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DOC HAMANN OFF FOR BIG LEAGUE

NEW ULM PITCHER LEFT FOR CLEVELAND OF AMERICAN LEAGUE YESTERDAY.

PITCHED HIS LAST GAME FOR NEW ULM IN 2 TO 0 WIN SUNDAY.

Big "Doc" Hamann, the sensational pitcher for New Ulm, who has been the main factor in the downfall of every baseball team with champion ship aspirations when they have had to face the New Ulm team, is on his way to join the Cleveland team of the American league. His many admirers in New Ulm as well as those who have faced his pitching from other places hope that he will make good in the "big show."

"Doc" Hamann is a wonderful pitcher. At times he may be slightly wild, but he makes up for that in speed and break. He has been an exceedingly weak batter, but he fields everything that comes within reach in very satisfactory shape. "Doc" Hamann has been the biggest star in an all-star team this season and his going will be felt by the local team. His career in the big league will be watched with keen interest by New Ulm fans.

Won His Game Sunday.

Last Sunday's game with Hopkins was the last one pitched by Hamann for New Ulm. Doe was in excellent form for this game and his pitching was superb. Six small hits was all that Hopkins could show against him, most of the hits being near outs, there being only one two-bagger in the bunch. Ten times batters fanned the air before Hamann last Sunday and nary a man walked. The big pitcher took his leave with New Ulm fans in a manner which was fully up to the record he has made here.

The game with Hopkins was one of the best played here this year. Bye pitched a corking good game for Hopkins, allowing only 6 hits and striking out 6. He was a bit wild at times and allowed 5 men to walk and also had two wild pitches chalked against him. But for speed, he was a burner. He also had a wide break and was in every respect a pitcher of exceptional merit.

Game Was Tight.

The game was tight from start to finish, both sides playing almost errorless ball. Two errors are chalked up against each side, but they were hard chances. Each catcher has a passed ball against him, but it's some job catching for Hamann or Bye, especially when the ball is as close as last Sunday.

The first score for New Ulm would never have been made under ordinary circumstances, but "Ole" Daugherty is an extraordinary base runner, legging it from 1st on Brackett's double. A bingle had brought "Ole" to first. The second score was the result of a free pass to Guendner after which he stole second. Hamann, who generally can't hit at all surprised the world by legging to first on a bingle to 2nd and Guendner sprinted in from 2nd. Doc Hamann had a batting streak last Sunday, getting two singles out of four times up. He fanned the other two times, however.

Born Was There.

Born's peg from right field in the fourth frame cut off what looked like a sure score and was the best play of the day. Born has one of New Ulm's hits to his credit also, although it did not figure in the scoring. He is, however, New Ulm's surest batter as a rule. And the 2-0 score would have been 2-1, had it not been for his splendid throw.

First Inning.

Hopkins—Hamann started out his farewell game by striking out Christensen. Nygren rolled to Redeen and was out to Turen. Gutzke fanned the air. Only three men faced Hamann in this inning and two of them struck out. No runs, no hits, no errors.

New Ulm—Houle skied out to center field. Turen waited patiently and got a walk. A passed ball gave him second and a wild pitch moved him to third. Daugherty popped to the pitcher. Brackett and Born both walked, filling the bases. It looked good for scores when Donaghue cracked the ball right on the nose, but it sailed up and out to center garden, where Nygren amused himself by clinging fast to it, retiring the side. No runs, no hits, no errors.

Second Inning.

Hopkins—Daniels started things by hitting into near right center. But he was out when he tried to steal 2nd, Donaghue pegging it down in speedy shape, Houle covering the sack. Donaghue dropped a high foul by Anderson, something that he has never been known to do, but Anderson was out on his bunt which Hamann fielded very satisfactorily, getting the runner at first by a close margin. Shonka hit between

PAINT SUSPECT IS BOUND OVER

ROBERT BARTEL IS HELD TO GRAND JURY ON YELLOW PAINT CHARGE

WARRANT CHARGES "JOHN DOE" AS SECOND OF TWO-MAN NIGHT PAINT CREW

Robert Bartel, bartender for Anton A. Henle in a soft drink saloon on North Minnesota street, was bound over to the grand jury under \$500 bail in Justice Geo. Hogen's court last Wednesday.

The case was first brought before Justice N. Henningsen, but an affidavit of prejudice was filed by the defense and the case transferred to Geo. Hogen.

Major Pfaender For Defense.

County Attorney Eckstein prosecuted the case for the state and Albert Pfaender, city attorney, was the attorney for the defense. Mr. Bartel entered a plea of "not guilty". The state introduced exhibits "1", "2" and "3", certified copies of title records on real estate property where the *Journal* is located.

P. Liesch was the first witness called by the state. He testified as to the ownership of the real estate and that the printing business is owned by the Liesch-Walter Printing Co. He then told in detail in what condition he had found the front of the building on the morning of August 29th, his description at times becoming almost eloquent. He told how the south end of the building was coated with a heavy creamy paint. On the big plate glass window of the office, the coat of paint was about an inch thick, he said. Some of the screens on other windows were covered with paint and the entire front wall was heavily covered with paint. There was no paint on the side walls.

One Half of Lemon.

P. Liesch described in minute detail the brush left on the door step. He also told about the half a lemon which was left at the side of the step. At the west end was a pail and broom. There was very little paint left in the pail which had held about four or five gallons. The broom showed that it had been dipped in the pail of paint.

Attorney Pfaender objected to P. Liesch testifying as to the amount of damage, but after the county attorney had laid foundation to show that Liesch was an expert in the matter of damages, the justice allowed this class of questions to be answered. The damage amounted to from \$200 to \$500 according to the expert opinion of P. Liesch on the witness stand.

"John Doe" Also Charged.

Cross examined by Major Pfaender P. Liesch became very surly in his answers. Attorney Pfaender wanted to know who this "John Doe" is that is named in the warrant. "Where does he live?", he asked blandly. The state's attorney objected, but the justice was liberal and let the defense attorney inquire into the matter. It developed that in the first place the warrant had contained the name of Joseph Michel which had been erased and "John Doe" substituted. The attorney for the defense wanted to show that after the prosecution found that the man whose name was first written into the complaint had slept at the stone quarry the night the painting took place and could not possibly have been present, the name was dropped and "John Doe" substituted.

If the prosecution had made a mistake about one of the men, it was just as likely that they were mistaken about the other man, argued Mr. Pfaender. The defense attorney wanted to know who informed Liesch about the suspects. Liesch didn't want to tell, but finally said that the sheriff, the county attorney and John Carlson had given him the information "and a number of others." He wasn't able to name any others but had their names on file, having made a record of all who had told him. He didn't want to tell where he kept this record and was highly mysterious throughout in the matter.

John Carlson "Star Witness."

John Carlson was the star witness for the state. He is a blacksmith who works at Seales, but lives in New Ulm. He told of his movements from midnight to 1 o'clock Tuesday morning, August 29th. He had been at Charlie Manderfeld's saloon. From there he took a walk to German Park. Finally he came west past the Candy Kitchen when he saw two men painting the *Journal* building. He stopped by the side door of the Candy Kitchen and watched the "tail end of the job". Stood there about ten minutes when the two men went off north up the

alley alongside the *Journal* building. He saw them use the brush, broom and pail before they left. One of the two men "looked like" Robert Bartel. He walked home after that. Told P. Liesch one night later. Also described the two men to sheriff and county attorney. The other man was probably a little taller but somewhat lighter than Bartel.

Upon cross examination, he stated that he did not know the other man at all. But one of the men looked like Bartel although he would not "swear to it." He didn't know whether the man who looked like Bartel wore a hat or cap. Didn't know whether he had on a coat or not. He couldn't recognize either one of the men. It might have been somebody else than Bartel for all he could say. The second man looked like Joseph Michel. He didn't form an opinion as to who the men were that night but after talking it over with P. Liesch and the county attorney and sheriff, he had come to the conclusion that it was Robert Bartel. When asked if he had been alone when he went from Manderfeld's saloon, he answered quickly that he had not. When asked who was with him, he hesitated and finally said that a "friend" of his had walked down to German Park with him, but he didn't know the name of this "friend." The friend had a bottle on his hip and Carlson had "just one little drink." The "little drink" was the only one he had had all that day. The friend left him near the telephone company's building and Carlson was alone when he saw the painting.

Thought They Did Good Job.
When asked if he thought it was right or wrong that the building was painted yellow, he answered that in one way it wasn't right and that maybe in another it was. He finally agreed that it was wrong. Mr. Pfaender then asked him why he didn't interfere to which he answered: "I thought they were doing a good job and had better finish it up." He didn't tell the police about it and P. Liesch was the first he told it to. He went to the home of Liesch right after the *Journal* was out offering the reward of \$50 but didn't know anything about the reward offered till told by the peace officers. Telling about how he came to think that one of the two men was Robert Bartel, he said: "It just came in my mind and then slipped out again. It was quite dark that night. What he thought to be the other man, may have been the shadow on the wall of the one man. Looked like two men."

Afternoon Session.

When court convened after the noon recess, Mr. Carlson's memory was much improved. He then remembered that P. Liesch was not the first man he had told at all. He told Charley Manderfeld the very next morning. And in some way the news got to the sheriff and the county attorney and they came out to Seales to see him about it also before he told Liesch. He could remember all that after dinner, but it had slipped his mind before dinner. Had also been at the county attorney's office the same evening before he went down to see Liesch at his home. He also remembered that it had been talked between the sheriff and him that one man looked like Anton Henle and that Carlson had agreed at that time that one man did look like Anton Henle. But he was positive now that it was not Anton Henle.

That he had first thought the man to be Michael and later Anton Henle, two men so very different in build and weight, was something that he couldn't explain. County Attorney Eckstein tried to get him to say that according to "his best opinion" one of the men was Robert Bartel. But the witness wouldn't do that. He merely said that he "looked like" Robert Bartel. Answering a question by the county attorney he said that the reason he had not interfered was because he "didn't have the nerve."

Esser Gave Damaging Testimony.

W. J. Esser, 37 years old, married, in business at 113 1/2 North Minnesota street, gave the most damaging evidence against the defendant. He said that Bartel had come into his place of business at 9:30 in the evening of August 29th and asked for \$10. Esser refused to pay. At 10:30, Bartel came again and said: "It's all right." That was all the county attorney could get him to tell. The county attorney then tried to have Esser admit what he had said in a statement made to the sheriff one day the previous week, which had been taken down in shorthand by the county attorney. The defense attorney objected to it as "hearsay" evidence. Mr. Esser, who was plainly under the influence of "spirits", butted in and said: "That's all I know, is hearsay."

The county attorney found it necessary to cross-examine his own witness as Esser was plainly trying to get out of telling anything. When asked about the statement given the sheriff, he said: "What I told you is for the cat." But gradually the facts were brought

out that Esser had told that Bartel had come in at 9:30 and asked for \$10 as they were going to "play a trick on Fat Liesch." Esser refused. At 10:30, Bartel came again and said that it wasn't necessary to pay, but the next morning, his boss, Anton Henle, had come in and demanded \$10.

Esser, on the stand, however, claimed that the \$10 Henle asked for had nothing to do with the \$10 that Bartel asked for, that Esser owed Henle \$10 and that he paid it. Upon cross examination by Mr. Pfaender, Mr. Esser admitted that he is drunk a good share of the time, that he might have been drunk when he gave the statement to the sheriff. "You are drunk now," said Mr. Pfaender. "All right, I am, if you say so," was the reply.

Bartel Bound Over.

At this point the state rested. Attorney Pfaender moved for a dismissal, after a brief argument. The motion was denied. Attorney Pfaender then called the county attorney as a witness and questioned him about the change from Joseph Michel to "John Doe" on the warrant, but nothing new was brought out. Defense rested without putting Robert Bartel on the stand. Justice Hogen made a few remarks explaining that it was not the business of a justice of the peace to pass on the guilt or innocence of the defendant and that he couldn't see that anyone could be harmed by letting the case go up for trial. He ordered the defendant bound over to the next grand jury and fixed his bond at \$500.

ADMITTED BLOWS YET NOT GUILTY

JURY OF NEW ULM BUSINESS MEN ACQUIT PFAENDER OF ASSAULT.

HITTING JUSTICE OF THE PEACE IS HARMLESS PASTIME.

A jury of New Ulm business men voted a verdict of "not guilty" in the case of assault brought against Major Albert Pfaender, city attorney, who struck Geo. Hogen, city justice, a couple of blows on the chin and neck after Justice Hogen bound a client of Major Pfaender over last week to await the action of the grand jury on the charge of having taken part in painting the *Journal* office front yellow. Although the evidence was conflicting on minor issues, the fact that the defendant struck the city justice was admitted. Justice Hogen testified that Major Pfaender hit him on the chin first, and that when Hogen turned to walk away, he biffed him twice on the back of the neck. Major Pfaender's version is that he landed on Hogen's chin or shoulder with his right and then put his left on the side of Hogen's neck. There was a difference of one biff in the testimony. Hogen claiming that on minor issues, the fact that the defendant struck the city justice was admitted. Justice Hogen, Emil Hage and John Mueller, Jr., all testified that after the fracas in the committee room, Hogen came into the court room and that later Pfaender came in. After some conversation, Pfaender said: "There are some cases that can be settled in no other way than by the fist," or words to that effect. This was not denied by Pfaender.

Justification Sought.

Major Pfaender claimed justification for his act on the grounds of physical self-defense and defense of his self respect. County Attorney Eckstein asked him as a lawyer of 22 years experience to point out to the jury that part of the law which allows a man to "pummel" anybody because of abusive language. Major Pfaender objected to the question and the justice sustained the objection.

Keep Trucks Off Pavement.

A new ordinance is to be proposed at a future meeting regulating the traffic of heavy trucks and tractors on the streets of New Ulm. The heavy trucks and tractors are to be kept off the wood-block pavement on Minnesota street on account of the damage they do to the pavement. They are to be relegated to the streets that are not paved.

Arrested Wednesday Evening.

Justice Hogen had Major Pfaender placed under arrest last Wednesday evening, the warrant issuing from Justice Henningsen's court. At the request of the defendant, an adjournment was taken till last Monday morning. When the case was called at 10 o'clock, Major Pfaender entered a plea of "not guilty" and asked for a jury trial. Court was then adjourned till 1 o'clock in the afternoon and the trial was to be held in the justice court room in the municipal building. Major Pfaender was his own attorney.

The Twelve Umpires.

Major Pfaender appeared as the attorney for the defendant, Robert Bartel, in Justice Geo. Hogen's court last Wednesday. The defendant was bound over to the district court. City Attorney Pfaender for the defense had conducted his case in a calm and gentlemanly manner and when the court ordered the defendant bound over, he said "All right, and what will be the amount of bond required?" The justice set the amount at \$500.

Spectators were leaving the case being over when Major Pfaender requested Justice Hogen to come out that he wanted to talk to him. Pfaender claims that Hogen didn't come right away and that Pfaender went out and talked with Bartel, standing near the drinking fountain on the second floor of the municipal building. Hogen says that he went out at once into the ante-room of the justice court room, but that Pfaender wasn't there. He went out in the hall, and didn't see Pfaender there, but on turning to the right, he saw the city attorney in the committee room back of the council chambers and went in there to talk to him. Pfaender says

that Hogen walked in there ahead of him.

Upbraided For Decision.

Justice Hogen testified that Major Pfaender at once upbraided him sharply for his decision in binding Bartel over. Major Pfaender denies this and says that he spoke to him about the sureties on Bartel's bond. County Attorney Eckstein brought out in the cross examination of Pfaender that the sureties he claims to have had in mind were not secured after all and that no attempt to do so was made. Pfaender explained that after the "episode" with Hogen in the room, he just hurried the matter and got the bond signed up quickly without being so particular. Both Hogen and Pfaender agreed that words passed swiftly between the two when they were all alone in the committee room. Pfaender claims that Hogen was the aggressor in the verbal battle and ran him down with a flow of language, accusing Pfaender with being a part of the dirty gang that is trying to run this town, and that he was getting lower and lower every day. Pfaender also claims that Hogen said he was getting lower than the lowest criminal. This Hogen denies. But he says that he did upbraid Pfaender, who is city attorney, for always butting in and defending people who are brought up by the county authorities for violating the law, in this way obstructing the work of the county authorities in trying to enforce the law.

Hit Hogen On Chin.

After the conversation became warm enough, Major Pfaender hit Hogen on the chin. This part of the testimony, both Pfaender and Hogen agreed on absolutely. But Pfaender claimed that Hogen had his hands as high as his head and he didn't know but what Hogen would strike. He also said in his argument, however, that he would have struck Hogen whether his hands had been up or not because he wouldn't stand for the language used. Hogen denies that his hands were up at all. Hogen also says that Pfaender hit him twice in the back of the neck when he (Hogen) walked away. Pfaender denies this, but says he followed his right on the chin with a left on the side of the neck. On the stand, Justice Hogen, when asked how he felt physically after Pfaender had hit him, said: "I felt I was strong enough to kick him, but I decided to be a man and walked away."

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