

Game Warden Brutally Killed!

(The Daily Times, November 8, 1915)

The Story of Joseph McHugh

By Jack Weaver,

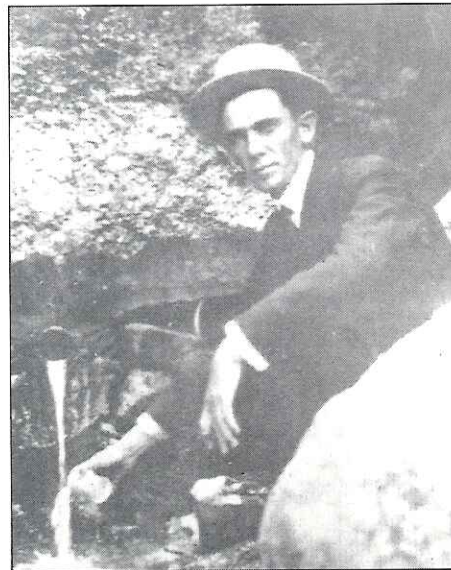
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IN THE AGENCY'S formative years, a virtual state of war existed between those who continued to violate the game laws and the early officers who dared to enforce them. Between 1903 and 1915, fights and shootings between violators and officers were all too frequent. Feelings against game wardens and the troopers of the newly formed PA State Constabulary ran high, especially in the mountains and coal regions of the commonwealth.

When Deputy Game Protector E.W. Campbell of Pittston was forced to shoot a man in self-defense, he was thrown in jail for months without bail until he was finally acquitted.

In 1903, an officer in Potter County was shot trying to arrest some individuals for shooting robins. With newspapers being what they were, it's not known if the officer was a deputy game protector or a constable. One newspaper account stated he died during the long buckboard ride over the Coudersport Pike to the Williamsport Hospital. Another account claims his life was saved through the efforts of nurses at the hospital.

During 1906, Dr. Kalbfus reported, 13 game protectors were shot at, seven



were hit, three killed. Unfortunately, records and newspaper accounts only confirm three of those instances. Seeley Houk of New Castle was the first salaried game protector killed. Another was a squire (similar to a district justice today) killed near New Castle while trying to stop individuals from shooting songbirds on his farm. Another was a deputy game protector from Altoona. This man was badly shot up, but whether or not he died of his wounds is not known. Nearly all of these shootings involved immigrants who had an especially difficult time understanding and appreciating Pennsylvania's new wildlife laws. This problem helped usher in the Immigrant Law of 1909, which prohibited alien non-residents from owning or possessing rifles and shotguns. One shooting that didn't involve immigrants, though, was the case of Joseph McHugh, the last game protector killed while enforcing the game laws.

McHugh was appointed game protector of Carbon County on June 1, 1915. He was 40 years old. He and his wife, Isabella, had three children, Francis age 4, Joseph, 6, and Catherine, 8. McHugh had been an insurance agent for the Prudential Insurance Company and was well liked around his home in Weatherly. He was also well known in Mauch Chunk (which has since been renamed Jim Thorpe). According to a local newspaper, he often made insurance payments for poor people when they were unable to pay the premiums.

McHugh was a prominent ball player during his younger years, and baseball was the principal sport throughout the mining and railroad towns of Pennsylvania at that time. Most towns had their own ball teams, and good ballplayers, regardless of their station in life, were local heroes.

In November 1915, a star ballplayer in that area, Joe Thomas, was thought to be dying of pneumonia.

On Sunday, November 7, Joe's younger brother, Francis, age 19, was hunting rabbits with some friends behind the railroad tower at Hazle Creek Junction.

Hunting on Sundays back then was not just against the law, it was considered a violation of everything thought to be sacred. On the Sabbath, children were hushed, folks rested and went to church, stores were closed, and business was not conducted.

Sometime prior to November 7, McHugh received word from the Game Commission headquarters that Sunday hunting had been reported in the upper end of the county. He was ordered to suppress it. On Sunday, November 7, McHugh met a friend named William Brown along the Beaver Meadow track, just above the Hazle Creek Junction. The two men continued on together, walking down the track. Approaching the junction, they heard dogs chasing game behind the railroad tower. They left the track, crossed Hazle Creek and came up on a road between the tower and the bridge. Here they encountered

Francis Thomas, walking toward them, carrying a gun.

As the men approached each other McHugh called, "What luck?"

"I got one," Thomas replied.

As the men continued toward one another, McHugh asked, "Where do you live?"

"Drifton," the man said.

As the men got close to each other Thomas turned abruptly and entered the woods adjoining the road. Then, for some unexplainable reason, he stopped, and with the dogs circling around him, he looked questioningly at the two men on the road.

"Are they all your dogs," McHugh asked?

"No, there are four or five of us together."

By now McHugh and Brown were standing on the edge of the roadway, facing Thomas only six feet away. He was standing in a cut over area when McHugh identified himself and ordered him to unload the gun.

Instead, however, Thomas jumped back, pointed his shotgun at McHugh and pulled the trigger. The blast struck McHugh high on the left side of his chest. He fell on the edge of the road. Thomas then brought the shotgun to his shoulder and pointed it at Brown, who had begun to back away, and snapped the hammer twice, on an empty cartridge. Frustrated, Thomas pumped a new round into the chamber and then ordered Brown to put up his hands. Brown complied, then turned his back to him and began walking quickly away, still with his hands up. Thomas yelled for him to turn around but Brown just kept walking, glancing back over his shoulder every now and then.

Brown claimed he heard Thomas's friends calling, "Goo Goo, did you get anything?" "Goo Goo," was Thomas's nickname.

Brown said he then heard Thomas reply, "I got a man, beat it."

When Brown turned around again, the young man was gone. He then ran to the tower to get help. The men working in the railroad tower called for a doctor and accompanied Brown back to where McHugh lay. He was still alive, but unconscious, and the men carried him back to the tower to await the arrival of a doctor. Joseph McHugh expired without regaining

WREATH LAYING ceremony held on October 5, 1995, to honor fallen officer Joseph McHugh, killed in the line of duty on November 7, 1915.



consciousness. Later his body was removed to his home in Weatherly.

Young Joseph didn't understand why all the adults were crying until his uncle came downstairs and asked him if he wanted to see his daddy. The young lad eagerly replied yes and was led up the stairs to his father's bedroom where the body was being prepared for an autopsy. Years later, but with memories of the incident still painstakingly vivid, he described the wound in his father's chest as about the size of a baseball and looking like a rotten spot in an apple. Young Joseph finally realized why the adults were crying.

Meanwhile, county officials surrounded Francis Thomas's home in

Drifton. The boy was in bed. He had surprised his family by coming home and going directly to bed without eating supper. He was arrested and taken to Hazleton where he confessed. Later, though, Thomas stated that the gun accidentally discharged and that he didn't mean to kill McHugh.

Thomas was taken by train to Weatherly where an angry crowd of around 500 people had gathered. District Attorney Setzer pleaded with the crowd ". . . in the name of the law and for the sake of the law abiding reputation of the town . . . to refrain from violence." Feelings ran so high against Thomas that the officers took their prisoner directly to Mauch Chunk rather than jail him in Weatherly. The prisoner was hustled out a side door to the Weatherly firehouse.

The *Daily Times* reported that ". . . every citizen in Weatherly who owned a gun secured it and was ready to wreck vengeance on the murderer. Chief Burgess Thomas deputized a dozen men to protect the prisoner." Eventually, an automobile was secured (there weren't many in those days) and Thomas was whisked off to the county jail in Mauch Chunk. Within two months, however, the tide of public opinion had swayed.

Two months before the trial local newspapers were saying that Joseph McHugh ". . . died a martyr to duty and the crime cries to Heaven for vengeance." By January, however, they were focusing attention on the stricken family of Francis Thomas, whose brother, the ball player, was still suffering from pneumonia.

At another time, the *Daily Times* wrote, "A general theory for the murder is that there is a strong prejudice against game wardens and state troopers and the remark is not infrequently heard by imprudent citizens that if arrested by such officers they would resist to the extent of killing." It also was reported that the defendant often stated he wished he were dead instead of Joseph McHugh.

The prosecution in this highly popular case was up against three highly skilled defense attorneys. Attorney J.M. Breslin handled the legal end, including the examination of witnesses, arguing points of law and offering objections. Attorney William Thomas was the soft and tender pleader, the harsh exploiter of the prosecution, the masterly swayer of the jury. Attorney J.M. Carr was the genius who handled the witness and gun experts on the side of the defense.

In any event, on January 15, 1916, after one hour and ten minutes of deliberation, the jury returned a not guilty verdict. According to the *Daily Times*, "The verdict was marked and followed by such a demonstration of popular approval that Judge Barber was required to cause the arrest of the entire gallery of the courthouse which gave vent to its feeling in enthusiastic applause."

Outside the courtroom, a crowd surged around Francis Thomas, congratulating him while several young ladies planted kisses on his brow.

The following day, while Mrs. McHugh and her three children were awaiting a train to take them back to Weatherly, Thomas appeared at the Lehigh Valley station. After expressing his sorrow to the widow, he took each of her three kids in his arms and kissed them and then attempted to kiss Mrs. McHugh. She pushed him back firmly and told him that she hoped he always remembered what he did. Pointing to her children she declared, "You took away their father and made me a widow."

In those days it was not popular for women to have jobs. They were expected to get married and raise children. When a tragedy took away their provider, the children were often placed in an orphanage and the widow went to live with relatives. Children's services and welfare were non-existent.

The McHugh's parish priest suggested that Mrs. McHugh place the children in a church orphanage. Being the courageous

and determined soul that she was, she replied, "They lost their father. Would you suggest that they now have their mother taken from them also?"

The bereaved family moved to Elizabeth, New Jersey, where they lived with relatives for several years. During that time, Mrs. McHugh, who never remarried, tried to find employment. She wrote several letters to the Game Commission asking for work, but in those days few women had jobs. Eventually, she was hired as a postal clerk at the agency's Harrisburg office. She retired from the Game Commission in the late '40s, after 24 years service, and after raising and educating her children.

A grandson, Joseph McHugh, Jr., said his grandmother always invoked a presence of his grandfather. She taught her children about his high moral character, and they grew up with a sense of his presence even though he wasn't there. This sense of ethics and morals was, in turn, passed on to the grandchildren and even down to the great grandchildren. Certainly, a more fitting tribute to the memory of Joseph McHugh could never be found than the heritage a courageous widow passed down to her children and grandchildren.

On October 5, 1995, officers and staff of the Northeast Region of the Pennsylvania Game Commission participated in an official memorial service at the little cemetery behind the Roman Catholic Church in Weatherly where McHugh was buried.

For members of the McHugh family and their guests it was a time to reflect on the sacrifice made for a job that promised a steady income, however small. For the wildlife conservation officers it was a time to honor a fallen comrade and to come face to face with the stark reality of their own mortality. □