NOLAN IS ACQUITTED

OF MURDER CHARGE

F. W. Nolan was found not guilty of murdering Joseph Bagley.

The jury reported its verdict at 2:37 p. m. Saturday, being out three hours and 45 minutes.

Nolan was in the chambers of the court when the verdict, voted by the jury at 2:20 p. m., was made known to him.

His first act was to telephone to his mother, waiting for the verdict in a room in the Gardner hotel.

The Nolan murder trial went to the jury at 10:50, Saturday.

The reading of the charge by Judge A. T. Cole, the trial judge, required 50 minutes.

The charge was interpreted as being favorable to the defendant, as in cases where self defence is set up.

Although there was only the formality of giving the charge, the crowd on that day was as large as that of Thursday and Friday.

The trial neared its end late Saturday. John Sad of Cooperstown, state's attorney of Griggs county, gave the opening argument to the jury. He was followed by Francis J. Murphy, of Minot, council for Nolan. O. B. Herigstad, of Minot gave the closing arguments for the state.

Judge Cole, in reviewing the criminal action told the jury that F. W. Nolan was charged with the crime of murder in the first degree in inflicting a mortal wound upon Joseph Bagley from which effects Bagley died, which was against the peace and dignity of the statutes in such cases made and provided.

Five forms of verdict were handed o the jury. One was a verdict of not guilty, another for manslaughter in the second degree, another for manslaughter in the first degree, another for murder in the second degree, and the last form for murder in the first degree.

Judge Cole quoted section 9504 of the state's compiled laws, which reads: "Whenever any person is prosecuted for a homicide, and upon his trial the killing shall be found to have been excusable or justifiable, the jury shall find such person not guilty and he shall be fully acquitted and discharged."

In charging the jury, Judge Cole said, "If you find the defendant was a special or general police officer of the Great Northern Railway company at the time and place when and where he is charged with having committed the crime, he had the powers, duties, and responsibilities of a peace officer of the state under the provisions of our code.

"I further instruct you," said the court, "that the evidence in this case discloses that at the time of the commission of the acts charged in the information, this defendant was in the employ of the Great Northern Railway company and was acting as such at said time and place. Pursuant to the provisions of sections 10586 and 10587 of the compiled laws of the state, this law expressly authorizes every railway or railroad company doing business within the state to appoint and employ such persons as peace officers at its stations and other places along the line of its road within the state, as may be it deemed necessary, for the protection of its property or the preservation of order on its premises or in and about its cars, depots, grounds, yards, buildings or other structures of the same under its control or in its possession."

The court told the jury that as a peace officer and in the discharge of his duties, Nolan had a right to carry a gun or weapon and to 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," read the court, "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 then 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.

Judge Cole told the jurors that