was asked.

Yes sir, but I don't know about the date.

### ELDER KOCH BECOMES ENRAGED.

Did you say to him, George came home at 10 o'clock on the night of the murder?

I did not, sir, replied the witness, hotly. If Richartz says that, I say he didn't finish the sentence.

Did you say George was at home at the time of the murder?

I did.

Continued on fifth page.

## CLEARING SALE AT OTTOMEYER'S

for TEN DAYS ONLY, beginning Wednesday, Jan. 11.

We must have room for the big stock of Summer Goods we have purchased, and which will be here soon. In order to get room, we have cut the prices of some of our goods. Note some of the prices.

Dress Goods.	Gloves and Mittens
36 inch flannel . . . . . 20c	for ladies, gentlemen and children.
36 inch covert cloth, worth 50c	The goods are all wool. Per pair,
cut to . . . . . 25c	11c to . . . . . 38c
44 inch fine cashmere, worth 50c	
and 70c, to close out at . . . . . 25c	
44 inch fine Novelty dress goods,	
to close out at half price . . . . . 45c	
About 25 pieces plain and fancy	
dress goods will be offered at 10,	
12c and 15c. The goods are new	
and stylish, but we have only small	
pieces left.	
	<b>Underwear.</b>
	We have children's underwear
	in broken sizes to close out at cost
	and some below cost.
	Ladies' underwear: Vests, pants
	and Union Suits at greatly reduced
	prices.
	Gentlemen's underwear, heavy
	fleece shirts and drawers, at . . . 34c
	All wool ribbed shirts and
	drawers in all sizes, worth 85c, to
	close out at . . . . . 55c
	Tam o' Shanter, 25c caps for . . . 15c
	Tam o' Shanter, 50c caps for . . . 35c
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	Baby Caps, worth 35c to \$1, for . . 25c
	And many other bargains
	just as good.

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Our entire stock of Cotton and Wool Blankets must go at following prices:

50 cents at 39 cents,	White and Grey Cotton.
75 cents at 55 cents,	" " " "
70 cents at 60 cents,	" " " "
90 cents at 65 cents,	" " " "
\$1.00 at 75 cents,	" " " "
\$1.25 at \$ .90	" " " "
\$1.50 at \$1.00	" " " "
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## Underwear, Broken Lots, Away Below Cost.

We have several lots of Men's and Boys' Overcoats that we are closing out away below cost.

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