

*On a summer evening in 1921, Fish Warden William E. Shoemaker became the first Pennsylvania Fish & Boat Commission law enforcement officer to lose his life in.....*

# The Line of Duty

by Jay Osman

During the evening of August 25, 1921, Peter Walters went to the Spring Hill, Bradford County home of his friend Harry Kunkle (also known as Harry Pond). He hoped they would enjoy an evening of spearing fish in nearby Wyalusing Creek. Kunkle was reluctant because he didn't have a license, and he was tired after working all day. Walters did have a license, and after some coaxing, Kunkle relented. It was a decision he would regret for the rest of his life.

About the same time, just north of Spring Hill in LaRaysville, District Fish Warden William E. Shoemaker and his son, Gregory, were at the office of the local justice of the peace, wrapping up an arrest they had made earlier. Later, after dinner at the local restaurant, the pair planned to work their way slowly toward home in Laceyville, patrolling as they went. This wouldn't be hard to do because Wyalusing Creek paralleled the road for much of the way. Warden Shoemaker welcomed the recently enacted Special Fish Warden (Deputy) Law, which enabled Gregory, and his



photo-courtesy of the Shoemaker family

other son, Myron, to assist him in his duties. That evening Myron was unable to accompany his father and brother, as he had on many other occasions.

William Shoemaker was in his 18th year as a district warden with the Pennsylvania Fish Commission. For two years before his appointment in 1904, he worked as a warden for the Pennsylvania Game Commission. He had received no salary, but was allowed to keep half of all the fines he imposed. When the more secure position of a salaried, full-time, duly sworn district fish warden became available, he jumped at the chance. It was a job he truly loved. He loved everything about the natural world, and he believed whole-heartedly in the goals of the Fish Commission. He believed nobody was above the law, and he performed his duties diligently and vigorously. It was a philosophy that won him the

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*photo-PFBC archives*

respect of officials and right-minded citizens, but did not endear him to the local population in general, or law-breakers, in particular.

With the exception of the *The Sentinel* (Canton) and a few others, the area newspapers were not kind to Officer Shoemaker. Most of the newspapers fueled the fires of contention by publishing scathing articles about him whenever they could. Conservation laws were relatively new and the consensus was that the government didn't have the right to regulate the taking of fish and game, let alone charge a fee for the right to do so. These two opposing points of view clashed on many occasions.

On one such occasion, Warden Shoemaker boarded a train to check hunters and fishermen returning home from a day afield. It wasn't long before a dispute broke out, and an irate hunter punched the warden, knocking him to the floor. On seeing this scuffle, the conductor stopped the train and ordered Shoemaker off at

once. Outnumbered and outgunned, and believing that discretion is the better part of valor, Shoemaker complied. The railroad barred him from boarding any more trains for the purpose of "harassing" its passengers.

Then there was the time he arrested the state senator for using an illegal net in the Susquehanna River. Again the warden found himself engaged in a fist fight, and this time with an unlikely opponent. The politically powerful senator was found not guilty of all charges, and on returning to Harrisburg tried unsuccessfully to have Shoemaker removed from his position. Having failed at that, the senator instigated a boycott against the warden. To supplement his income, Shoemaker raised and sold strawberries. The senator, using his considerable influence, saw to it that the local citizens did not buy or pick Shoemaker's berries. Finding a market for his berries in Binghamton, NY, the warden arranged to have them shipped there by train. When the berries never arrived, he in-

vestigated and found the crates of berries outside the express company office, spoiled. The express office employees responsible for this treachery were fired, and the balance of that year's crop reached its destination safely.

Warden Shoemaker's career was dotted with these kinds of contemptible acts, but they paled in comparison to the tragic events of August 25, 1921.

### The shooting

It was 9:30 p.m. by the time Warden Shoemaker and Gregory reached Merryall. As they crossed the bridge over Wyalusing Creek, they spotted a light and the outline of two people standing in the creek a short distance upstream. They continued over the bridge and parked just off the road. Gregory stayed with the car, and Warden Shoemaker went to investigate. As he approached, he saw Peter Walters holding a bag of fish and a lantern, and Harry Kunkle with a spear. The warden confronted the pair and found



*photos-courtesy of the Shoemaker Family*

William Shoemaker (standing, far right) poses with wife, Etta (seated, far right), and other family members.



With an automobile, circa 1910, Warden Shoemaker stands on the far running board while wife, Etta, is in the driver's seat. For most of Warden Shoemaker's career, patrolling was done by train, horse and buggy, or on foot.

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Walters to possess a license, but Kunkle confessed he had none. He told Kunkle he was under arrest and ordered him up the embankment. They went single file, Kunkle, then Shoemaker, then Walters. As Shoemaker took hold of a sapling to help himself up the bank, Walters grabbed the .38 caliber revolver from the warden's holster. Feeling this, the warden started to turn around. Walters shouted, "I'll get you now," and at point-blank range pointed the revolver



photo-Jay Osman

at Shoemaker and pulled the trigger. The bullet entered the back of the neck and struck the spinal column, instantly paralyzing the warden from the neck down.

Gregory, hearing the shot, thought it was a distress signal from his father, and started running in that direction. He spotted a horrified Harry Kunkle cresting the bank and running toward the bridge. He ordered Kunkle to halt, and fired a warning shot in the air. The panic-stricken Kunkle turned and ran toward Gregory shouting, "I didn't shoot him, I didn't shoot him—it was Pete." Gregory told Kunkle to come with him and together they rushed to the place where the warden had fallen.

Shoemaker was still conscious and asked his son to move him off the rocks where he was laying. After moving his father, Gregory waved down a passing vehicle. With the help of its two occupants, and Kunkle, using the top of a discarded piano box as a stretcher, the four of them carried the mortally wounded warden to the nearby home of Charles Brown. Doctor J.C. Lee was summoned and gave the warden as much aid and comfort as he could. At approximately 4 a.m., a

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train was flagged and the warden was transported to Robert Packer Hospital, in Sayre.

After firing the shot, Walters stumbled across the creek and fell down, losing Shoemaker's revolver. He fled into the woods near Merryall. Within a very short time, dozens of local and state police converged on the area. A search party using bloodhounds combed the woods for the rest of the night, but was unable to find Walters. Later that day, Walters showed up at the farm of his father-in-law, R.E. Junk, and from there turned himself over to the authorities. He made a full confession to District Attorney William G. Schrier, but later would change his story. When asked why he did it—after all, he wasn't in any

kind of trouble—he answered that he just "lost his head."

## Courageous struggle

William Shoemaker made a courageous struggle for his life. He was conscious and coherent, and remained in good spirits, occasionally demonstrating a sense of humor. He had regained some feeling in his shoulders, and partial use of his arms. The doctors were hopeful that Shoemaker would survive his wounds, although he would be paralyzed to some degree for life. But even in this stricken state, he had to contend with the unpopular nature of his work. His wife, Etta, who had remained with him since the shooting, stepped out of his hospital room for a bite to eat. When she re-

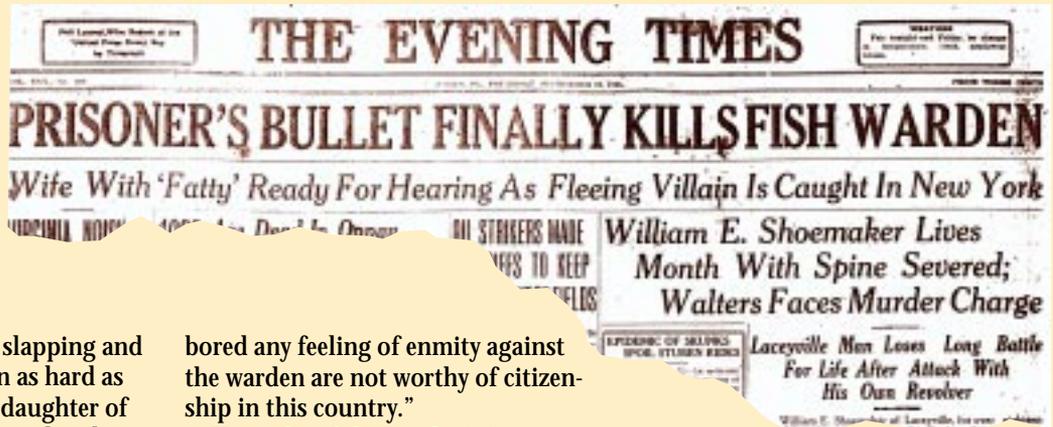


photo-Jay Osman

Present-day site of the shooting at the Route 706 Wyalusing Creek bridge, just north of Wyalusing. Remains of the old 1921 bridge abutment can be seen in the center of the photo. After the shooting, William Shoemaker was carried to the house in the background, then owned by Charles Brown.

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The Evening Times (Sayre) extensively covered the shooting and trial. Note the questionable use of the word “finally” in the headline.



turned, she found a nurse slapping and punching the helpless man as hard as she could. The nurse, the daughter of a man Shoemaker had arrested and heavily fined, was immediately dismissed, and Etta would never again leave her husband alone.

As doctors were becoming more and more optimistic with every passing day, the warden's condition took a sudden turn for the worse. Over the period of a week, he became weaker by the day.

At 6:30 in the morning of September 22, 1921, 28 days after being shot, Warden Shoemaker died. The autopsy would show that the bullet had struck and broke the last vertebra in his neck, pushing part of it into the spinal cord. The official cause of death was degeneration of the spinal cord.

## “No night there”

The funeral of Warden Shoemaker was attended by Pennsylvania Fish Commission officials, politicians, state and local officials, prominent businessmen, and law enforcement officers, including most of his fellow district fish wardens. There were more people paying their last respects than the Baptist Church in Laceyville could hold, and many stood outside. There were so many floral offerings, it was described as a “wilderness of flowers” by the Reverend Lew Cass Bennett.

Reverend Bennett, a long-time friend of William Shoemaker, was well aware of what the warden had endured throughout his career. But he would see to it there would be no animosity shown Warden Shoemaker on this day. He began the service with a stern warning, “that no man...should mention anything derogatory of [Warden Shoemaker] if that man desired the speaker's respect...those men who har-

bored any feeling of enmity against the warden are not worthy of citizenship in this country.”

He spoke of the warden's “exemplary traits of character” and “faithful performance of his duty.” He told those gathered to look around at the number of distinguished people present, and let that “silently speak volumes” about the type of man Warden Shoemaker was. To the grieving family, Reverend Bennett offered the following recitation:

**“If we could look beyond the gate, so lately opened wide;  
And see the dear one's happiness, upon the other side;  
Perhaps our grief would lighter grow; our hearts be satisfied.**

**Beyond earth's latest sunset, there is a land most bright;  
Where a fadeless day is glowing, beyond the reach of night.  
Beyond earth's final heartache, there lies a country fair;  
Where grief can never find us, nor sorrow enter there.**

**Beyond earth's latest suffering, there lies a land of peace;  
Where trouble never cometh, and pain and dying cease.  
No night there, no sorrow and no fears;  
No night there, no pain, no death, no tears.  
No night there, all care has passed away;  
No night there, but endless, fearless day.”**  
—author unknown

On Sunday, September 25, 1921, Warden William E. Shoemaker was laid to rest in the family plot at the Lacey Street Cemetery in Laceyville.

## The trial

Peter Walters was then charged with first-degree murder. He pleaded not guilty. Unable to hire his own council, the court appointed attorneys Benjamin Kuykendall and T.S. Hickok to handle the defense. District Attorney William Schrier would prosecute the case personally and seek the death penalty. The presiding judge was the Honorable William A. Maxwell. The trial was held in the Bradford County Courthouse in Towanda. Jury selection began on December 14, 1921. Over 85 prospective jurors had to be called before the required number could be found. The points of contention were disapproval of the death sentence, strong opinions about Shoemaker, or strong opinions about Walters.

The trial began on December 17, with Harry Kunkle taking the stand first. He proved to be an accurate, credible witness. Gregory Shoemaker was next, and he described the events of August 25 with meticulous detail. He told the court his father was conscious when he first approached him, and that the warden had told him, “Peter Walters did it—he did it with my own gun.”

The defense kept Peter Walters from testifying because he was anything but remorseful. He was described as seeming “almost proud” of what he had done. The *The Evening Times* (Sayre) quoted him as saying before the

warden's death, "wasn't it a pretty good job for a little fellow like me to get up behind him and shoot him with his own revolver?"

To everyone's astonishment, Walters' lawyers argued he was acting in self-defense. They claimed Shoemaker intimidated Walters, and he feared the warden would harm him. At one point, they suggested the fatal bullet entered the front of the neck, proving that Shoemaker was attacking Walters, but they failed to explain how it was that Walters had the warden's revolver. None of their self-defense theory could be proven, and it directly contradicted the autopsy report and the testimony of Kunkle, who said that the warden had little to do with Walters after he displayed his license.

It was generally thought that the defense had presented a weak case. But in light of the overwhelming evidence against Walters, there was little else they could do to defend him.

In his closing argument, District Attorney Schrier told the jury "...if Walters is not convicted, you might as well take the Statue of Justice from the

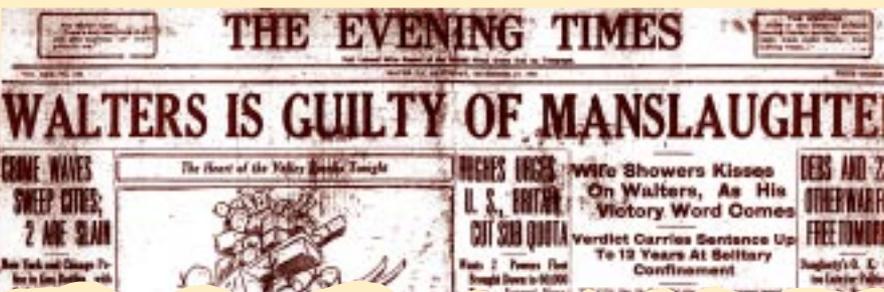
top of the courthouse and replace it with a mocking clown."

The case was turned over to the jury of 12 men at 5 p.m., December 23. At 9 p.m. that same evening, Judge Maxwell

was informed that the jury had reached a verdict. He assembled the court, and Jury Foreman Encell Taylor read the verdict: "Not guilty of murder but guilty of voluntary manslaughter."

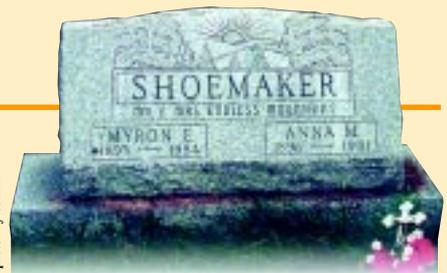
It was considered a stunning victory for the defense, but more accurately it reflected the strong feelings of that era against conservation officers. Judge Maxwell would later comment that he believed the decision was lenient, and attributed it to the defense's plea to the jury that Walters be shown mercy because he had a wife and children to support. Walters was freed on \$5,000 bail until his sentencing.

Sentencing took place on February 13, 1922, in the Courthouse. Judge Maxwell read, "Not less than nine years and not to exceed 10 years...and a fine of \$100." On the same day, in the same courtroom, a man was sentenced to the same amount of time and a stiffer fine for stealing an automobile. □



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photo: Jay Osman



## Epilogue

S. Gregory Shoemaker was deeply affected by this tragedy and moved from the area soon after the shooting. He would never again have anything to do with law enforcement work. For the remainder of his life, he avoided talking about his father's death, even with family members. He died in 1978 at the age of 86, and is buried in Vestel Hills Memorial Park Cemetery, Vestel, NY.

Myron E. Shoemaker was appointed district fish warden, his father's position, the day after the shooting. He remained with the Fish Commission until 1941, when he accepted a position with the National Wildlife Federation. He went on to champion conservation causes and became a sought-after lecturer, writing two books and many articles on the subject. He's listed in "Who's Who in Conservation," and became an honorary member of many conservation groups throughout the United States. He died in 1984 at the age of 91. He is buried in Laceyville beside his wife, mother, and father. Inscribed on the headstone he shares with his wife, Anna, are the words, "Mr. & Mrs. Endless Mountains."



Etta Gregory Shoemaker remained in Laceyville in the same house she had shared with her husband. She never remarried. She died at age 73.

Harry Kunkle remained in Bradford County, where he raised a large family. He died December 29, 1983, at the age of 78.

Peter Walters was incarcerated February 14, 1922, at Eastern State Penitentiary, in Philadelphia. In 1928 he was transferred to Graterford Prison. He was paroled on February 13, 1931, having served the minimum sentence of nine years. After his parole, he continued to live in the Wyalusing area with his wife and children.- JO.

photo: courtesy of the PA Game Commission