

EXECUTIVE ORDER.

*Rescinded -
Feb. 1, 1982*

It having been made to appear to me by Frank Boucher, an interested person, that there is now pending in Department 2 of the District Court of the Second Judicial District of the State of Montana, in and for the County of Silver Bow, a civil cause numbered 30268 and entitled Albina St. George, Plaintiff, vs. Frank Boucher, Defendant; that in said cause there was a jury trial terminating on April 18, 1928, on which day a verdict was rendered and filed in favor of said plaintiff and against said defendant, and that on the said April 18, 1928, the said defendant, Frank Boucher, filed and served his notice of motion for new trial in said cause; that no Judge of the said Second Judicial District has jurisdiction to try said cause, in that said cause originated in Department 1 of said District Court; that the Judge of said Department 1 was disqualified by affidavit for imputed prejudice, whereupon said cause was transferred to Department 2 of said court; that the Judge of said Department 2 was thereafter disqualified by affidavit for imputed prejudice, all prior to the trial of said cause; that prior to said trial the Hon. B. B. Law, Judge of the Ninth Judicial District was called in to try said cause and did preside at the trial thereof; that the said Frank Boucher and his counsel desire to press and argue said motion for new trial upon its merits within the time prescribed by sections 9399 and 9400 of the Revised Codes of Montana of 1921, but will be unable to do so before the Judge now having jurisdiction of said cause (the Hon. B. B. Law) by reason of said Judge having returned to Bozeman, Montana, and having declined the request of counsel for said Frank Boucher that he, the said Judge, hold court in the said Second Judicial District within ten days following the filing of said notice

of motion for new trial for the purpose of making necessary orders and conducting necessary proceedings in said cause upon the motion for new trial, and has stated to said counsel that his judicial duties in the said Ninth District will prevent him from so doing; and it therefore appearing to me that the business of said court is not and cannot be dispatched with reasonable promptness, and cannot be dispatched at all within the time prescribed by statute,

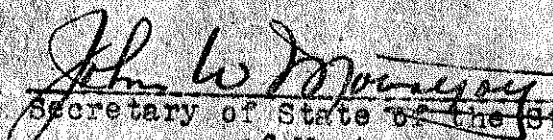
NOW, THEREFORE, under and by virtue of the authority and power in me vested by law,

IT IS HEREBY ORDERED that the Honorable Lyman H. Bennett, a Judge of the Fifth Judicial District of the State of Montana, be and he hereby is requested and required to hold court in Department 2 of the Second Judicial District Court in and for Silver Bow County within such time and for such time or times as may be necessary to hear and determine the matters now pending in said cause No. 30268, or which may be presented therein, and to hold court therein not later than April 27, 1928.

GIVEN under my hand this April 24th, 1928.


Governor of the State of Montana.

ATTEST:


Secretary of State of the State
of Montana

(SEAL)