

The New North-West.

MILLS BROS. PUBLISHERS.

In the Senate a bill has been introduced to pension soldiers of the Mexican...

Boecker has been mortally injured. This time it was over Otman the gambler...

From the reference to "Timber Depredations" in the President's Message, it appears the administration realize the timber situation in the Territories and will interpose...

Deacon McKee, of St. Louis, is credited with having originated the "Third Term Boom." As Grant has not been invited to visit the future great, it looks as though the converts to the Deacon's faith...

The present term of Court, involving the summoning of so many jurors, is due to many amendments that might be made to the laws for the public good. As it is now, a man is required to be a taxpayer and a full citizen before he can serve as a juror on a criminal case...

We publish in this issue a letter signed "Fair Play," relating to a paragraph in last week's paper and other circumstances relating to the Drouillard murder. We obtained and published Mrs. Drouillard's testimony as being the first authentic statement of the circumstances attending the killing of Moses Drouillard. After the testimony was in type, on the day of the issue of the paper, a statement of Mrs. Drouillard's retraction was made to us by a gentleman whose word we deemed entirely reliable.

Secretary Schurz has sent the following telegram to General Hatch, of the Ute Commission, at Los Pinos Agency. "Receive surrender of Indians designated by your commission, with the understanding that they will be guaranteed a fair trial by a military commission outside of Colorado and New Mexico. Inform Oursay that he will be received here with four or five Ute campmates and three Southern Utes. Take care that great and influential men be selected, especially from the White River Ute. It will probably be desirable to have Jack here. Take possession of prisoners with military guard and convey them in the first place to Fort Leavenworth. It is difficult to foretell what punishment, if any, will be meted to the cowardly Ute assassins. Banishment to the Indian Territory is not punishment; and even this method of disposing of unruly hostiles is to be abandoned. A bill has been introduced in Congress looking to this end. But the murders, thievery and depredations of Indian tribes, and representation of the same, are well enough in the case of Oursay whose friendship to the whites is true as steel, and will doubtless be lasting as life itself. He and his friends should be rewarded; the murderers and their allies should be legally tried and, if proven guilty, legally hung. The remainder would return to their reservation imbued with new ideas of civilization of right and wrong, and be content to forbear a repetition of such blood-dripping atrocities as that which Meeker and his gallant men met by their doom."

The finding of the jury in the Lobb case after an hour's deliberation was a surprise to many who recollected the disagreement of a former jury on the question of manslaughter and the apparently credible report that the jury stood nine to three for acquittal. We believe, however, the finding to be absolutely just, and do not see what other verdict could have been returned under the evidence and the law governing the case. And it is very peculiar in its brief, Lobb was a man who was man at Butte, and evidently believed he had a right to make arrests. On the evening of the shooting he was called into the Silver Bow Saloon to suppress a row in which a knife had been exhibited. He attempted to make arrests, was resisted and beaten. He shot and killed James Oursay, who was in the crowd and one of the persons beating him. It appears Lobb was there as a peace officer; that he stood witness and vulgar epithets for a time; called for assistance which was refused; for the defense testified was rendered there by three sober men against the three to six intoxicated men who were resisting him, and that until he pulled his pistol and fired Lobb had behaved creditably as an officer and his assistants very creditably. Nielsen was afterwards fined for assault and battery on Lobb. The fact of Lobb's not being an officer out of his important figure in the case as has been popularly ascribed to it. His acting in the capacity of an officer was sought to be brought out by the defense to prove the intent and animus of Lobb in the act, but there are circumstances well defined by law where a private citizen is as fully empowered to make an arrest as an officer is. The case seemed to turn on the danger to life or limb to which Lobb was subjected, or to which as a reasonable man he believed he was being subjected when he fired the fatal shot, and whether the offense being committed and the circumstances surrounding him in taking a human life as a matter of self-defense. The evidence did not show this. Lobb was too free with his pistol. There seems also to be a popular misunderstanding as to the rights and

THE LOBB CASE.

privilege of an officer in making an arrest for a misdemeanor. There is no warrant of law for an officer shooting down a person committing a simple misdemeanor if he is somewhat unruly and boisterous and ugly to such resistance and the officer is authorized to summon assistance. When the resistance results in assault upon the officer, he has a right to repel it to such an extent as he may reasonably consider necessary to protect himself and accomplish his purpose; but it does not follow that he shall shoot or kill recklessly or upon slight provocation. The law governing this case and the case as proven were presented very ably by District Attorney Mayhew, and the instructions of Judge Gulbrith were simple and clear. The case involved an important and delicate point of law. No other verdict could be returned under the testimony and law than that rendered. Although popular sympathy was largely with the prisoner, and we think that he was right except as to the extreme act, the better judgment is that justice has been subserved by the verdict. It is necessary in Montana that violent offenses against the law shall be rightly investigated, fair verdicts rendered and infractions punished. In an era of crime like the present laws of the land must be impartially administered and justice meted out to all. The threatening shadows of anarchy that are projected from horrid deeds and violent minds can only thus be dispelled and Law and Order maintained in integrity and sacredness. It behooves every good citizen to realize the importance of the issue; to obey and sustain the law; to be steadfast in that faith; to realize that in the Courts the accused and the conquer have their rights; that judicial determinations are in the full light of facts under the solemnity of oath controlled by just laws; and that these determinations are worthy of confidence and respect than can be the opinions of individuals or the hasty conclusions of irresponsible judgment. We have held and hold that the laws, the courts and the officers of Montana are adequate for the administration of even and equal justice in this Territory, and the finding in the Lobb case is in vindication of that faith.

THE BIG HOLE BATTLE FIELD.

Lieut. James A. Bradley's Grave Robbed of the Body.

Special Correspondence New North-West.

TERMINUS U. & N. R. R., Nov. 30.—At the close of our brief interview on the 18th inst. I took the coach from Deer Lodge up the Bitter Root valley via Stevensville and Corvallis to Skalkaho. I pressed mainly on horseback and alone. I then rode the Bitter Root and Ross' Fork to Big Hole Pass and the battlefield; from thence to the Bannack and Helena Pacific to the stage line six miles from here. I found three to six inches of snow between Deer Lodge and Missoula, a very little in the Bitter Root valley, at least a foot in Big Hole Pass and on the battlefield, less toward Bannack and nose south of it. The weather, save a terrible mountain storm at the Hot Springs in Grasshopper Park, was clear but intensely cold—said to have been 10° below zero at Bannack. The streams, especially Ross' Fork, were badly frozen and dangerously so.

I readily found the Big Hole Battlefield, and also found and brought away the small head board and tin camp plate rigidly inscribed with the name of Lieut. James A. Bradley; but the fragment of horse hide mentioned by those gentlemen in Deer Lodge as being on his grave was some 20 feet from it, and the grave was certainly empty, as deep excavation in the ground long and anxious search in the snow nearly knee deep around it revealed fragments of bones, not doubt, nor do I believe they will ever be found by those who can identify them. The fragment of horse hide near his grave had been dragged and gnawed during the night by a pack of coyotes, and the countless trails of them and of foxes and wolves upon all portions of the field are proof positive that they still hold nightly carnivals in visiting, unearthing, upturning and gnawing the fragments of bones, blankets and clothing still profusely scattered over the willow dotted and bordered battlefield.

A SUGGESTION. These ghostly scenes only sustain my long-cherished conviction of the propriety, if not, indeed, the positive duty, of our government, at the earliest practicable moment, cause the bones of the fallen, officers and soldiers, upon each of our Indian battle fields, to be carefully removed to some prominent point upon or near it, as a fitting memorial to the brave, and erecting a fitting memorial over those who remain, so that future generations may remember and revere those who on gory battlefields perished to protect the pioneers of civilization along our vast and ever-imperiled frontier.

In interesting conversations with the military men and citizens of Bitter Root valley who participated in the battle and the burial of the fallen, I never heard the opinion expressed that the remains of Lieut. Bradley had ever been removed save by wild animals, but at Bannack I did hear a rumor that they had been removed to Deer Lodge. Fairly hoping that this may be true, I write you thus hastily before leaving for Ogden. Etc., etc.

F. W. NOKS.

(Inquiry as to the above elicits the fact that Lieut. Bradley's remains were buried where he fell and have never been removed. Some months subsequent to the battle a detachment of the 7th Infantry under Captain Combs went to the Big Hole Battlefield, examined the remains of Captain Logan and brought them here, but no cause unknown the remains of Lieut. Bradley were not removed. We heartily endorse the suggestions of Colonel Norris related to protecting the graves and commemorating the battle fields of the frontier and trust Delegate Malheur will use his efforts in that direction.—E. N. N.-W.)

New York, Dec. 11.—Thursday's Commercial Bulletin from the London Press, reports that the Ute Commission has been authorized to purchase 5,000 bushels of wheat and over half million commensurate, asking for a commission of inquiry concerning the Ute Commission's purchase of wheat before the members of the Vice President.

THE LOBB TRIAL.

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