

Rosebud Ranch Appeal Argued

HELENA (AP) — A landlord-tenant dispute over the alleged breach of an agreement to lease a Rosebud County ranch south of Forsyth for a steer operation was argued Monday before the Montana Supreme Court.

The 5,000-acre ranch near Armalls Creek was leased by the owners, William G. and Bertha J. Wolf of Billings, to Hargreave F. and Hazel T. Green in 1954 for a cattle and calf operation.

The next year, the parties made a new agreement of change to a steer operation.

Later the Greens filed two breach of contract actions, one for the year 1958-57 and the other for 1958-59. The Rosebud County District Court awarded the Greens damages of \$37,979.

The Wolfs contended the damages against them were excessive and appear "to have been given under the influence of passion or prejudice." They appealed after District Judge Victor H. Fall of Helena, who presided, refused to order a new trial.

Charles F. Moses, Billings lawyer for the Wolfs, went over a number of grounds he claimed are sufficient to reverse the case. He argued the Greens have "had the advantage of the contract, without doing anything, while using the land and premises to make additional sums of money."

Moses noted that he found it difficult to understand testimony given at the trial in the light of his personal attendance at conferences between the parties.

This brought from Rockwood Brown Jr., Billings lawyer for the Greens, an objection to what he called Moses' "gratuitous opinion and reference to matters outside the record."

Brown pointed out that "the jury, after observing all of the witnesses and hearing the evidence of the case, unanimously held in favor of the plaintiffs (Greens) on all issues and for the full amount asked."

The cause was taken under advisement by the high court after an hour's argument.

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