

3-2 DECISION SUPPORTS HOLT IN ROAD CASE

Sands and Angstman
Dissent From Ruling
Signed by Stewart,
Anderson, Morris.

NAMING OF NEW BODY SUSTAINED

Removal of Trio Is
Based on Allegation
Members Illegally
Collected Fees.

HELENA, Feb. 17.—(AP)—The Montana supreme court in a 3-2 decision Wednesday upheld the removal of the state highway commission for collection of alleged illegal fees and sustained the appointment of a new board. The decision was the court's second in the drawn-out controversy that followed removal by former Gov. Elmer Holt of Commissioners Rockwood Brown, Billings; Dr. H. J. McGregor, Great Falls; and L. J. Croonenberghs, Missoula, and appointment by the ex-governor of Fred A. Fligman, Great Falls; D. L. O'Hern, Miles City, and Thomas O. Collins, Anaconda, in their places.

In a decision last December it was held the former governor had not given the accused board members a chance to complete their defense when he closed a hearing on the charges he filed against the officials. This decision resulted in reopening the hearing and subsequent removal of the board.

Justices E. V. Stewart, Ralph Anderson and C. F. Morris signed the majority opinion of the court. Justice A. H. Angstman wrote a dissenting opinion and Chief Justice W. B. Sands added a short concurrence in the dissent.

The decision Wednesday was on a quo warranto proceeding brought by the Montana attorney general's office to determine which set of commissioners was entitled to hold office.

The majority opinion of the court pointed out the charges against the former commissioners involved collection of per diem, fees and expenses incurred by Commissioners McGregor, Brown and Croonenberghs when the commission was not in official session.

(Continued on Page 4, Column 3)

Montana Supreme Court Upholds Commission Ousting

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