

## SUPREME COURT HEARS DATA ON HIGHWAY CASE

### State Tribunal Takes Matter of Writ in Ouster Proceedings Under Advisement.

Helena, Nov. 28.—(AP)—Scorching arguments by counsel supplied the Montana supreme court Saturday the facts on which to decide if Gov. Elmer Holt's removal of the state's three highway commissioners will "stick."

The court concluded in midafternoon a hearing on a writ of supervisory control it granted the governor after the commissioners—Dr. H. J. McGregor, Great Falls; Rockwood Brown, Billings, and L. J. Croonenberghs, Missoula—temporarily blocked the ouster proceedings in district court.

Before taking the case under advisement and adjourning, the court granted the governor's counsel two days to file additional briefs and allowed the commissioners five more days to file theirs.

The governor charged the commissioners with collecting illegal fees from the state and removed them, after a two-day public hearing, on November 13. The next day, the ousted officials secured from District Judge A. J. Gorsky, here, an order temporarily restraining the governor from proceeding further and also a writ of review, ordering the governor to show cause why his removal of the commissioners should not be annulled.

Contending the lower court's action created an emergency by impeding the handling of the state highway department's business, Governor Holt then secured a writ of supervisory control from the supreme court.

John L. Slattery, the governor's personal counsel, opened the arguments Saturday morning by calling the commissioners "usurpers, seeking to substitute judicial discretion for a legal power invested in the governor."

Attorney Slattery added he "would like to see some of these district judges who are so free in granting over-reaching writs, such as in this

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