

The Murder of John Walters and The Execution of Charles Johnson

Introduction

There have only been as many as four executions or hangings for Seneca County murders. Indian John was hanged near Aurora on August 17, 1804, for the murder of Ezekiel Crane on December 12, 1803. (What is today Seneca County was still part of Cayuga County at this date.)¹ John Andrews was hanged in Ovid on Friday, September 6, 1811, for the murder of an assistant with whom he worked in a distillery in Ovid.² George Chapman was hanged in Waterloo on May 28, 1829, for the murder of Daniel Wright, with whom he had been drinking and quarreling on July 20, 1828. Reports are that between 15,000 and 20,000 people crowded on or near to the island on West Water Street where the execution took place.³ On January 9, 1887, John Walters who worked at the Seneca County jail in Waterloo, suffered fatal blows to the head inflicted when some prisoners were trying to escape. Charles Johnson was hanged on November 15, 1888, for this death. This article focuses on the murder of John Walters and the execution of Charles Johnson.

Personal History of John Walters and Charles Johnson



We don't know a lot about either John Walters or Charles Johnson. John Walters was described at the Johnson murder trial as being about age 70 and "rather weak and slow and clumsy. He was somewhat bent over, about 6 feet high" He was born about 1829, in the town of Fayette, NY. His father was probably James Walters. For several years he was employed as a cartman for Downs & Co., at the old stone shop in Seneca Falls, which was located on the corner of Ovid and Green Streets. Census data for 1850 shows him living at the hotel kept by Samuel Hollenbeck in Fayette. Census data for 1860 shows him living in the boarding house of the Whitney family in Seneca Falls. During the Civil War, he apparently is the John Walters who served in Company I of the 185th New York Infantry. 1870 census data has him living with the family of Dr. Gardner Welles on the southwest corner of Oak Street in Waterloo. Prior to his becoming an employee at the jail, he had been in the employ of Mrs. Jane E. Hunt at Waterloo as a coachman.⁴ He was described as a "quiet, honest, well disposed citizen..."⁵ Sheriff Lerch said that Walters had been working at the jail for about eleven months, with the responsibilities of taking care of the barn, stoves and office and "if I needed extra help, to furnish it."⁶ (The picture of John Walters at left is taken from the November 21, 1888, issue of the *Syracuse Weekly Express*.) He had an apartment in the jail building.⁷

Charles Johnson was 27 at the time of the trial. He was described as "heavily built with a rather high head." He had been held previously for minor offenses. He had been living in Waterloo for some time, and had a married sister living there. A newspaper artist for the *Syracuse Herald* did a sketch of him at the trial. The *Syracuse Weekly Express* on April 6, 1887, printed this Johnson sketch shown at right.⁸



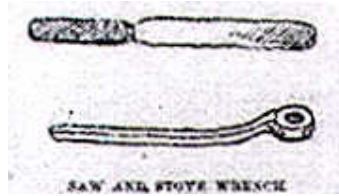
Events Leading to the Death of John Walters

The events leading up to the death of John Walters begin on the night of Sunday, December 29, 1886, when property consisting of two horses, equipment, etc. was stolen from several places in the towns of Seneca Falls and Fayette. Edward Caldwell and Charles Johnson were arrested, charged with burglary and grand larceny, and placed in the Waterloo jail. The sheriff had them shackled with an iron on each leg with 8 links of chain. At meal times they were let out but at other times they were locked up in their cells. The entrance into the jail was through a wooden door in the sheriff's office, at the time a space of some three feet, and an iron-grated door. There were 4 or 5 stone steps down to the floor of the jail.⁹ Johnson and Caldwell spent much of the daytime on January 9, 1887, removing bricks from a wall so as to escape. They had begun to realize that this was not going to happen soon enough, so they decided they would escape by simply "rushing" the turnkey when that person came in to lock them up in their cells for the night.

At 7:30 p.m. on January 9, 1887, John Walters who was the acting turnkey of the jail that Sunday night, and John Cronin, a constable of the town of Waterloo, who had come in to help during the absence of the regular turnkey, and Warren E. Lerch, the Seneca County Sheriff, decided it was time to lock up the 14 or 15 prisoners for the night. Cronin unlocked the door and Walters proceeded down the stone steps.¹⁰ (The picture at right is a sketch that appeared in the April 6, 1887, issue of the *Syracuse Weekly Express*.) At the foot, he was met by Caldwell and Johnson who were attempting to escape.



Johnson struck Walters on the back of the head with an iron



bar, and then he and Caldwell ran up the steps to attack Cronin. (The picture at left shows a sketch of the saw that was used to remove the shackles from Johnson and Caldwell prior to their attempted escape, and the stove wrench that Johnson used to strike Walters on the back of the head. These sketches appeared in the April 6, 1887, issue of the *Syracuse Weekly Express*.) Cronin was struck repeatedly and fell backward against the wall, bloody and hurt, when Sheriff Lerch

rushed in. Lerch was a short man, not overly strong-looking, but he made a reputation for himself that night. He fought the two prisoners back with his club in a fierce struggle. Finally Cronin, coming to, called, "Shoot them, Sheriff," whereupon Sheriff Lerch drew his revolver and drove the prisoners back into the jail. (The sketch of Sheriff Lerch appeared in the April 6, 1887, issue of the *Syracuse Weekly Express*.)

Death and Funeral of John Walters

John Walters was carried to his apartment in the jail building. He died there the next day as a result of the attack by Johnson and Caldwell. The *Seneca Falls Reveille* reported that Walters never regained consciousness following the attack.¹¹ Dr. George A. Bellows was coroner. Soon after Walters' death on Monday afternoon, a coroner's jury was assembled, consisting of Moses Barlow, Philip Johnson, Jacob Sands, James S. Boughton, Charles Illick and J.B. Maloney. The jury rendered a verdict that John Walters came to his death by murder by Charles Johnson and Edward Caldwell with blows inflicted by a bar or iron in the hands of



Charles Johnson and a stick of wood in the hands of Edward Caldwell, and that it was murder in the first degree. Register #385 in *The Register of Deaths in the Village of Waterloo* (at the Waterloo Village offices) records that John Walters died from a “compression of the brain, fracture of the skull, being hit on the head with an iron stove anvil.” That record puts the time of death at 2:30 p.m. on January 10, 1887.¹² The *Auburn Bulletin* reported that the autopsy found two wounds to the head of John Walters. The first wound found “was about three inches above the left eye. They also found one (wound) in the back part of the head about one and one half inches long, a y-shaped wound. The temporal bone was broken over the right ear. A fracture ran from ear to ear on the base of the skull.”¹³

The *Seneca Falls Reveille* in its January 14, 1887, issue reported on the death of John Walters. The article described him as “the unfortunate victim of Johnson and Caldwell’s murderous assault at the Waterloo jail last Sunday evening.” The article described him as a “quiet, honest, well disposed citizen, who would not knowingly injure or molest anyone.” The short article concludes with the comment, “That he should be stricken down in so brutal a manner, seems especially sad to those who have known him so long and well, and who never knew him to be guilty of a dishonorable act.”¹⁴

The funeral of John Walters was held on January 12, 1887. A crowd of about six hundred gathered to view the body in an upstairs room in the court house. The funeral itself began at 2 p.m., with the court room, halls and offices “nearly filled while another large congregation was on the sidewalk about the jail and across the road in the park, it being impossible to obtain admission to the court house.” The Rev. Monger of the Methodist Episcopal Church conducted the services. He took for his text the words, “Where is thy life?” He spoke feelingly of the victim’s fate. The Rev. White of the Presbyterian Church pronounced the benediction. Mr. Walters’ remains were encased in a black, cloth-covered coffin, with silver mountings. Members of the local G.A.R. (Grand Army of the Republic) Snyder Post attended in a body and acted as bearers of the body. “A large number of carriages composed the cortege while over three hundred walked to the grave yard to witness the burial.” The burial was in the Bear or South Waterloo Cemetery.¹⁵ (The picture at right was taken on August 20, 2009, by Seneca County Historian Walter Gable. It shows the apparent gravesite of this John Walters. The gravestone is a recent one, typical of the type that the Sons of Union Veterans has been instrumental in placing on the graves of Civil War veterans.)



Trial and Execution of Charles Johnson

The trial of Charles Johnson began April 4, 1887, before Judge Macomber. The prosecuting attorneys were District Attorney Francis Allen of Ovid, and Colonel F. L. Manning of Waterloo as his assistant. The defending attorneys were Corydon Rood with the Hon. William H. Burton assisting. The men were tried separately. The jury in the Johnson trial consisted of Henry Jinks (a Waterloo farmer), Spencer Hoffman (a Junius farmer), Nelson Seekel (a Tyre farmer), Spencer White (a Tyre farmer), Charles Whitlock (a Seneca Falls farmer), Columbus Christopher (a traveling man), George Troutman (a Fayette farmer), Henry S. Bonnell (a Waterloo farmer), Patrick J. Maloney (a Waterloo farmer), Edward Bear (a Junius farmer), and George W. Barlow (a Tyre farmer). Being the first murder trial in this county for more than half a century, this trial naturally excited great interest. One newspaper described the throngs that

wanted to attend at least some part of the trial this way: "A terrible crowd demanded admission at 2 p.m., hundreds more than could be accommodated and hundreds more were turned away."¹⁶

"Sheriff Lerch testified to receiving the prisoner and having him in custody, from commitment by Justice Guion. Richard Stone, of Chicago, who was in the jail as a vagrant at the time of the assault, testified on the movements of the prisoners inside the jail. He testified that Fisk sawed Johnson's shackles off with a notched cane knife. The knives and shackles were shown to the jury. The prisoners dug into the jail wall. Witness carried away the bricks. Mrs. Kelly visited the jail to pray for prisoners. After she left the jail Caldwell secured a club and asked it if was heavy enough to hit a man with. A jail diagram was shown to witness, who further said that the prisoners assembled in Caldwell's cell. Caldwell said that he would fight his way out. When witness heard the doors open he ran toward the water closet so as not to see the affray. When he came back John Walters was lying at the foot of the stone steps.

"On cross examination he said that Johnson threatened to slug the sheriff. Witness told them not to hurt old John, the man that was killed, and Johnson replied, you will not be to blame if we do. On turning back from the water closet, he saw Fisk holding the iron door and yelling "get there! Get there." Then he heard the sheriff order them to "get back" and he saw Caldwell and Johnson run back to their cells.

"Another prisoner, George Flaherty, who was committed in December for disorderly conduct testified that he heard the filing of shackles in Fisk's cell. When the affray occurred he stood with his back toward the steps. Saw Fisk pull the iron door open. He caught John Walters by the leg. Next saw Walters lying on the floor. Heard running up and down the steps. Saw the sheriff on the steps with revolvers, and heard him threaten to shoot any man that moved. He called help to pick up Walters. He saw blood near Walters' head. I helped carry him to the office. I heard him moan.

"Justice Guion testified as to the commitment for theft; then another prisoner, John Kissinger, testified as follows: I was in my jail bed from after dinner till Mrs. Kelly, jail missionary, came. Heard something fall like a soft body. Heard Fisk crying "get there." Saw Walters lying on the floor in about a quart of blood. Was made sick at sight and went back to my cell. Heard noise of fighting and heard Walters moan. The sheriff and Cronin came in at that and locked up the man and searched the jail.

"Sheriff Lerch being recalled testified: I visited Romulus that Sunday. Left Cronin in charge of the jail. Employed Walters to take care of barn, office and store. Cronin handed keys to Walters who went down late [to the] jail. Heard from door close and Cronin yell three times, "Sherriff, get your club, they're coming!" Saw Cronin back out of door and stagger, with his hands up. Jumped in between him and prisoners. Saw Johnson with stove shaker and Caldwell with stick two and a half feet long. Johnson was ahead. Saw Johnson and was struck by him with the iron. My wound was one and one-fourth inches in length, on the head. Kept striking with my club twenty or twenty-five times at Johnson. Saw Caldwell strike over John's shoulder. Caldwell was advancing, Cronin cried "Sheriff, pull your revolver." I stopped to pull my revolver which caught momentarily in my pocket. Johnson threw the iron, struck my hat and knocked it off. Johnson then ran back. Followed prisoners to doors. Saw them running from west to north corridor. I turned back and told Cronin to fetch a policeman, McCue. I went down into the jail. Saw Walters lying on his back, moaning, with a pool of blood under his head. I lifted him partially by the waist. I said to a couple of prisoners, "Come here and take this man up." They assisted and carried him into the office. I went out and examined outside of jail to see if there was any hole in the wall. I saw citizens congregating in the court house and told Officer McCue

to get men and search the jail. Caldwell, Johnson and Fisk were found in their cells and McCue found the knives. Walters died at 11 o'clock on Monday afternoon and was buried Wednesday. My daughter picked up the iron thrown by Johnson.

"Officer Cronin then testified to Mrs. Kelley's visit, and then added in record to the affray: I saw Charles Johnson strike John Walters with the stove shaker, and also saw Edward Caldwell strike Walters with the stick. Johnson rushed up the steps and struck me with the iron. (Witness exhibited marks on his hand where the scar appeared.) I put up my hands to ward away the blows. Caldwell struck at me. The stick was too long and caught at top of door. I saw Johnson throw the shaker at Sheriff Lerch. I went down Main Street blowing my signal whistle to summon Officer McCue."

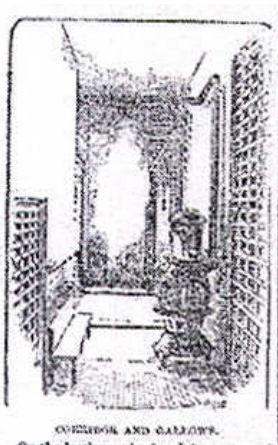
"Wm. H. Burton, Esq., summed up for the prisoner and Col. F.L. Manning for the people. The charge of Judge Macomber was clear, concise, and impartial. The jury went out at 4 o'clock and after having come in to inquire of the judge in regard to some point of law, rendered their verdict at 8:00 as stated above, murder in the first degree."¹⁷

The *Seneca County Courier* summed up the trial this way: "The austerity of the trial is unusual. But the case was very simple so far as the range of testimony was concerned, and the district attorney and his assistant had carefully guarded against technical difficulties. The defendant's counsel did all that could be done for a client so circumstanced, and the universal judgment of the community is that the verdict is a righteous one."¹⁸

The trial of Caldwell was begun April 11, 1887, with the same attorneys as for the Johnson trial. The verdict in this case was "murder in the second degree."

It developed during the trial that one Marcus Fisk, a prisoner in the jail at the time, had sawed off the shackles of Johnson and Caldwell with a saw made from a table knife, and had attempted to dig a hole through the brick walls of the jail so as to escape. Not being able to make a hole large enough, they had determined to go through the door when the turnkey came in to close up for the night.

Johnson was sentenced to hang on May 25th, but his case was appealed. He was re-sentenced to hang on November 15, 1888. Caldwell was given life imprisonment and Fisk was convicted of manslaughter and sent to the Elmira Reformatory.



Johnson was hanged on a scaffold erected in the jail. These gallows were brought in from Utica where they had been used for two previous executions. The gallows were in the jail corridor with the south windows darkened with canvas. Forty guards were placed outside of the jail, twenty being from Cross Post and twenty from Tyler J. Snyder Post, G.A.R. (Grand Army of the Republic). A very few members of the press were admitted. All this reflected Sheriff Lerch's determination to take every precaution "to attain the privacy which the law enjoins."¹⁹ Sheriff Lerch read the death warrant to him at 8:40 a.m.

At 10:15 a.m. the sheriff led the way to the scaffold, followed by Johnson and the Rev. Swift and the Rev. W.S. Carter. The execution took place at 10:22 a.m. (The sketch of the corridor and gallows appeared in the November 21, 1888, issue of the *Syracuse Weekly Express*.)

Some Concluding Comments

The events leading to the death of John Walters apparently prompted action to be taken to improve conditions at the Seneca County Jail. The January 14, 1887, issue of the *Seneca Falls Reveille* reported that “it is gratifying to know the supervisors are to meet at Waterloo today to take necessary steps toward rendering the jail at that place more secure than it is now. This should have been done long ago. Persons have no difficulty, if they were so disposed, in escaping from its walls. It has been a constant menace to the officers charged with its care and protection. It is neither a safe place to be guarded by the officers of the law. The terrible event of last Sunday night was not needed to demonstrate its insecurity and danger.”²⁰ The January 21, 1887, issue reported that the board of supervisors had met in special session and approved \$600 “to put the jail in safe and proper condition. The present jail is not an old one and the expenditure was judicious.”²¹

On another note, a week later the *Seneca Falls Reveille* reported, “Since the death of John Walters, although he was known to have money, as he was industrious and frugal, his friends have been unable to discover any evidence of its whereabouts. Andrew S. Hollenbeck is making an endeavor to discover if possible what has become of it.”²²

It is good that the Seneca County Sheriff’s Department has chosen to honor John Walters who over 120 years ago lost his life in service to the county. Given the state-of-the-art county jail facility that we have today it is somewhat difficult for us to appreciate what appeared to be the deplorable conditions of the Seneca County jail at the time of Walters’ death in 1887.

A total of 1130 individuals have been executed (after being given the death penalty) in New York State. The last execution was Eddie Lee Mays on August 15, 1963. In 1965, New York State eliminated the death penalty for most crimes. In July 1972 the U.S. Supreme Court invalidated all existing death penalty laws. From 1974 to 1978 attempts to reinstate the death penalty were struck down by the courts. From 1978 to 1994 death penalty legislation routinely passed the state legislature but was vetoed by Governors Hugh Carey and Mario Cuomo. Following through on his campaign pledge in the 1994 election for governor, George Pataki in September 1995 signed a law reinstating the death penalty and a life-without-parole sentencing option. In June 2004 the state’s Court of Appeals ruled that this new law was unconstitutional.²³ So, if an incident similar to the death of John Walters, were to happen today to a jail employee or law officer, the person found guilty of such a murder could not be given the death penalty in New York State.

(Seneca County Historian Walter Gable extends a special acknowledgement of thanks to Tanya Warren and the Waterloo Historical Society, and Kathy Jans-Duffy and the Seneca Falls Historical Society for their assistance in providing information from their records for this article.)

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- ¹ *History of Seneca County New York with Illustrations*, Philadelphia: Everts, Ensign & Everts, 1876, p. 17
- ² Wayne E. Morrison, Sr. *Town & Village of Ovid, Seneca Co., N.Y.: An Early History*, Ovid, NY: W.E. Morrison, 1980, p 16.
- ³ John E. Becker, *A History of the Village of Waterloo, New York and Thesaurus of Related Facts*, Waterloo: Waterloo Library and Historical Society, 1949, pp 117-18. Unless otherwise noted, the information for this article basically comes from this source.
- ⁴ Genealogy information provided by Tanya Warren of the Waterloo Historical Society
- ⁵ *Seneca Falls Reveille*, January 14, 1887.
- ⁶ “Summing Up,” *The Auburn Bulletin*, April 5, 1887.
- ⁷ *Seneca Falls Reveille*, January 14, 1887.
- ⁸ “Trial for Murder,” *Syracuse Weekly Express*, April 6, 1887.
- ⁹ John E. Becker, *A History of the Village of Waterloo, New York and Thesaurus of Related Facts*, Waterloo: Waterloo Library and Historical Society, 1949, pp 276-77. Note that this is the source for most of the information in this article—except for the information that is specifically cited by the following endnotes.
- ¹⁰ Most of this trial information comes from the April 6, 1887, issue of the *Syracuse Weekly Express*.
- ¹¹ *Seneca Falls Reveille*, January 14, 1887.
- ¹² Register # 385 in *Register of Deaths in the Village of Waterloo, County of Seneca, State of New York*, book at the Clerk’s Office, Village of Waterloo.
- ¹³ *The Auburn Bulletin*, November 14, 1888.
- ¹⁴ *Seneca Falls Reveille*, January 14, 1887.
- ¹⁵ *The Auburn Bulletin*, January 13, 1887.
- ¹⁶ “Summing Up,” *The Auburn Bulletin*, April 5, 1887.
- ¹⁷ Trial testimony quoted from article in the *Syracuse Weekly Express*, April 6, 1887
- ¹⁸ “Murder in the First Degree,” *Seneca County Courier*, April 7, 1887
- ¹⁹ “Execution of Johnson,” *Seneca County Courier*, November 15, 1888.
- ²⁰ *Seneca Falls Reveille*, January 14, 1887.
- ²¹ *Seneca Falls Reveille*, January 21, 1887.
- ²² *Seneca Falls Reveille*, January 28, 1887.
- ²³ <http://www.deathpenaltyinfo.org/node/1416>



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December 11, 2009

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Dear Sheriff:

It is my honor to inform you that the name of **Turnkey JOHN WALTERS (EOW: 1/10/1887) of the Seneca County, New York, S.O.** will be added to the National Law Enforcement Officers Memorial in Washington, DC.

On May 13th, the National Law Enforcement Officers Memorial Fund will host its 22nd Annual Candlelight Vigil, as part of National Police Week. This ceremony honors our nation's law enforcement officers and pays special tribute to those who have given their lives in the line of duty. We would like to take this opportunity to invite you to attend this special event, at which the names of the newly engraved officers will be read.

A formal invitation for the Candlelight Vigil will be sent to your agency and to any surviving family members for whom we have an address. You can also visit our web site at www.nleomf.com for more information about the Candlelight Vigil, National Police Week Honor Guard, and other National Police Week activities.

If you have any questions or concerns, please do not hesitate to contact us at 202-737-3400. Thank you for your time and attention in this very important matter.

Sincerely,

BERNETA V. SPENCE
Director of Memorial Research

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