Night Watchman James Anderson Benge | Town of Franklin



Age: 55

OFFICER

James was born on October 19, 1870 in Madison County, Kentucky to farmers, Clifton and Mary Elizabeth (Barclay or Bartlett) Benge. His mother died on November 7, 1870, 2½ weeks after his birth. His father remarried Mary Pamelia Riddle when James was 4 years old.

James married Mariah Hazelwood in Jackson, Kentucky on July 4, 1889. While working a farm, they raised a family and had five children between 1890 and 1903. One died in her first year, but four survived to adulthood. Sometime before 1920, James brought his wife and children to another farm in Franklin, Ohio.

Before 1926, he took on the position of Night Watchman in

Franklin.

INCIDENT

At about 2 a.m. on March 21, 1926, brothers, Charles E. “Tod” and Earnest W. Garrison, broke into the storehouse of E. B. Thirkield and Sons on Fourth Street near the Canal Bridge. They entered the store through a basement window by removing an iron bar. One squeezed through the opening and went upstairs to open the side door; then both began to systematically plunder the contents of the store.

About 3 a.m., four shots rang out awakening many of the citizens of Franklin. Will Bacon of 27 E. 4th Street ran to the window and saw Watchman Benge scuffling with Charles. Bacon donned clothes and ran into the street and heard the bandit yell, “Run on! He’s got me!” By the time Bacon got into the street, he saw both brothers making their way east over the Canal Bridge and Watchman Benge grasping an iron hitching rack near the side door of the store.

Hugh Farrell of 28 E. 4th Street also woke up, dressed, and ran out. He saw Earnest run past his house toward the Canal Bridge and, as he did, he yelled back, “Hurry up!” He heard Charles respond, “He got me!” A moment later, he saw both running.

1. E. DeWeese of 23 E 4th street was the second man to reach Watchman Benge. He had also seen the struggle between the officer and the burglar from his bedroom window. But Watchman Benge was dead before he arrived.

After gathering the testimony of the witnesses and based on the autopsy it was determined that the two brothers were surprised by Watchmen Benge and one of the two shot him twice. Watchman

Benge saw the gun being drawn and started to turn, because one bullet entered above the right hip, going through his kidney, and lodging under the skin of his abdomen. The other entered his back, entering though a lung and lodged beneath skin of the left breast below the heart.

A moment later, Watchman Benge drew his own .41 caliber revolver and returned two shots. One of these penetrated the Ohio Bell Telephone Building door across the street. The other was believed to have taken effect on one of the burglars (later identified as Charles).

Charles grabbed the sack and ran away. Watchman Benge pursued some 150 feet, caught him, gained control the merchandise, and carried it back to the store before he collapsed and died.

FUNERAL

Benge's body was removed to the Unglesby undertaking establishment. Watchman Benge's body was then taken to his residence at 18 N. High Street and prepared for his funeral.

He was predeceased by his mother and stepmother. Watchman Benge was survived by his wife of 36 years, Mariah Benge (59); children, John Walter Benge (35), Willard Benge (31), Bertha Benge (27), and Mrs. Myrle (Benge) Cunningham; father, Charles Benge (76); grandchildren; and siblings. He was buried in Woodhill Cemetery.

Mariah died 32 years later and his buried next to her husband.

INVESTIGATION

All of the merchandise was apparently recovered. Only Watchman Benge's revolver was missing.

Warren County Sheriff Alfred Brant, Deputy Howard Fulkreth, and Coroner Waldron C. Gilmore were called and upon their arrival an autopsy was held. The coroner ruled that death was by internal hemorrhages.

Prosecutor C.D. Dilatush arrived and took charge of the investigation. Shortly after noon, the Cal Crim Detective Agency in Cincinnati was called to assist in the investigation and Chief Detective Crim and Detective Ora Slater responded to help Sheriff Brant and prosecutor Dilatush.

On March 22, 1926 latent fingerprints were found on the counters, shelves, and on the cash register. They were examined by police and Harry Selfert, a Dayton Bertillion expert.

Two Dayton youths were detained and questioned in the killing, but they were found innocent. Leo Green of Lima was taken into custody Monday after police received a tip that he called at a doctors' office to have a head wound dressed and also released.

On March 25 Detective Slater and Marshal Graham went to Dayton seeking three men who were said to answer the description of the burglars and who left an automobile in a garage under suspicious circumstances. This too was a dead end. By then, a reward of $500 had been announced.

Months later, investigators were still tracking down leads. On June 9, 1926 Dayton Detective James Foote and Marshal W. E. Graham went to Middletown for a lead; to no avail. On Friday, June 11th, Marshal Graham, Detective Foote, and Detective Slater went to Chillicothe for another lead. While they were there, the case was suddenly solved back in Franklin.

The Garrison brothers had been suspected by Marshal Graham ever since a sledgehammer and hacksaw found at the Thirkield store that night had been traced to a local paper mill at which they were employed. But the big break came when Mrs. Carl Wittlinger of Eighth Street in Franklin confided to police that her 16-year-old daughter, May Wittlinger, had dressed a bullet wound in Charles Carringan's shoulder on the day after the murder. Franklin Constable Harry Gampher and Watchman Roy Morgan (who by then had been hired to replace Watchman Benge) quickly found and arrested the Garrisons.

Marshal Graham and the detectives hurried back. Miamisburg officials, Mayor Carl Bashore, and others were hurrying to Franklin too. Marshal Graham and the detectives arrived home shortly after the arrest and were present with Prosecutor Donald Kilatush, Sheriff Brant, and the other officers. After a grilling in the council chamber, the brothers confessed. They were then separated with Charles going to the county jail in Lebanon and Earnest to the Franklin jail.

On Sunday, June 13, 1926, Franklin authorities employed divers to search the shed of the Miami River near the Sixth Street Bridge where the Garrison boys are said to have thrown the gun with which Benge was shot. The men gave differing accounts as to the disposition of the guns, but we found no account where they were recovered.

JUSTICE

At the preliminary hearing on June 14, 1926, Miss Wittlinger testified, though she denied that she knew of the murder. By July, Miss Wittlinger had been trying to leave town rather than testify against her boyfriend. She was arrested and released on a $10,000 bond. She attempted to leave town again and was re-

arrested.

On Monday, September 20, 1926 indictments were handed down for both brothers for Murder in Committing a Burglary, Murder of Killing a Policeman in the Performance of his Duty, and Murder for Killing Another Purposefully with Deliberate and Premeditated Malice.

On September 25, Judge Willard determined that the two would be tried separately on October 25 and November 15. Charles's trial was slated for October 25. By October 27 they were still selecting jurors. Once the jury was empaneled, he changed his plea to guilty.

The trial of Earnest Garrison was scheduled for November 15th. He pre-empted the trial with a guilty plea on November 14th.

Both were given sentenced of life imprisonment of hard labor[1] with a stipulation of no solitary confinement[2].

They were both released (probably paroled) at some point, returned to Franklin, were married, and lived out long lives; both dying during 1984 at ages 79 and 82.

Franklin Murder Case Closed Unexpectedly; Brothers Go To Prison. The Dayton Daily News (Dayton, Ohio). November 14, 1026. Page 15

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

© This narrative was researched created on November 14, 2015 by Cincinnati Police Lieutenant Stephen R. Kramer (Retired), Greater Cincinnati Police Historical Society President, after the fact of Watchman Benge's line of duty death was rediscovered and researched by Cincinnati Police Homicide Detective Edward W. Zieverink III, Greater Cincinnati Police Museum Historian. All rights are reserved to them and the Greater Cincinnati Police Historical Society.