

## BAIR RANCH CASE

Charles (Charley) Bair was a legendary rancher in the Martinsdale area of Montana, lying on the eastern slopes of the Castle Mountains, northerly of the Crazy Mountains. He located there in the early 1900's and raised sheep---by 1910 he had accumulated a herd of over 300,000 sheep. At that time markets for sheep, and the wool that was shorn annually, were located in the mid-west and East Coast and usually shipped by rail. Charley built his own railroad trackage running along the westerly side of the mountains (Ringling area) and linking with the rail main-line coming out of Livingston. Charley did a lot of international traveling and became acquainted with royalty, presidents and bigwigs around the world. He was also a womanizer. One story I heard about him was that he compromised some young gal and she made a complaint about him. Both sides of the controversy were meeting at law offices in the Stapleton building in Billings. They looked around for Charley and finally found him *flagrant delicto* with the complaining woman in a nearby office. Charley and his wife had two daughters: Marguerite and Alberta. Charley died in 1943. Marguerite married Dave Lamb, who then took over management of the sheep ranch. Alberta never married and was a wonderful woman, after whom the Alberta Bair Theater in Billings is named. Their home on the ranch was luxurious and today is the Bair Museum.

In about the early 1970's an accident occurred on the ranch, which resulted in the lawsuit I want to tell you about. A herder employed by the ranch was living in a canvas-topped sheep wagon located at the crest of a hilly pasture. A strong wind came along and caused the upper part of wagon to be hurled down the hill with the herder inside. He sustained

personal injuries and sued Bair Ranch on a negligence theory. The ranch had some negligence in that they neglected to bolt the upper living quarter part of the wagon onto the heavier "bolster" or running gear and wheels. The injured herder was represented by John Cavan , partner of "Timer" Moses, and a very fine trial lawyer. Suit was filed in Meagher County District Court at White Sulphur Springs, Montana, asking for trial by jury. The Judge was Nate Allen, who was an unusual man who lived in Roundup and covered several surrounding counties , including Meagher, where the lawsuit was filled. Nate played a mean piano with the Shriner's Oriental Band, of which I was a member. The Clerk of Court was Opel Eggert, a great gal who lived on top of the hill at White Sulphur Springs, and later moved to Billings.

There is not much exciting that happens in White Sulphur Springs and this was the first jury trial in the area for about ten years. It was like the circus came to town, The Court room was packed each day of the trial.

Dave Lamb sat with me while the jury was being selected. The Bair's hadn't yet started giving their money to charities in the area and were perceived as "rich ranchers". Dave steered me to one guy who he thought would be very favorable to the ranch. We were successful in selecting the guy and he ended up being the Foreman---and the principal Bair-antagonist on the jury.

The case went over the weekend and I was asked for dinner at the ranch. The ranch building, which is not<sup>w</sup> the Bair Museum, had Charley's pictures and collections of his world travels.

The trial went on and was submitted to the jury. The jury came back later in the evening, and they found for the Plaintiff and awarded \$10,000. I was disappointed in the verdict, but liked

the damage figure. When the Jury went home, Judge Nate, lawyers John and Rocky, and the Clerk of Court Opel decided that the sanest thing for them to do was for all of them to go to Opel's house on the hill and drink whiskey. That is what we did until the wee hours of the morning. This could happen only in Montana.