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CHARGE HOLDUP WAS FAKED TO SAVE FACE OF DEFENSE

Sensational allegations are contained in Deposition filed in Ringling-Beiring, Cunningham lawsuit.

That the defendants in a lawsuit involving a quarter of a million dollars deliberately faked a holdup to save themselves from being compelled to admit that their alleged defense had no existence, is the implication, strongly presented, in a deposition that was taken before Charles H. Little, stenographer to Judge W. E. _____.

Charge of Fake Holdup is made:

Sensation Charge in Ringling-Beiring, Cunningham Lawsuit.

Beiring and Cunningham. Differences arise. Ringling was sued for breach of contract. They were awarded $322,480.

Before the decisions as to this judgment had been definitely affirmed Ringling was given an opportunity to purchase about $250,000 worth of Beiring and Cunningham notes which were held by the Elling State Bank. This he did and sought to offset the $322,000 judgment against himself, to the amount of the face of the notes.

Beiring and Cunningham pleaded that the notes didn't mean anything; that they and Karl Elling had gone to a room in the Placer Hotel and arrive at an agreement, which was put in writing cancelling the notes.

The court ordered them to produce this contract.

Counsel for Beiring and Cunningham then stated that the original agreement had been lost but they had a copy of the original and that this copy is more than seven years old. Judge Law ordered them to produce the copy.

Disputed Claims

Karl Elling had denied that any such agreement had ever been made. Testimony has been introduced to show that while Beiring and Cunningham and the Elling interest and those of other debtors had been in Helena on the dates mentioned. Beiring and Cunningham refused to talk with anybody "until their counsel was present." This statement was offered to show the inconsistency of the claim that they had met alone with Elling and had drawn up a contract, without legal advice involving a huge sum and had signed it.

Billings Holdup

The court insisted that, since the contract was represented as being lost, the copy should be filed. This was declared to be in the possession of Attorney F. D. Tanner of Hardin.

The alleged copy of the alleged contract was to have been filed with the court on September 2. A few days before that date Cunningham and an employee Abe Cutler, went to Hardin. This matter was brought out at the last court hearing.

Contd.

Tanner testified that Cutler and Cunningham occupied his basement during their stay of three or four days and that "Cunningham was drunk all the time". On the witness stand Cutler, however admitted that he stopped at a hotel and had registered under an assumed name. He said he did this, "to get away from Cunningham."

A few days before the date set for filing the alleged contract with the court Tanner went to Billings; he met Judge Strong. They were walking together on the street when Tanner was held up. The alleged copy--which he had previously showed to Judge Strong--was taken from the brief case which was left lying in the alley.

The Deposition

E. Callahan, of Butte, an ex-forest ranger, was employed on the Rising Sun "Dude" Ranch in which Canningham was interested and on which Abe Cutler was also employed.

In his statement, under oath, Callahan says that while he was so employed Cunningham told him that he might want him to "go to Billings to intercede about a certain paper that Tanner had, didn't want to get into court". Callahan states that "they wanted me to make final arrangements to see that it wasn't going into court."

Deponent says he told Cunningham which the latter made the statement about keeping the paper out of court that he was "fooling with a red, hot poker" and that the latter answered there would be no danger because they would have a reputable man who would swear that things had happened as the defendants would say that they had happened. Callahan understood that this reputable citizen would be a "justice of the peace."

He Was Scared

Following this conversation, Callahan says Cunningham and Cutler left for eastern Montana. Cunningham returned to Bozeman that night of the holdup. Cutler did not return for several days. When Callahan again met him the papers had carried the story of the alleged holdup "by a man in a dark suit" and the discovery _____.

BOZEMAN CHRONICLE AUGUST 27, 1939

The Holter Company to the United States, August 16, 1,280 acres in the Beaver Creek area and 2,560 acres in the Buck Creek area of the Gallatin Canyon, described as sections 19 and 29, 7S, 4E; sections 15,21,23,25,8, S, 3E.

Mr Benson 1939

Lester Pierstorff rustled a couple of pictures of the bank robbers. They were killed on the Herke place. These are horrible looking pictures but I thought you may like to have these with your other collection of pictures. These pictures do not have to be returned. The younger one was called Clarence Webb, the other is Paul Rushton. Some think that this last name is Holt.

I will get a copy of the story on these bank robbers that Mrs. Orr wrote. Some seem to think Mrs. Atwater, who was on the Bear Creek Ranch, wrote this story.

written by Montgomery Major Atwater
a relative of Mrs Orr