

TRIBUNAL DENIES REHEARING PLEA

Ousted Commissioners Lose in Move for Case Reconsideration

Helena, March 10.—(P)—The Montana supreme court Wednesday denied three former state highway commissioners, removed from office by former Gov. Elmer Holt, a rehearing in the quo warranto case in which the tribunal upheld the ouster.

Dr. Harry McGregor, Great Falls; Rockwood Brown, Billings, and L. C. Croonenberghs, Missoula, were the former commissioners who sought the rehearing.

The court's decision to deny the rehearing was made by a three-to-two vote. Signing the order denying the former commissioners' plea were Associate Justices Ralph J. Anderson, C. F. Morris and S. V. Stewart, Chief Justice W. M. Sands and Associate Justice Albert H. Angstman voted in favor of the rehearing.

The three former commissioners were removed from office by former Governor Holt for collection of alleged illegal fees.

Fred Fligman, Great Falls; D. L. O'Hern, Miles City, and Thomas Collins, Deer Lodge, were named to succeed the ousted commissioners on the highway board.

On Dec. 28, 1936, the attorney general's office filed in the supreme court a quo warranto proceeding, asking the tribunal to determine which set of commissioners was entitled to hold office. On February 17 the court handed down an opinion upholding former Governor Holt's action in removing the board members and ruling the new members were legally entitled to hold the commission posts.

Petition to Supreme Court for New Trial Denied

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