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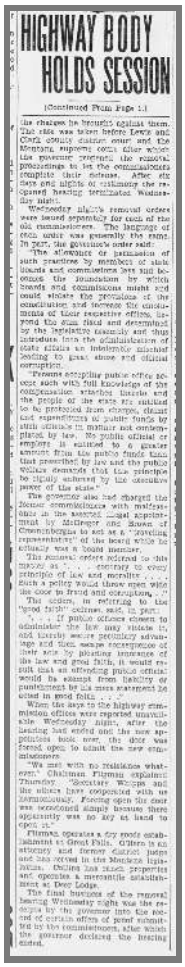

HIGHWAY BODY HOLDS SESSION

(Continued From Page 1.)

the charges he brought against them. The case was taken before Lewis and Clark county district court and the Montana supreme court after which the governor ordered the removal proceedings to let the commissioners complete their defense. After six days and nights of continuing the reopened hearing terminated Wednesday night.

Wednesday night's removal orders were issued separately for each of the old commissioners. The language of each order was generally the same in part, the governor's order said:

"The allowance or permission of such practices by members of state boards and commissions lies and becomes the foundation by which boards and commissions might and could violate the provisions of the constitution and increase the emoluments of their respective offices, beyond the sum fixed and determined by the legislative assembly and thus introduce into the administration of state affairs an intolerable mischief leading to great abuse and official corruption.

"Persons accepting public office accept such with full knowledge of the compensation attaching thereto and the people of the state are entitled to be protected from charges, claims and expenditures of public funds by such officials in matters not contemplated by law. No public official or employe is entitled to a greater amount from the public funds than that prescribed by law and the public welfare demands that this principle be rigidly enforced by the executive power of the state."

The governor also had charged the former commissioners with malfeasance in the asserted illegal appointment by Attorney one Shoun of Cunningham to act as a "traveling representative" of the board while he actually was a board member.

The removal orders referred to this matter as ". . . contrary to every principle of law and morality . . . Such a policy would throw open wide the door to fraud and corruption. . ."

The order, in referring to the "good faith" defense, said, in part:

". . . If public officers chosen to administer the law may violate it, and thereby secure pecuniary advantage and then escape consequence of their acts by pleading ignorance of the law and good faith, it would result that an offending public official would be exempt from liability or punishment by his mere assurance he acted in good faith . . ."

When the keys to the highway commission offices were reported unavailable Wednesday night, after the hearing had ended and the new appointees took over, the door was forced open to admit the new commissioners.

"We met with no resistance whatever," Chairman Fligman explained Thursday. "Secretary Wehrly and the others have cooperated with us harmoniously. Forcing open the door was occasioned simply because there apparently was no key at hand to open it."

Fligman operates a dry goods establishment at Great Falls. Gilbert is an attorney and former district judge and has served in the Montana legislature. Collins has ranch properties and operates a mercantile establishment at Deer Lodge.

The final business of the removal hearing Wednesday night was the receipt by the governor into the record of certain affidavits of proof submitted by the commissioners, after which the governor declared the hearing closed.

Ousted Commissioners Vow to Continue Fight

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