

DOES A HOBO HAVE RIGHTS?

From the Daily Inter Lake, Kalispell MT

“Lancaster, Wis., Nov. 1, 1913 — The right of a conductor to put a tramp off a moving train is to be tried out in a murder case here next month. Conductor Harry French, of La Crosse, of the Burlington railway is charged with kicking Edward Murphy, tramp, off his train while it was in motion. Murphy fell under the wheels and was killed.”

This rather terse summary leaves a lot to be answered. In 1913 Railroads were king. They carried the commerce and much of the passenger traffic of the nation, and they weren't agreeable to giving free rides. What happened on the rails near Cassville provided the answer to the question of rights. The railroad and its man found that all men, even hobos, have rights. More from the News:

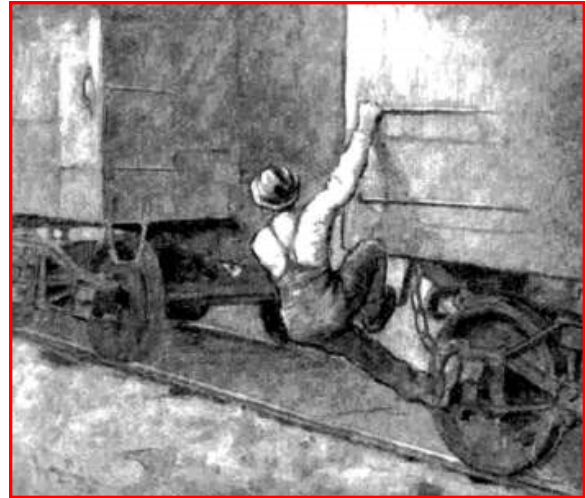
From the La Crosse Tribune, Tuesday February 24, 1914

“LA CROSSE MAN UP FOR MURDER – Burlington conductor Alleged to Have Killed Man Near Cassville Faces Trial – STRONG CIRCUMSTANTIAL EVIDENCE – Attorneys Center fight on Identification of French; Wolfe Will Attempt an Alibi”

“The fate of Henry French, Burlington conductor, residing at 1525 Kane Street, who is today facing a charge of murder at Lancaster, Wis., will hinge on the testimony regarding the description of the clothing worn by French on the day of the alleged crime. Attorneys claim conflicting testimony will be introduced on this point, and upon the jury's acceptance of the testimony depends the imprisonment or freedom of the La Crosse man.

ALLEGED KICK IN HEAD

“French is alleged to have kicked Pat Murphy, a Burlington laborer, in the head while the latter was attempting to climb up the side of the box car of French's train. Murphy fell and was killed near Cassville, October 5. The arrest of French followed.



“French is facing one of the strongest cases of circumstantial evidence ever brought before the circuit court of Lancaster. Both District Attorney Harry T. Carthew and William Wolfe, attorney for the defendant, will center their fight on the identification of the murderer, the former attempting to show that French and the man seen kicking Murphy are the same, while Attorney Wolfe will attempt to prove an alibi for his client.

“The jury was speedily sworn in this morning before the Lancaster court. District Attorney H. T. Carthew summoned George Bass and Henry Seers, Burlington laborers, who both testified that they had seen French aboard his train on the day of Murphy's death, and within an eight of a mile from where Murphy was killed. Both men gave a description of the clothes worn by French.

TO BRING WITNESSES

“It is the intention of District Attorney Carthew to introduce other witnesses this afternoon who saw the death of Murphy. These witnesses will be called upon to describe the clothing worn by the man who kicked Murphy from the train and according to their testimony at the preliminary hearing these descriptions will tally exactly with those given by Seers and Bass this morning of the clothing worn by French on the day of the crime.

“Attorney Wolfe it is understood will introduce as witnesses for defense brakemen who will testify that French was in the caboose of the train at the time the accident took place.

“District Attorney Carthew today declared that he expects all testimony will be in by tomorrow afternoon and that the case will then go to the jury.”

From the Sheboygan Free Press February 28, 1914

“Lancaster, Wis., Feb 27 – Harry French of La Crosse, conductor on the Chicago, Burlington, and Quincy railroad was convicted here on Friday of man-slaughter in the third degree at the conclusion of his trial for the murder of Edward Murphy. The conviction carries a penalty of a term in the penitentiary of from two to four years.

In deciding the case the jury passed on the important point of the right of members of the train crew to eject persons stealing rides. Murphy, a tramp, was kicked off of French’s train while it was in transit and received injuries in his fall from which he died.

“French denied ejecting the man, but the jury decided that he did and held that the conductor has no right to put a man off his train while it is in motion.”



*"One evening as the sun
went down
And the jungle fire was
burning
Down the track came a hobo
hiking
And he said, "Boys I'm not
turning-
I'm heading for a land that's
far away,
Beside the crystal fountain.
So, come with me; we'll go
and see
The Big Rock Candy
Mountain."*