

GOVERNOR SAYS WRITS TIE UP ALL BUSINESS

Ousted Commissioners Go to Court in Effort to Regain Positions on State Body

TAKE ACTION AGAINST HOLT

Executive Must Show Cause for Removal; Is Restrained From Naming Successors.

HELENA, Nov. 14.—(AP)—A legal maneuver by the ousted Montana highway commission in its effort to get back into office was voted by Gov. Elmer Holt Saturday night as possibly resulting in a temporary shutdown of the state highway department.

District Judge A. J. Hanley issued two writs Saturday after the commissioners, Dr. H. J. McCroger of Great Falls, Rockwood Brown of Billings and L. Z. Croninger of Missoula, filed a 100-page petition in the Lewis and Clark county court seeking to block the governor's order removing them from office.

One writ is a writ of prohibition on November 20 and demands the governor to show cause why the order removing the commissioners and naming their successors should not be voided. The second writ is a writ of mandamus to the governor to show cause why he is removing the commissioners or with the appointment of successors.

Gov. Holt said Saturday night that he will sign the writs but will not actually sign them. He will have the state board of examiners in Helena actually sign the writs of the department for removal, reinstatement or appointment.

November 20, the day the writs are returned on district court, is the day the pet rel session of the department will be, the governor explained.

The writ committee said he has asked the attorney general, Ross E. Nelson for an opinion on whether the board of examiners can approve the governor's removal while the matter of changing the commissioners is in progress.

If the writs cannot be approved, the governor said, there is a likelihood that the entire departmental machinery must be halted until the litigation is cleared.

The commissioners protested in their petition to the district court that the governor lacked jurisdiction to hold the writs hearing, that the commissioners were denied a hearing when the writ committee issued the writs, and that they were denied the opportunity to be heard in the proceedings. They also stated that the writ committee had no authority to remove or appoint successors.

The petition said the "prohibited writ" of removal is "of no effect and void also in terms of the jurisdiction" of the governor.

It charges Governor Holt with "arbitrarily, capriciously, whimsically and without right" assuming the position of the board of examiners and ordered that "hereafter, hereinafter without waiting or opportunity to the petitioners or their petition to be heard immediately, the writ shall not be an independent and unrestricted show of single writ but writ of such hearing and there-"
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Commissioners File Effort to Regain Positions

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