

Nolan Found Not Guilty

The Nolan murder case, which has been tried in district court at Fargo here. Judge A. T. Cole the past week, went to the jury at 10:50 Saturday morning, and a verdict of "Not Guilty" was returned in the afternoon of the same day.

The trial created a great deal of interest and the court room was packed at all sessions of the court. State Attorney John Sad, assisted by O. B. Herigstad, of Minot, conducted the prosecution; Francis J. Murphy, of Minot, conducted the defense.

As is perhaps well known, the case grew out of the shooting, resulting in the death of Joe Bagley, an I. W. by Railroad Detective Nolan, at Minot, on October 2nd. A large crowd of I. W. W.'s were stealing a ride on a cattle train from New Yorkford, where they had attended a convention, and at this point were ordered off the train by Nolan. The defense succeeded in establishing the fact that Nolan shot in self-defense, and as the law is plain on this point there was nothing for the jury to do but declare the defendant not guilty.

Judge Cole, in charging the jury, said that as a peace officer and in the discharge of his duties, Nolan had a right to carry a gun or weapon and use it "when reasonably necessary to preserve order and make arrests either with or without a warrant for offenses committed in his presence on the property of such railway company. You are further instructed that if you find that deceased at the time and place mentioned in the information and just prior thereto was upon the cars or tracks of the railway company without permission or invitation of the company or its officers or employees and had been stealing a ride or was attempting to steal a ride on one of the trains of the railway company, he was a trespasser and wrongdoer and it was the duty of the defendant as a peace officer to eject him from said train and from the premises of the company, using such force, but only such force as was reasonably necessary to do so."