

*Shane*

**Office Of  
Attorney General  
State Of Idaho**

**ALLAN G. SHEPARD  
Attorney General**



**Biennial Report  
1 July, 1962 -- 30 June, 1964**

*Saul*



ALLAN G. SHEPARD

Attorney General

*Shepard*  
State of Idaho

December 1, 1964

Hon. Robert E. Smylie  
Governor, State of Idaho  
Capitol Building  
Boise, Idaho

Dear Governor Smylie:

Pursuant to statutory requirement I present for your consideration, and the consideration of the Thirty-eighth Session of the Legislature, the biennial report for the Office of Attorney General.

Respectfully submitted,

ALLAN G. SHEPARD

Attorney General

AGS/aj  
encl.

# ATTORNEY GENERAL'S OFFICE

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ATTORNEY GENERAL'S REPORT

POSITION	NAME	APPOINTED	TERMINATED
Attorney General ✓	Allan G. Shepard	7 January, 1963	
Deputy Attorney General	R. LaVar Marsh	1 August, 1963	1 January, 1964
Deputy Attorney General ✓	R. Michael Southcombe	7 January, 1963	
Deputy Attorney General ✓	Thomas G. Nelson	1 March, 1963	
Assistant Atty. Gen. ✓	Warren Felton	1 December, 1962	
Assistant Atty. Gen.	Richard E. Weston	7 January, 1963	
Assistant Atty. Gen.	Keith B. Schofield	7 January, 1963	1 March, 1964
Assistant Atty. Gen. ✓	Larry D. Ripley	4 June, 1963	
Assistant Atty. Gen.	Vern E. Herzog, Jr.	7 January, 1963	20 March, 1963
		1 September, 1963	1 August, 1964
Assistant Atty. Gen. ✓	Stephen W. Boller	16 September, 1963	
Assistant Atty. Gen. ✓	M. Allyn Dingel, Jr.	19 February, 1964	
Assistant Atty. Gen. ✓	Weldon S. Wood	1 October, 1964	
Assistant Atty. Gen. ✓	William M. Smith	7 January, 1963	
Assistant Atty. Gen. ✓	Frank Powell	18 February, 1963	
Law Clerk	J. Robert Alexander	13 June, 1963	1 June, 1964
Law Clerk	Graham Cross	18 June, 1964	
Law Clerk ✓	David Frazier	15 June, 1964	
Investigator ✓	Matthew J. O'Rourke	7 January, 1963	
Administrative Asst.	Donald M. Edwards	7 January, 1963	1 February, 1963
Secretary-Bookkeeper ✓	Barbara L. McKenzie	7 January, 1963	
Legal Secretary ✓	Letha L. Ryder	7 January, 1963	31 August, 1963
		1 December, 1963	31 May, 1964
Legal Secretary	Lillian C. Fraser	7 January, 1963	
Legal Secretary	Sharon L. Brown	11 March, 1963	25 July, 1963
Legal Secretary	Gayle L. Savage	1 August, 1963	1 September, 1963
Legal Secretary	Beverly Lotridge	1 September, 1963	8 June, 1964
Legal Secretary	Ann Troxell	18 May, 1964	
Legal Secretary	Alice J. Jones	9 June, 1964	
Legal Secretary	Mary Frances Lane	11 February, 1963	28 February, 1963

Attorney General

Assistant Atty. Gen.  
Assistant Atty. Gen.  
Assistant Atty. Gen.  
Assistant Atty. Gen.  
Assistant Atty. Gen.  
Assistant Atty. Gen.  
Assistant Atty. Gen.

Law Clerk  
Law Clerk

Investigator  
Investigator  
Investigator

Secretary-Bookkeeper

Legal Secretary  
Legal Secretary  
Legal Secretary  
Legal Secretary  
Legal Secretary

Frank Benson

Thomas Y. Gwilliam  
Frank Langley  
Pete Leguineche  
Peter Leriget  
William Edward Swope  
Warren Felton  
R. LaVar Marsh

John Morgan Alexander Burgess  
Jon Newhall Wyman

Dean LaDoux  
Larry F. Evans  
Aldo Sarchiapone

Virginia M. Peters

Jeanette M. Ashley  
Nona Dee Broome  
Carole Lindsay  
Rosetta Olson  
Alice Shoup

7 January, 1963

December, 1962  
7 January, 1963  
7 January, 1963  
7 January, 1963  
December, 1962  
7 January, 1963

September, 1962  
October, 1962

October, 1962  
7 January, 1963  
7 January, 1963

December, 1962

7 January, 1963  
7 January, 1963  
1 August, 1962  
December, 1962  
7 January, 1963

ATTORNEY GENERAL'S REPORT



## PROSECUTING ATTORNEYS OF THE STATE OF IDAHO

COUNTY	ATTORNEY
ADA .....	Eugene C. Smith—resigned Martin V. Huff—appointed 5-1-64
ADAMS .....	Carl H. Swanstrom
BANNOCK .....	Hugh C. Maguire, Jr.
BEAR LAKE .....	Elbert E. Gass
BENEWAH .....	Thomas C. Morris
BINGHAM .....	Dean Williams
BLAINE .....	V. K. Jeppesen
BOISE .....	J. B. Musser
BONNER .....	James E. Hunt
BONNEVILLE .....	Jack G. Voshell
BOUNDARY .....	W. W. Nixon
BUTTE .....	H. P. Kester
CAMAS .....	Robert G. Newhouse
CANYON .....	C. Robert Yost
CARIBOU .....	Wallace M. Transtrum
CASSIA .....	Richard K. Smith
CLARK .....	A. H. Christiansen
CLEARWATER .....	Ralph H. Haley
CUSTER .....	Jack B. Furey—resigned Jim R. Bennetts—appointed 5-1-63
ELMORE .....	Francis H. Hicks
FRANKLIN .....	Ben B. Johnson
FREMONT .....	Keith Jergensen
GEM .....	Louis Gorrone
GOODING .....	Andrew F. James
IDAHO .....	W. C. MacGregor, Jr.
JEFFERSON .....	Jay F. Bates—resigned Grant L. Young—appointed 4-13-64
JEROME .....	R. H. Seeley
KOOTENAI .....	William A. Reagan
LATAH .....	Len Bielenberg
LEMHI .....	Charles Herndon
LEWIS .....	John R. Kemper
LINCOLN .....	Howard E. Adkins
MADISON .....	Ray Rigby
MINIDOKA .....	Sherman J. Bellwood—resigned Larry R. Duff—appointed 1-31-63
NEZ PERCE .....	Roy E. Mosman
ONEIDA .....	J. W. Crowther
OWYHEE .....	James W. Blaine
PAYETTE .....	Dwaine L. Welch
POWER .....	L. R. Schou
SHOSHONE .....	Richard G. Magnuson
TETON .....	H. S. Forbush
VALLEY .....	Frank H. Joseph

**ATTORNEYS GENERAL**

George H. Roberts .....	1891-1892
George M. Parsons .....	1893-1894
George M. Parsons .....	1895-1896
Robert McFarland .....	1897-1898
S. H. Hays .....	1899-1900
Frank Martin .....	1901-1902
John A. Bagley .....	1903-1904
John Guheen .....	1905-1906
John Guheen .....	1907-1908
D. C. McDougall .....	1909-1910
D. C. McDougall ....	1911-1911
Joseph H. Peterson .....	1913-1914
Joseph H. Peterson .....	1915-1916
T. A. Walters .....	1917-1918
Roy L. Black .....	1919-1920
Roy L. Black .....	1921-1922
A. H. Conner .....	1923-1924
A. H. Conner .....	1925-1926
Frank L. Stephan .....	1927 1928
W. D. Gillis .....	1929-1930
Fred J. Babcock .....	1931-1932
Bert H. Miller .....	1933-1934
Bert H. Miller .....	1935-1936
J. W. Taylor .....	1937-1938
J. W. Taylor .....	1939-1940
Bert H. Miller .....	1941-1942
Bert H. Miller .....	1943-1944
Frank Langley .....	1945-1946
Robert Ailshie (Deceased November 16) .....	1947
Robert E. Smylie (appointed November 24) .....	1947-1950
Robert E. Smylie .....	1951-1954
Graydon W. Smith .....	1955-1958
Frank L. Benson .....	1959-1962



**APPROPRIATION**  
**ATTORNEY GENERAL'S OFFICE**

**1963-1965 Biennium**

SALARIES AND WAGES . . . . .	\$233,750.00
TRAVEL . . . . .	15,470.00
OTHER CURRENT EXPENSE . . . . .	17,185.00
CAPITAL OUTLAY . . . . .	11,995.00
TOTALS . . . . .	\$278,400.00

**COLLECTIONS**

The various departments of state during the course of their business transactions have outstanding debts owed them by various corporations, associations and persons with whom they do business. Many times these outstanding debts must be referred to this office for collections, even to the extent of litigation. Principally these collections consist of:

1. Tax collections such as income taxes, estate taxes, numerous license taxes for many departments and taxes to agricultural commissions. All of which are either unpaid or paid with bad checks.
2. Payments due on state timber sales.
3. Payments due for state land sales or condemnations.
4. Brush disposal and forest protection payments due.
5. Service fees due to either the Department of Health for patient care or to the Department of Agriculture for inspections and inoculations of animals, etc.

During the 1963-1964 biennium the Office of Attorney General in effectuating the collections for these departments has received the sum of \$118,688.87 for the agencies requiring our services.

## CASES OF SPECIAL INTEREST

In the course of the operations of this office during the biennium covered by this report, several distinctive cases of special interest have required the participation of the Attorney General. These cases are not only of great importance in a legal light, but also because of their great public impact. Set out below is a brief discussion concerning these cases and an indication of their importance.

*Hiler v. Williams, et al*

On February 19, 1964, in the wake of the United States Supreme Court legislative redistricting case of *Wesberry v. Sanders*, 376 U. S. 1, 84 S. Ct. 526, 11 L. Ed. 2d 248 (1964), a legislative redistricting suit was filed in the United States District Court for the District of Idaho, *Hiler v. Williams, et al*, Civil No. 3922. A special three-judge court was then convened.

The Plaintiff, in essence, maintained; (1) that Sections 34-1902 and 34-1903 of the *Idaho Code*, designating the counties that compose Idaho's two congressional districts, were unconstitutional, and (2) that the candidates for nomination and election for the two congressional seats should run at large on a state-wide basis.

The Attorney General's office represented certain elected state offices who were named as Defendants. An answer was filed in due course and a pre-trial conference order was issued. The Plaintiff moved for summary judgment. The Attorney General's office moved the court to abstain and decline to exercise jurisdiction pending the 1964 general election and the commencement of the 38th Idaho Legislature and for a reasonable time thereafter, or in the alternative, to continue the case in like manner.

On May 1, 1964 the three-judge panel ordered that Defendant's motion for a stay of the proceedings be granted and that the action be stayed until the expiration of a period of thirty days next following adjournment of the next session of the Idaho Legislature or until further order of the Court.

*Reverend & Mrs. Jack Adams, et al v. D. F. Engelking, et al*

In November of 1963 a law suit was filed in the United States District Court contending that Section

33-1604, *Idaho Code*, was void, unconstitutional and of no force and effect. This section was the statutory requirement for compulsory Bible reading in the classrooms of the schools of this state. The Plaintiffs in this action were parents of school age children and several clergymen, all residing in the Moscow, Idaho, area. The contention of the Plaintiffs was that compulsory religious exercises in the public schools were unconstitutional and that religious exercises should be conducted on a voluntary basis. A three-judge panel was appointed and the case was heard, decided and judgment entered against the Defendants in August of 1964. The three-judge district court declared that Section 33-1604 was in conflict with the first and fourteenth amendments of the United States Constitution and invalid and unenforceable. The effect of such judgment was to enjoin and restrain public officials from requiring or compelling the reading of the Bible as a religious exercise in any public school anywhere in the State of Idaho. It may be of interest to note that at the writing of this synopsis there is currently in the United States Supreme Court a case which seeks to have stricken from the Pledge of Allegiance the term "under God."

*Oneida Couty Fair Board, et al v. Robert E. Smylie, Governor of the State of Idaho*

The 37th Session of the Idaho Legislature passed Senate Bill No. 85 entitled the Idaho Horseracing Act. Such act became law on March 5, 1963, and there was created the Idaho Horseracing Committee. The act required members of the Committee to be appointed by the Governor within thirty days after becoming law, and after the expiration of that time a request was made to the Governor to so appoint the Committee. The Governor refused to appoint the Committee on the basis that the legislation was unconstitutional under Article 3, Section 20 of the Constitution of the State of Idaho. In April of 1963 the petitioners brought an original petition of writ of mandate in the Supreme Court of Idaho asking that the Governor be directed to appoint the Idaho Horseracing Committee authorized by the Idaho Horseracing Act. An alternate writ of mandate was issued and briefs were submitted with oral argument taking place on Monday, June 17, 1963. On September 26, 1963, the Supreme Court of the State of Idaho decided that the Idaho Horseracing Act was constitutional and directed that the pre-emptory writ

of mandate issue commanding that the Governor appoint the Idaho Horseracing Committee. The petition for rehearing was filed and denied by the Supreme Court on November 15, 1963.

*Hearne, et al v. Smylie, et al*

On March 26, 1962, the United States Supreme Court handed down the decision of *Baker v. Carr*, 369 U. S. 186, 82 S. Ct. 691, 7 L. Ed2d 663. Essentially the court held that a federal district court does have jurisdiction to consider arguments directed toward the legislative apportionment of a state. *Baker v. Carr* spanned the instituting of similar suits in various federal district courts, one of which was the *Hearne, et al v. Smylie, et al*, Civil No. 3815. Litigation was commenced in *Hearne v. Smylie* on November 1, 1964, in the United States District Court for the District of Idaho. Basically, the Plaintiffs contended that the constitutional and statutory provisions apportioning both chambers of the Idaho Legislature were unconstitutional. A special three-judge panel was then created.

The Attorney General's office entered the litigation in representing certain elected state officials who were named as Defendants. Various pleadings and motions were filed on behalf of all parties and on November 18 and 19, 1964, the Attorney General's office appeared in a trial on the matter before the three-judge court.

The court on January 10, 1964, entered judgment dismissing the action. The decision is reported in 225 F. Supp. 655. Plaintiffs appealed the decision to the United States Supreme Court on February 10, 1964. Plaintiffs subsequently filed a jurisdictional statement and the Attorney General's office on behalf of certain Defendants filed a motion to dismiss the appeal and a motion to affirm the lower court's judgment.

On June 22, 1964, the United States Supreme Court reversed and remanded the proceedings. The three-judge panel conducted a hearing on July 24, 1964, and subsequently ordered the proceedings stayed until the expiration of the period of thirty days next following adjournment of the next regular session of the Idaho Legislature in January of 1965, or until further order of the Court. Plaintiffs have appealed again to the United States Supreme Court seeking to have the stay order set

aside. Plaintiffs have filed their jurisdictional statement. The Attorney General's office submitted a motion to dismiss the appeal and a motion to affirm the three-judge panel's order.

*Allen Steel Supply Co. v. Guy R. Bradley and R. E. W. Construction Co. v. Third District Court*

In the Allen Steel case the principal question presented was whether or not Idaho's rules of civil procedure are a constitutional delegation of legislative authority to the judiciary. The Attorney General's office was not a party in this action, but appeared as Amicus Curiae contending that the rules are constitutional.

The R. E. W. Construction case was instituted by the Plaintiffs on a writ of prohibition to prohibit the District Courts of the State of Idaho from applying the Idaho rules of civil procedure on the basis of the contention, as in the Allen Steel case, that the rules were unconstitutional as an improper delegation of legislative authority to the judiciary. In this action the Attorney General's office represented the District Judges of the Third Judicial District.

The Idaho rules are the basis for all court procedure in civil matters in this state and any decision concerning their constitutionality is of great interest not only to the practicing bar and this office, but to all persons utilizing the courts and seeking civil remedies.

*George Heckler, et al v. Allan G. Shepard, et al*

On May 31, 1963, the Plaintiffs, consisting of instructors and employees of the University of Idaho, Idaho State University and a school district located at Pocatello, Idaho, brought suit in Federal District Court to enjoin the execution of *Idaho Code* Section 59-401, commonly referred to as the "loyalty oath." A three-judge federal district court was empaneled and the plaintiffs contended that the loyalty oath contravened the due process clauses of the federal and state constitution and was an ex post facto and bill of attainder. It was also contended that *Idaho Code* Section 59-401 impaired existing contracts. The matter was finally submitted before the court in August and to date there has been no final decision.

*Yribar v. Fitzpatrick*

Felipe Yribar left the balance of his substantial estate, via a residuary clause, to "some worthy, charitable or public institution or institutions." After his death, the will was contested, and after a determination in the Probate Court that the will was valid, the case was appealed to the Supreme Court of Idaho. There the case was brought to the attention of this Office because of the public interest involved, and the Supreme Court allowed the Attorney General to enter as *amicus curiae*. The Court remanded the case for a new trial, without determining the validity of the charitable trust, and the Attorney General has intervened in the action at the district court level. The executors of the estate had previously determined that should the will be held valid, \$385,000.00 from the estate would be divided among various public and private charities and institutions in Idaho, including the University of Idaho, Idaho State University, College of Idaho, North Custer Hospital District, Idaho Youth Ranch and the Elks Rehabilitation Center, among others. The decision in this case will affect past, present and future wills in this state having similar provisions.

## ATTORNEY GENERAL'S OPINIONS

The office of Attorney General has separated opinions into two general classifications, *formal* and *letter*.

The formal opinions concern matters which this office considers to be of interest to all public authorities throughout the state, and because of such import are distributed to these interested persons.

The following compilation refers only to the formal opinions of statewide concern issued by this office.

Letter opinions are issued by this office directed toward specific local problems and not matters this office considers to be of statewide interest. Letter opinions are of such volume that it is impracticable to include them in this report.

63-1

January 30, 1963

*Van Every, Chairman  
Board of County Commissioners,  
Minidoka County*

1. Where no person files for an election as prosecuting attorney, and the person who was selected prosecuting attorney on the basis of write-in votes fails or refuses to qualify for the office, the incumbent prosecuting attorney would continue in office until such time as a successor can be appointed or qualified.

2. The county commissioners cannot approve a budget submitted by a prosecuting attorney containing a salary in excess of that provided by statute.

3. In the event that the office of prosecuting attorney becomes vacant, the county commissioners have the authority to make an appointment to fill any vacancy which might exist in that office.

4. In the event that no attorney residing in the county is willing to accept the appointment to fill a vacancy in the office of prosecuting attorney, a person who is not a resident of the county may be appointed.

63-2

February 5, 1963

*Joe R. Williams*  
*State Auditor*

Upon consolidation of Pocatello and Alameda, Pocatello received the current distribution of highway user revenue funds heretofore allottable to Alameda.

63-3

February 21, 1963

*John B. Lloyd, Mayor*  
*City of Weiser*

A city may not enact an ordinance requiring property owners to replace old sidewalks with new ones solely at their own expense.

63-4

February 26, 1963

*Joe R. Williams*  
*State Auditor*

The agreement between the State of Idaho and the Federal Security Administrator which extended social security benefits to employees of the State of Idaho and its political subdivisions does include employees of a cemetery district.

63-5

February 27, 1963

*Harold S. Forbush*  
*Teton County Prosecuting Attorney*

The board of county commissioners may accept the donation of a hospital on behalf of a county and may maintain and improve the hospital, without submitting the matters to the electorate for their authorization. The board of county commissioners may appoint an administrator to operate and manage a county hospital, who would be directly responsible to the board of county commissioners.

63-6

February 28, 1963

*District Engineer*  
*U. S. Army Engineer District*

A board of county commissioners can abolish or abandon a road when, in the exercise of the board's discre-



tion, it is determined to be in the public interest, by promulgating an order to that effect.

63-7

March 8, 1963

*D. F. Engelking*  
*Superintendent of Public Instruction*

A recently consolidated school district has the power to continue the non-identical plant facilities tax levies of the districts forming the consolidated district, where the consolidation takes place after the assessment date, after the year of consolidation, a new plant facilities reserve fund levy election would be required.

63-8

March 18, 1963

*Duane L. Welch*  
*Prosecuting Attorney, Payette County*

The action of the county in improving navigable lakes and waterways outside the corporate limits would constitute a "proprietary" function. Since such action would be in a "proprietary" capacity, the expenditure of funds pursuant to the provisions of the Idaho Code, Section 49-221, would appear to be valid.

63-9

April 12, 1963

*D. F. Engelking*  
*Superintendent of Public Instruction*

There is no authority in the school laws enacted by the 37th Session of the Idaho Legislature for apportionment of funds from the 1963-65 school income fund appropriation to pay any deficiency that may exist from the 1962-1963 school year.

The state board of education may not allocate any portion of the 40 million dollar appropriation for the 1963-1965 biennium to any deficiency existing from the previous biennium.

63-10

April 17, 1963

*D. F. Engelking*  
*Superintendent of Public Instruction*

The requirement of House Bill 92 of the 37th Session of the Idaho Legislature relating to the preparation

and publication of school budgets do not apply to budgets prepared for the school year 1963-1964.

63-11

April 18, 1963

*D. F. Engelking*  
*Superintendent of Public Instruction*

Authorization by the voters of a general school levy in excess of thirty mills is not continuing, but must be re-affirmed by the voters every year for which such a levy is desired.

The power to levy in excess of thirty mills, when approved as required, may be used by school districts any time after July 1, 1963.

63-12

April 19, 1963

*D. F. Engelking*  
*Superintendent of Public Instruction*

House Bill 366 as enacted by the 37th Session of the Idaho Legislature is to be applied as follows:

The appropriate sparsity factors are applied to each remote school. The figures thus obtained are then added to the attendance in the rest of the district's schools. The appropriate sparsity factor is then applied to this total.

63-13

April 19, 1963

*D. F. Engelking*  
*Superintendent of Public Instruction*

The loyalty oath provided by Senate Bill No. 7, as passed by the 37th Session of the Idaho Legislature may be administered by any officer authorized to administer oaths including notaries public, the Clerk of the Idaho Supreme Court, every county officer and justice of the peace and every executive and judicial officer.

It is not necessary that the oath be notarized if it is certified by an officer empowered to administer oaths.

Elected officials should sign and file a new oath on re-election, while employees under a continuing contract of employment need take and file only one oath.

The oath may be administered enmasse if the group is small enough that the officer administering the oath can certify that all present have taken the oath. The Secretary of State is the officer charged with the overall responsibility of insuring that loyalty oaths have been filed by all persons whose oaths must be filed in his office.

63-14

April 22, 1963

*Executive Director  
Employment Security Agency*

Liability of Employment Security Agency for payment of filing fees when liens are filed pursuant to Section 72-1360, *Idaho Code*. Agency not liable for filing and recording of said liens.

63-15

May 8, 1963

*D. R. Theophilus  
President, University of Idaho*

This opinion outlined the procedure to be followed by the University of Idaho in administering Idaho's Loyalty Oath.

63-17

May 10, 1963

*Executive Director  
Employment Security Agency*

Effective date of termination of coverage under the provisions of H. B. 131, Laws of 1963, in which public taxing units were specifically eliminated from coverage under the Employment Security Law. Effective date being May 19, 1963.

63-18

May 13, 1963

*S. Ben Dunlap, Attorney  
Caldwell, Idaho*

Liability of irrigation districts under the Employment Security Law, Section 72-1316, *Idaho Code*. Irrigation districts held liable.

63-19

July 26, 1963

*Eugene C. Smith*  
*Prosecuting Attorney, Ada County*

The procedure set forth in the recent decision of the Supreme Court of Idaho in the case of *Johnson v. State* applies to a prosecution under Section 49-1102 (d) of the *Idaho Code*.

63-20

August 6, 1963

*Jeanette Y. Chamberlain*  
*Cassia County Treasurer*

The term of office of a person appointed to fill a vacancy on a board of highway district commissioners extends only until the next election at which highway district commissioners will be elected and until a successor is elected and qualified.

63-21

August 12, 1963

*Fred Charlton,*  
*Superintendent, State Liquor Dispensary*

City of Boise is to receive its portion of the Surplus Liquor Fund on the basis of the 1960 federal census.

63-22

August 13, 1963

*T. C. Bird, Superintendent*  
*Boise City Independent School District*

Legislature intended the provisions of Idaho's school law relating to the preparation of an Annual Statement of Financial Condition and Report to apply to the 1962-63 school year.

63-23

August 16, 1963

*Orval D. Robinson*  
*Probate Judge, Franklin County*

Section 15-1139, *Idaho Code*, fixes the maximum amount of attorney's fees to be charged for all services rendered to executors or administrators in the probating of estates unless the probate judge allows further com-

pensation as he might deem just and reasonable for any extraordinary services.

63-24

August 12, 1963

*R. P. Peterson*  
*Deputy Tax Collector*

A marine operator who rents motor boats to the general public for pleasure purposes is not entitled to a refund of motor fuel taxes under the provision of Section 14-1218, *Idaho Code*.

63-25

August 20, 1963

*Jack G. Voshell*  
*Prosecuting Attorney, Bonneville County*

The office of county surveyor has been abolished in the State of Idaho, and those incumbents holding that position will be relieved of their duties and any right to compensation for that office from and after May 18, 1963.

63-26

September 6, 1963

*County Commissioners and*  
*County Clerks, State of Idaho*

Chapter 290 of the 1963 Idaho Session Laws does not authorize the board of county commissioners to reduce the number of highway districts within the county. If there is no election held in the county pursuant to the provisions outlined in Chapter 290, levies may still be made in accordance with the provisions of Section 40-1665, *Idaho Code*, which provides that cities, towns and villages may be included within the boundaries of highway districts. Furthermore, Chapter 290 does not exclude cities, towns and villages from highway districts.

63-27

November 27, 1963

*Executive Director*  
*Employment Security Agency*

Within the meaning and for the purposes of *Idaho Code*, Section 72-1335, the Industrial Accident Board and

the Merit System Council are "employees" of the Employment Security Agency of the State of Idaho.

64-1

January 15, 1964

*Mr. J. F. Bates*

*Prosecuting Attorney, Jefferson County*

The Board of County Commissioners is required to transfer the excess funds remaining from a levy for building a national guard armory to the warrant redemption fund, and may not transfer those excess funds to the county general fund.

64-2

February 7, 1964

*James A. McClure*

*Payette City Attorney*

Councilmen elected at November election for the statutory four-year term in cities of the second class may have their salaries increased pursuant to ordinance duly adopted in August. In like manner a councilman elected for a term of two years to fill out the remainder of the four-year term may have his salary increased, but hold-over councilmen may not have their salaries increased through said ordinance. Sections 50-318 and 50-2009, *Idaho Code*.

64-3

March 11, 1964

*Sam S. Foote*

*Auditor and Clerk of District Court, Canyon County*

Microfilm or other mechanical reproduction processes may be used by county recorders to keep official records.

64-4

March 11, 1964

*D. F. Engelking*

*Superintendent of Public Instruction*

School districts do not have to comply with the provisions of Section 37-1011, *Idaho Code*, which prohibits the furnishing of milk coolers and equipment by dairy processors, wholesalers and distributors.

64-5

April 8, 1964

*Hugh C. Maguire*  
*Prosecuting Attorney, Bannock County*

A county has the power to lease its fairgrounds for the purpose of horseracing.

64-6

April 17, 1964

*John O. McMurray*  
*Chairman, Idaho Republican Party*

House Bill No. 50 (Idaho Code Section 67-203) does not apply to the allegation of delegates to the 1964 State Assembly. The number of delegates to which counties are entitled at the State Assembly is dependent upon the number of legislative seats held by the county in the last regular legislative session.

64-7

May 1, 1964

*W. L. Robinson*  
*Commissioner of Labor*

The State of Idaho and its political subdivisions would not be considered an "employer" coming under the jurisdiction of Sections 44-107 and 44-107A, Idaho Code, which require an election to be held when a conflict arises concerning the representation of employees.

64-8

June 9, 1964

*John O. McMurray*  
*Chairman, Idaho Republican Party*

Section 34-612 D, *Idaho Code*, enacted by the 1963 Idaho Legislature contained a clerical error or misprint which altered and negated the meaning of this section. The first paragraph of Section 34-612 D should have read, to wit:

"Candidates for national or state office who have filed a declaration of candidacy and submitted to a state assembly of any political party as defined in this chapter who have not received the nomination of the State Assembly, but who have received at least ten per cent (10%) of the votes cast and

## ATTORNEY GENERAL'S REPORT

a majority of the votes from the delegations of at six (6) counties on the ballot on which the candidates of the state assembly are nominated for such office, as provided in paragraph d of section 34-612B may be nominated otherwise than by a state assembly and be a candidate at the primary election for a political party in the following manner:"

*268 cases*  
*held in 250*  
*cases "*

**SUPREME COURT OF THE UNITED STATES**

**CIVIL ACTIONS****Pending****Docket No.**

2660 Walter E. Hearne et al, Plfs. vs. Robert E. Smylie, et al, Defs.

**UNITED STATES COURT OF APPEALS****CIVIL ACTIONS****Pending**

2853 Diamond National Corporation, Appellant vs. Dale Lee, Respondent

2886 Washington Public Power Supply System, Petitioner, vs. Federal Power Commission, Respondent.

**UNITED STATES DISTRICT COURT****CIVIL ACTIONS****Pending**

2598 American Surety Company, Plf., vs. Joe M. Skok et al, Defs.



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- 2660 Walter E. Hearne et al, Plfs vs. Robert E. Smylie, et al, Defs.
- 2771 George Heckler et al, Plfs vs. Allan G. Shepard, et al, Defs.
- 2842 Dryden M. Hiler, Plaintiff vs. Ralph R. Harding, et al, Defs.
- 2859 In re Rocky Mountain Chemical Corporation, debtor

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- 2706 United States of America, Plf. vs. 33.03 Acres of Land in Clearwater County, State of Idaho, Def.
- 2785 Mr. and Mrs. Jack Adams, et al, Plfs, vs. D. F. Engelking, et al, Defs.
- 2838 United States of America, Plf vs. 623.0 acres of Land, Clearwater County, Idaho, et al, Defs.

**SUPREME COURT — STATE OF IDAHO****CIVIL ACTIONS****Pending**

- 2673 In re petition of Paul Andrew Mahaffey for writ of habeas corpus.
- 2694 Oneida County Fair Board, et al., Plfs. vs. Robert E. Smylie, et al, Def.
- 2696 Paul R. Hudson, Clmt-Appellant vs. Hecla Mining Company et al Def. Respondent.
- 2701 Bumstead Woolford Co., et al, Plfs, vs. Arthur Warren, Def.
- 2705 Floyd Eaton, Plf vs. Latah County Commissioners, Def.
- 2709 Idaho Underground Water Users Ass'n., Appellant vs. Idaho Power, Inc., et al, Respondent.

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- 2718 Charles Everet Smith, Appellant vs. State of Idaho, Respondent
- 2724 Milot, Plf vs. E. R. Hopper, Def.
- 2792 Paul A. Mahaffey, Plf-Petitioner vs. State of Idaho, Def-Respondent
- 2820 In the Matter of the Application of David R. Fenton,  
19 Marvin K. Miller and Glen D. France for Writs of  
18 Habeas Corpus, Pet.
- 2836 In re Application of Darole Carpenter for Writ of Habeas Corpus
- 2837 H. Fred Garrett, Plf vs. M. K. Cline, Def.
- 2845 Ted LaVoie Plf Respondent vs. Commissioner of Law Enforcement, Def. Appellant.
- 2848 In re Cody Abbot, et al, Plfs-Appellants, vs. State of Idaho, Tax Commission, Defs Respondents.
- 2854 In re the estate of Felipe Yribar, deceased at al, Plf-Appellants, vs. H. B. Fitzpatrick et al, Defendants, Respondents.
- 2857 Allen Steel Supply Co., Plf-Res. vs. Guy R. Bradley, Def-Appl.
- 2858 In re application of Joseph J. Johnson for writ of habeas corpus.
- 2862 R. E. W. Construction Company et al, Petitioners vs. District Court of the Third Judicial District for Elmore County, et al, Res.
- 2872 Board of Trustees of Joint Class A School District No. 151, et al Plfs, vs. Board of County Commissioners of Cassia County, et al, Defs.
- 2873 H. C. Larsen, Jr., Plf-Respondent vs. Village of Lava Hot Springs, Idaho, Def-Appellants.
- 2885 Frank B. Dumont, Petitioner, vs. State of Idaho, Respondent.
- 2887 Walter F. Schieche, Plf-Appellant vs. Joyce L. Pasco, et al, Def-Respondents.

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- 2554-A State of Idaho, Plf-Respondent vs. Douglas C. Johnson, Def-App.
- 2600 Darole L. Carpenter, Def. Respondent vs. State of Idaho, Plf-Appellant
- 2621 In the Matter of Edward Reid Franklin, Petitioner vs. L. E. Clapp, Warden, Idaho State Penitentiary, Defendant.
- 2654 Ruby M. Martin, Claimant Respondent vs. Custom Meat Packing Co., Employer-Appellant.
- 2679 Petrolane Gas Service, Inc. Applicant-Appellant vs. I.P.U.C. Grantor-Respondent; and Washington Water Power Company, Applicant-Respondent.
- 2681 Ralph A. Jackson, Appellant vs. State of Idaho, Respondent.
- 2757 Jerry McGuire, Plf-Appellant vs. Louis Clapp, Def-Respondent.
- 2758 Rufus William Freeman, Plf-Appellant vs. Louis Clapp, Def-Respondent
- 2806 L. M. Weller, Plaintiff vs. Commissioner of Law Enforcement, Def.
- 2817 Lynn Hadfield, Plf-Appellant vs. State of Idaho et al, Def-Respondent

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- 2558 State of Idaho, Plf vs. David Kird Rade and Ralph Richard Pehrson, Def.
- 2670 State of Idaho, Plf vs. Elwin M. Hall, Def.
- 2787 State of Idaho, Plf-Respondent vs. Joseph M. Bitz, Def-Appellant.
- 2716 State of Idaho, Plf vs. Clyde Gish, Def.
- 2740 State of Idaho, Plf vs. Lewis A. Lott, Def.

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- 2794 State of Idaho, Plf vs. Adin Hall, Def.
- 2824 State of Idaho, Appellant vs. Harold C. Perry, Respondent
- 2827 State of Idaho, Plf, Res. vs. Floyd L. Clark, Def, App.
- 2839 State of Idaho, Appellant, vs. Linda M. Snyder Respondent
- 2849 State of Idaho, Plf-Respondent, vs. Donald Ramsbottom, Def-Appellant
- 2852 State of Idaho, Plaintiff-Respondent vs. Charles West, Def-Appellant
- 2856 State of Idaho, Plf-Respondent vs. Jack Lee Puckett, Def. Appellant
- 2861 State of Idaho, Plf-Appellant, vs. Mike Fitzpatrick, Def-Respondent
- 2878 State of Idaho, Plf-Appellant vs. Ruth M. Bauman and William S. Wood, Def-Respondents.

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- 2664 State of Idaho, Plf vs. Harold L. Thurlow, Def.
- 2669 State of Idaho, Plf-Respondent vs. J. C. Blacksten, Def-Appellant
- 2683 State of Idaho, Plf-Respondent, vs. Frank Missenberger, Def-Appellant
- 2684 State of Idaho, Plf vs. James L. Totten, Def.
- 2515 State of Idaho, Plf vs. Wayne Thomas Eubanks, Def.
- 2532 State of Idaho, Plf. vs. Emmett Spencer and Roger Hall, Defs.
- 2534 State of Idaho, Respondent, vs. Rufus William Freeman and Jerry McGuire, Appellants.
- 2540 State of Idaho, Plf and Respondent vs. Gerald Max Goodmiller, Def. and Appellant.

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- 2540 State of Idaho, Plf vs. Buell Warner and Carlos Bassett, Defs.
- 2748 State of Idaho, Respondent vs. Joseph K. Dunn, Appellant.
- 2553 State of Idaho, Plf vs. Emerson W. Tope, Def.
- 2564 State of Idaho, Plf vs. Max G. McGlochlin, Def.
- 2565 State of Idaho, Plf vs. Sherman Talmadge Peterson and Richard J. Rutten, Defs.
- 2653 State of Idaho, Plf vs. Alvis Wilson, Def-Appellant
- 2656 State of Idaho, Plf-Respondent, vs. Fred Steward, Def-Appellant.
- 2657 State of Idaho, Plf-Respondent vs. Truman William Dennis, Def-Appellant.
- 2665 State of Idaho, Plf vs. Claude B. Johns, Def.
- 2671 State of Idaho, Plf vs. Joseph Alfonzo Martinez, Def.
- 2727 State of Idaho, Plf-Appellant vs. George L. Reader, Def-Respondent.

**EMPLOYMENT SECURITY AGENCY****Pending**

- 9266 In the Matter of the Claim of Byron J. Knight for Employment Security Benefits
- 9481 In the Matter of Joint Class A School District No. 151 for Payment of Contributions under the Employment Security Law.
- 9528 In the Matter of Lois K. Broodry for Employment Security Benefits.

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- 8848 In the Matter of the Liability of Gate City Service Co. for Payment of Contributions under the Employment Security Law.

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- 8893 In the Matter of the Claim of Frank M. Elbarder for Employment Security Benefits.
- 9010 In the Matter of the Liability of John R. Orbea, Jr. for Payment of Contributions under the Employment Security Law.
- 9125 In the Matter of the Claim of Everett L. Saulls for Employment Security Benefits.
- 9166 In the Matter of the Claim of Owen J. Ramsey for Employment Security Benefits.

**DISTRICT COURT — STATE OF IDAHO****CIVIL ACTIONS****Pending**

- 2517 Alwyn Nedrow, Appellant, vs. State Board of Education et al, Res.
- 2526 Mike Jimeniz, Plf. vs. Commissioners of Bingham County, Defs.
- 2567 State of Idaho, Plf. vs. Washington Public Power Supply System, Def.
- 2573 In the Matter of the Estate of S. R. Spencer, Deceased.
- 2610 Clarence Frasure, Plf. vs. Commissioner of Law Enforcement, Def.
- 2659 Bumstead-Woolford Co., et al, Plfs. vs. Arthur Warren, et al, Def.
- 2662 In the matter of the proposed merger of Old West Life Insurance Company, and Union Trust Life Insurance Company, et al, Petitioners.
- 2663 State of Idaho, Plf. vs. Mary Crosby, Def.
- 2675 First Federal Savings & Loan Ass'n. of Twin Falls, Plf. vs. Paul M. McClure, et ux, et al, Defs.

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- 2682 In the Matter of the New Homeowners Filing of August 13, 1962 by Idaho Surveying and Rating Bureau, Inc., Appellant.
- 2688 Evelyn Major Matteson, Plf. vs. Don Briscoe, Def, and many Cross-Defendants.
- 2690 Kermit D. Petersen et ux, Plfs-Appellants vs. State of Idaho, Defs.-Respondent.
- 2692 Norman G. Thompson, et al, Plfs, vs. Luis B. Bollar, et al, Defs.
- 2693 State of Idaho, Plf. vs. Idaho Potato Packers Corp., et al, Defs.
- 2669 State of Idaho, Plf. vs. John Harris, Def.
- 2701 Bumstead-Woolford Co., et al, Plf. vs. Arthur Warren, et al, Defs.
- 2710 Pack River Lumber Co., Inc., Plf. vs. Lake Properties, Inc., et al, Defs.
- 2712 The Equitable Life Assurance Society of the U. S. Plf. vs. Johnnie M. Boyd, et al, Defs.
- 2714 Bair's Trucking, Inc., Plf. vs. Mike J. Jimenez, et al, Intervenor vs. Mike J. Jimenez, et al, Defs., in intervention.
- 2715 Ralph H. Smith, Plf., vs. The Regents of the University of Idaho, et al, Defs.
- 2717 Alice A. Sode, Plf., vs. Thomas B. Carr, et al, Defs.
- 2719 Vida Thompson, Petitioner vs. State Board of Health, Respondent
- 2721 Nellie Baker, Plf., vs. Merrill A. Wright, et al, Defs.
- 2724 In the matter of the Suspension of State Retail Beer License No. 710 of Harold Milot dba 1916 Barr, Stites, Idaho County, Idaho, Petitioner, vs. E. R. Hopper, Def.
- 2726 H. E. Simpson, Plf., vs. Mach H. Mason, et al, Defs.
- 2728 In re Suspension of State Retail Beer License No. 655 of F. S. Johnston, dba Smoke Shop, City of Grangeville.

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- 2729 In re Suspension of State Retail Beer License No. 1760 of V. S. Willey, dba Vern Grocery, City of Grangeville.
- 2735 State of Idaho, Plf., vs. Bartlett W. Turnipseed, et al, Def.
- 2736 State of Idaho, Plf., vs. Percy G. Kelson, et al, Def.
- 2739 Rufus Wm. Freeman, Petitioner, vs. State of Idaho, Respondent.
- 2742 State of Idaho, Plf., vs. Scotty McPherson, Inc., Def.
- 2743 State of Idaho, Plf., vs. McEuens Foodliner, Inc., Def.
- 2744 State of Idaho, Plf., vs. Donald B. Tuntland, Def.  
2745 State of Idaho, Plf., vs. McPherson's Supermarket No. 3, Def.
- 2746 George W. Dovel, Petitioner, vs. Jay Taylor, et al Respondents.
- 2747 Mauricio Guerri et al, Plf., vs. Cedar Mesa Reservoir and canal Co., et al, Defs.
- 2749 Henry W. Bock, Plf., vs. John Lealos, et al, Defs.
- 2751 In the Matter of the Application for the appointment of a Water Master for McMillan Lateral, Ada County.
- 2752 The Southern Idaho District Council of the Assemblies of God, Plf., vs. J. R. Shoenecke, et al, Defs.
- 2753 Thomas T. Thornton, et ux, Plfs. and Cross-Def., vs. Harvey K. Walker, et ux, Defs. and Cross-Cmts., vs. Ex rel George N. Carter.
- 2754 In the Matter of the Application of Paul Andrew Mahaffey for a Writ of Habeas Corpus.
- 2755 Milton Ownes et ux, Plfs vs. Elmer J. Park et ux, et al, Def.
- 2756 The County of Bear Lake et al Plf. vs. Wallace C. Burns et al Def.



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- 2760 Richard L. Black, Plf vs. Commissioner of Law Enforcement, Def.
- 2763 Eldon W. Jolley et ux. et al, Plf vs. Idaho Securities, Inc., et al, Defs.
- 2766 State of Idaho, Plf vs. Marvin F. Olson, Jr. Def.
- 2774 Frank Prendergast, Plf vs. Commissioner of Law Enforcement, Def.
- 2784 In the Matter of the application of Jacob A. Cope for a Writ of Habeas Corpus.
- 2793 In re Appeal of Joint Class A School District No. 148, Grace, Idaho.
- 2795 In re application of Delores Stone for Writ of Habeas Corpus
- 2803 Bojack's, Inc., Plf vs. Commissioner of Law Enforcement
- 2805 Rosey's Lounge, Inc., Plf. vs. Commissioner of Law Enforcement, Def.
- 2810 Joseph Lamp Ottshamer, Plf vs. Commissioner of Law Enforcement Def.
- 2811 John R. Casey et al Plf. vs. Commissioner of Law Enforcement, Def.
- 2812 Cooper C. Clark Plf vs. Commissioner of Law Enforcement, Def.
- 2821 Frank Prendergast, Plf vs. John Hallock, et al, Def.
- 2822 Vern Savage, Plf vs. City of Pocatello, et al, Defs.
- 2823 Twin Falls, Idaho, Kennel Club, et al Plfs. vs. City of Twin Falls, Defs.
- 2825 James L. Hansen et ux Plf vs. George A. Williams et al, Defs.
- 2825 John Stringer et ux Plfs. vs. George A. Williams et al, Defs.
- 2832 In the interest of Edwin L. Cosner, a child under 18 years of age.
- 2841 J. H. Wirtzfeld et ux, Plfs, vs. R. U. Spaulding, et al, Defs.

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- 2843 First Security Bank of Idaho, NA, Plf vs. Robert K. Shelton et ux, et al, Defs.
- 2846 Panfili Brothers & Byers, Plfs vs. Jay Taylor et al, Defs.
- 2850 Frank P. Wester, Plf. vs. Vernon E. Hopkins, et al, Defs.
- 2851 Robert D. Remington, Plf vs. Outfitters & Guides Board, Def.
- 2955 Jennie M. Heurer et al Plf. vs. State of Idaho
- 2861 State of Idaho, Plf. vs. Fitzpatrick, Def.
- 2863 Mary J. Eveland, Plf. vs. Robert E. Smylie, et al, Defs.
- 2866 State of Idaho, Plf vs. Paul Adams, et al, Defs.
- 2869 New York Life Insurance Company, Plf. vs. David C. Durrill, et al Defs.
- 2871 In the Matter of the Status of the Idaho Public Livestock Market Charter No. 16 held by Bill H. Silson dba Salmon River Livestock Auction.
- 2874 State of Idaho, Plf vs. Hood Worthington, et al defs.
- 2875 State of Idaho, Plf. vs. Tensed Manufacturing Company, Def.
- 2877 Paul Andrew Mahaffey, Plf. vs. State of Idaho, Def.

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- 2513 County of Caribou, Plf. vs. Ray Parkinson, Def and State of Idaho, Intervenor.
- 2514 State of Idaho, Plf. vs. Newman Lumber Company et al, Defs.
- 2522 Flamingo Services, Inc., Plf vs. E. R. Hopper, Def.
- 2526 State of Idaho, Plf. vs. Mike Jimenez et al, Def.
- 2536 V-1 Oil Company, Plf vs. E. R. Hopper, Def.
- 2542 The American Oil Company, Plf vs. P. G. Neill, Def.

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2562	Reuben Schwartz et ux Plfs, vs. Charles Dana et al, Defs.
2563	Edward J. Robinett et ux Plfs vs. State of Idaho, et al, Defs.
2551	Dora M. Werry, Plf vs. Marion R. Hulett, et al, Defs.
2571	In the Matter of the Estate of Bernice Ethel Olson, Deceased.
2576	John R. Black et ux Plfs vs. State Tax Commission et al, Defs.
2598	American Surety Company Plfs vs. Joe M. Skok et al, Defs.
2599	W. R. Thayer et al Plfs. vs. Donald Darnell, et al, Defs.
2601	Hermel Daugherty et ux Plfs. vs. State of Idaho, Def.
2602	Francis Corley, Plf vs. Charles B. Kroll et al, Defs.
2603	Rose Burke Plf. vs. State of Idaho, Def.
2611	Blue Note, Inc., Plf vs. Commissioner of Law Enforcement, Def.
2612	Harriet Cameron, Plf vs. Commissioner of Law Enforcement, Def.
2614	Delbert W. Mechlin et us, Plfs vs. John Doe Jackson, et al, Defs.
2615	M. P. B. Realty Co., Plf vs. Robert E. Smylie, et al, Defs.
2623	Tom Carr, et al, Plfs vs. Melvin Barnhard, et al, Defs.
2655	Martin W. Rust II, Plf vs. Leo O'Connell, Def.
2658	State of Idaho Plf vs. Tru-Cut Lumber, Inc. Def.
2659	Bumstead-Woolford Co., Plf vs. Arthur Warren, et al, Defs.
2666	Marian M. Pearson, Plf vs. Benewah County, Idaho, et al, Defs.
2667	J. C. Baker, et ux, Plfs vs. L. E. Read et al, Def.

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- 2668 State of Idaho Plf vs. Gerald M Burton, Def
- 2672 State of Idaho, Plf. vs. L. M. Eslinger, et al, Defs.
- 2674 Blue Note, Inc. Plf vs. E. R. Hopper Def.
- 2676 Jack Roullier, Pet. vs. State of Idaho Def.
- 2677 C. Jerald Harrington, et ux, Plfs. vs. S. A. Dobbins, et al, Defs.
- 2678 Charles H. Johnson, et al, Plfs, vs. Unknown Heirs and Devises o fRobert Gaffney, Deceased, et al, Defs.
- 2680 Helen M. Mosier, Plf, vs. State of Idaho, et al, Defs.
- 2685 Ella W. Carter, Plf vs. Dale O. King et al, Defs.
- 2687 J. C. Bennett, Plf vs. Lawrence Brown et al, Defs.
- 2689 Tree Farmers, Inc., Plf-Appellant vs. C. H. Goeckner, Def-Respondent
- 2691 LaVonne Viker, Plf vs. Commissioner of Law Enforcement, Def.
- 2695 State of Idaho, Plf vs. John H. Brownlee, Def.
- 2697 W. L. Davis, Plf vs. Nelson-Deppe, Inc., et al, Defs.
- 193 - 2700 State of Idaho Plf vs. Skaggs Drug Center, Inc., Def.
- 2703 Albertson's Inc., Plf vs. Allan G. Shepard, Def.
- 2704 Quinn-Robbins Co., Inc., Plf. vs. State of Idaho, et al, Defs.
- 2708 Idaho Public Livestock Market Board Plf vs. Merlin T. Whillet, et al, Defs.
- 2720 James J. Campbell, et al, Plfs. vs. Luke Campbell, Deceased, et al, Defs.
- 2722 In re application of Vincent Lee Humphreys for Writ of Habeas Corpus.
- 2730 Ruth C. Campbell, et al Plfs. vs. Charles Reeder et al, Defs.
- 2732 Robert L. Wood, Plf. vs. Andrew L. McHenry et al, defs.

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- 2733 Cordelia A. Walker, Plf vs. The Unknown Heirs and Unknown Devisees, et al of Andrew Christensen, et al, Def.
- 2734 Joslyn Mfg and Supply Co., Plf. vs. Marion Gunby et al, Def.
- 2737 Eva Garren, Plf. vs. Leonard W. Wenerstrom et al, Def.
- 2741 Jerry McGuire, Petitioner vs. State of Idaho, Respondent.
- 2759 Tim McLaughlin, Plf vs. Commissioner of Law Enforcement, Def.
- 2762 In re Petition of Hazel Miller on behalf of Doris Fay Butler for a writ of habeas corpus
- 2764 Panfili Brothers & Byers, Petitioners vs. Jay Taylor et al, Respondent
- 2765 George A. Streckner et ux. Plfs vs. Unknown Trustees et al of Dalkena Lumber Company et al, Defs.
- 2767 L. G. McGray, Petitioner vs. Outfitters & Guides Board, Respondents.
- 2768 Ellsworth Ernest Guerin, Jr. application for Habeas Corpus
- 2769 Gene Roderick Plf vs. L. E. Clapp, Def.
- 2770 Henry F. Reed, Plf. vs. Commissioner of Law Enforcement, Def.
- 2771 Wayne Willey, Plf. vs. Commissioner of Law Enforcement, Def.
- 2772 Ronald H. Porter, Plf. vs. Commissioner of Law Enforcement, Def.
- 2773 Mike Kafka, Plf. vs. Commissioner of Law Enforcement, Def.
- 2775 Floyd H. Cole, Plf. vs. Commissioner of Law Enforcement, Def.
- 2777 Del Ray, Inc., Plf vs. Commissioner of Law Enforcement, Def.
- 2778 Bruce Stoddard, Plf vs. Commissioner of Law Enforcement, Def.

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- 2779 Blue Note, Inc., Plf vs. Commissioner of Law Enforcement, Def.
- 2780 In the Matter of the Application of F. J. Missenberger for writ of habeas corpus
- 2781 Robert D. Remington, Petitioner, vs. Outfitters and Guides Board, Respondent
- 2782 Olive M. Nelson, Plf. vs. Anna Abigal Knowlton, et al, Defs.
- 2783 Joseph B. Irvine, Plf vs. Loe Hazen, et al, Defs.
- 2786 Louis Primeaux, Plf. vs. L. E. Clapp, Def.
- 2788 Home Federal Savings and Loan Association of Nampa, Plf. vs. Fred Scaggs, et ux, et al, Defs.
- 2789 Home Federal Savings and Loan Association of Nampa, Plf. vs. Bessie M. Howton, et al, Defs.
- 2790 In re application of Walter Howard Malchow for a writ of habeas corpus.
- 2791 In the matter of the application of Gary LaMar Smith for writ of Habeas Corpus
- 2796 Rufino Odiago and Christine Nicolona, Plf vs. Commissioner of Law Enforcement, Def.
- 2797 F. S. Johnstone, Plf. vs. Commissioner of Law Enforcement, Def.
- 2798 V. S. Willey, Plf vs Commissioner of Law Enforcement, Def.
- 2799 Ted LaVoie, Plf vs. Commissioner of Law Enforcement, Def.
- 2800 Kon Tiki, Inc., Plf. vs. Commissioner of Law Enforcement, Def.
- 2801 Dorothy Barney Plf vs. Commissioner of Law Enforcement, Def.
- 2802 Old Faithful Beverage Company of Idaho Falls, Inc., Plf vs. E. R. Hopper, Def.
- 2804 Nancy Kast, Plf vs. Commissioner of Law Enforcement, Def.

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- 2808 Robert L. Kunz, Plf vs. Commissioner of Law Enforcement, Def.
- 2809 Finch's I.G.A., Inc., Plf vs. Commissioner of Law Enforcement.
- 2818 State of Idaho, Plf vs. Duncan Shaw et al, Defs.
- 2819 In re application of Miller, France and Fenton for writs of habeas corpus.
- 2826 Auto-Air Credit Union, Plf vs. Stanley O. Banta et al, Defs.
- 2828 Provident Federal Savings and Loan Ass'n., Plf. vs. Alvin L. Hart, et al, Defs.
- 2829 Old Faithful Beverage Company of Idaho, Plf. vs. E. R. Hopper, Def.
- 2833 Oscar Adolph Stubberud, et al Plfs. vs. John W. Smead, et al, Defs.
- 2835 Jennestad Clothing Co., Inc., Plf vs. Garold R. Stone, et al, Defs.
- 2844 Roy G. Cowley et ux, Plfs. vs. John Doe Cole, et al, Defs.
- 2847 In re application of Joseph J. Johnson for writ of habeas corpus.
- 2687 In re application of Gem State Auction Company, a corporation, dba Pocatello Livestock Auction for a charter to operate a public livestock market.
- 2868 Lewis L. Sandlian, Plf vs. State of Idaho, Def.
- 2876 State of Idaho, Plf vs. Carl Hopperdietzel et al, Defs.
- 2879 Theodore John Starkey, Plf. vs. Ctate of Idaho, Def.

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- 2713 State of Idaho, Plf vs. Theodore Thomas Dickey, Def.

## PROBATE COURTS

## CIVIL ACTIONS

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- 2860 In the Matter of the Termination of the Parental Rights of Alta Lee Thompson
- 2725 In the Matter of the Hospitalization of John W. Hunt, Incompetent

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- 2620 Robert P. Allen, Plaintiff, vs. William J. Philpot, Defendant.
- 2807 Howard Plf vs. Upper Snake River Valley Dairy Ass'n., et al, Def.
- 2830 In re Amparo Pruneda, et al
- 2831 In re Ruben Goana, et al
- 2834 State of Idaho, Plf vs. W. W. Newcomb, Def.
- 2840 In the interest of (David) Tony Kochenower, Geneva Kochenower and (Molly) Rachel Kochenower, all children under 18 years of age.
- 68- 2864 State of Idaho, Plf vs. Owen H. Norton, et al, Defs.

## ADMINISTRATIVE HEARINGS

## Department of Agriculture

June 29 and 30, 1964—I.C.C. Grain Rate Hearing, Portland, Oregon

March 9, 1964—Track Buyers Hearing

March 18, 1964—Public Livestock Market Board



April 17, 1964—Bee Law Regulations Hearing  
April 27, 28 and 29, 1964—Bean Blight Quarantine  
July 1, 1964—Cash Buyers Hearing  
July 10, 1964—Sprayers and Dusters Hearing, Chlorinated Hydrocarbons  
July 17, 1964—Cash Buyers Hearing  
July 24, 1964—Cash Buyers Hearing  
December 17, 1963—Egg Law Hearing  
November, 1963—Dairy Tank Calibration Hearing  
August 5 and 28, 1963—Sprayers and Dusters Hearings  
September 3, 1963—Bi-State Bee Keepers Hearing  
May 28, 1963—Artificial Insemination Hearing  
August 13, 1963—Bonded Warehouse Hearing  
October 10, 1963—Egg Law Grade Hearing  
February 10, 1964—Economic Poison Law Regulations  
January 18, 1963—Public Livestock Commission Hearing  
March 1, 1963—Public Livestock Commission Hearing  
August 30, 1963—Livestock Commission Hearing  
January 10, 1964—Livestock Commission Hearing  
April 10, 1964—Livestock Commission Hearing  
May 8, 1964—Livestock Commission Hearing  
October 10, 1963—Weights and Measures Tolerances Hearing

#### **Department of Commerce and Development**

July 8, 1963—Unfair Sales Hearing  
November 4, 1963—Unfair Sales Hearing

#### **Department of Education**

May 7, 1964—Advisory Forestry Board Hearing, Land Exchanges and Legislation.

February 10, 1964—Division of School District 251, Rigby

### **Horse Racing Commission**

March 14, 1964—Proposed Rules and Regulations Hearing

### **Department of Insurance**

September 27, 1962—Monarch Memory Gardens, Inc.

### **Interdepartment Committee on Children and Youth**

April 27, 1964—Public Hearing — Lewiston

April 29, 1964—Public Hearing — Boise

May 1, 1964—Public Hearing — Pocatello

### **Department of Health**

July 22, 1963—Water Pollution Hearing — Twin Falls

July 29, 1963—Water Pollution Hearing — Nampa

April 14, 1964—Water Pollution — Caldwell

August 1, 1963—Eugenics Hearing — Idaho Falls

September 13, 1963—Radiation Rules and Regulation Hearing — Boise

March 29, 1963—Rules and Regulation, and Minimum Standards for Hospitals Hearing — Boise

May 13, 1964—Radiation Regulations — Boise

### **Department of Law Enforcement**

April 4, 1963—Constance L. Fisher — Hearing under Sec. 49-352, I.C.

January 17, 1964—Liquified Petroleum Gas — Hearing

June 22, 1964—In the Matter of the Suspension or Revocation of the Electrical Contractor's License of Evan L. Wilson

**Outfitters and Guides Board**

February 21, 1964—Remington Area Conflict — Boise

**Public Utilities Commission**

July 23, 1963—Great Northern Railway  
October 14, 1963—Utah Power and Light  
December 10, 1963—Pacific Northwest Bell, Lewiston  
December 12, 1963—Pacific Northwest Bell, Grangeville  
January 14, 1964—Bayview Water  
January 22, 1964—Consumers Water  
January 24, 1964—Mountain View Acres  
January 28, 1964—Pacific Northwest Bell  
February 3, 1964—Utah Power and Light, Rexburg  
February 7, 1964—Utah Power and Light, Preson  
March 10, 1964—Gem State Utilities Corporation  
March 19, 1964—Mountain View Acres  
April 8, 1964—Utah Power and Light  
April 13, 1964—Gen State Utilities  
April 14, 1964—Gem State Utilities (2 hearings)  
April 23, 1964—Pacific Northwest Bell  
April 29, 1964—Boise Water Complaint  
May 22, 1964—Earl and Kathleen Ourada

**Real Estate Brokers Board**

October 25, 1963—Donald A. Milne — Revocation of License, Hearing  
December 6, 1963—Grant Stowell — Revocation of License, Hearing  
March 21, 1964—Wylie A. Prather — Suspension of License, Hearing  
March 21, 1964—Dean Adkins — Revocation of Broker's License, Hearing

October 3, 1964—Warren Hill — Revocation of Broker's License, Hearing

**Department of Reclamation**

September 23, 1963—Raft River Critical Ground Water Area Conference — Boise

January 22, 1964—Cedar Creek Water Hearing, Twin Falls

April 28, 1964—Bear River Compact Commission, Salt Lake City, Utah

**Tax Commission**

August 23, 1963—Income Tax Appeal — Kincaid

September 2, 1963—Income Tax Appeal — Chase

August 11, 1963—Income Tax Appeal — Nelson

August 8, 1963—Ad Valorem Tax Appeal — Coin-Op Laundry

August 7, 1963—Ad Valorem Tax Appeal — Holly Corporation

August 7, 1963—Ad Valorem Tax Appeal — Johnson

August 7, 1963—Ad Valorem Tax Appeal — Devlin, Inc.

August 7, 1963—Ad Valorem Tax Appeal — Brown

August 6, 1963—Ad Valorem Tax Appeal—Investors Trust, Inc.

August 6, 1963—Ad Valorem Tax Appeal — Sterling

August 6, 1963—Ad Valorem Tax Appeal — Boise Water Corporation

**BEFORE THE INDUSTRIAL ACCIDENT BOARD**

**(Pending)**

In the Matter of the Claim of (for Employment Security Benefits):

Baasch, Charles F.  
Beddoes, Jean  
Blanton, Enock

Brandvold, Ralph H.  
Carper, Clalien M.  
Conrad, Robert J.

Coyne, Frank M.  
Creswell, Paul L.  
Daughtry, William I.  
Deines, Margaret R.  
East, Ruth E.  
Eldridge, Thomas  
Finnegan, Lawrence T.  
Fisher, Richard A.  
Irvin, L. Kathryn  
Jasper, Ella R.  
Johnson, Don  
Kolasa, Dorothy  
Mallard, Liston L.  
Mechling, Orville  
Olmstead, Kenneth L.

O'Neal, Harold S.  
Orem, William R.  
Peasley, Mark L.  
Pointer, William C.  
Reece, Clifford A.  
Richardson, Verl  
Sayko, James E.  
Schab, George J.  
Schiff, Nick  
Schreiner, Joe  
Schantz, Leslie C.  
Swindell, Judy  
Thompson, Helen  
Thomson, Neil C.  
Totorica, Teodoro

## (Closed)

Abbott, Florence V.  
Ainsworth, James D.  
Allen, Millard  
Anderson, Pearl B.  
Atha, Dorothy A.  
Badley, Mary M.  
Barnes, Gordon T.  
Baslington, Willard T.  
Beddoes, John E.  
Berg, Roger L.  
Bewley, Robert L.  
Bittner, Ernest  
Bixel, Ernest M.  
Black, Florence P.  
Blackwood, Roy P.  
Bledsoe, Agnes L.  
Bledsoe, Silvana  
Bloxham, DeWayne  
Borgeman, William H.  
Boyack, Betty L.  
Bradshaw, James C., Jr.  
Brazier, Harold E.  
Bristow, Jenny Lynn  
Brown, James D.  
Brown, Opal  
Bultemeyer, Frank  
Butler, Edna H.  
Chandler, Robert S.  
Cline, Albert T., Jr.

Cochran, Gloria  
Cochran, Joy J.  
Cole, Decie  
Connell, Ronald B.  
Collins, Mettie G.  
Crabbe, Paul J.  
Cromwell, Donald R.  
Cropp, Carl B.  
Croxon, Mary Anne  
Curington, Cecil J.  
Davis, Darlene  
Davis, William Lee  
Day, Esther Ruth  
Dodds, F. K.  
Dodge, Leo W.  
Dorr, Iva M.  
Doyle, Robert E.  
Dunning, Leona  
Duran, Richard R.  
Essy, Earl R.  
Evans, Mary Lou  
Evenson, Lavina E.  
Everitt, Lois A.  
Fackler, Mary M.  
Fish, Mary E.  
Flavel, Luenna  
Fortier, E. Lee  
Frank, Katherine M.  
Freimarck, William A.

Frisbee, Robert G.	Lewis, Louis G.
Gammet, Darlene A.	Lyons, Hazel L.
Gant, Lloyd C.	McConkey, L. H.
Gard, Lucile W.	McCune, Archie N.
Gardner, Raymond A.	McGowen, Goldie
Gibbs, Mr. Lorraine H.	McGraw, Lila L.
Ginder, Dorothy	McMillan, Sheldon J.
Glover, Audree M.	McNey, Alice J.
Goettling, Albert L.	Macky, Leslie J.
Grubich, Joseph	Matthews, Irene
Guay, Charles H.	Matthews, Jessie T., Jr.
Gullickson, Albert D.	Mattingly, Mamie
Haggard, Grace	Maxwell, Florence
Hamilton, Goldie	Means, Helen L.
Harrington, Emmett, J.	Meeks, W. B.
Harris, Minnie H.	Miller, Alma E.
Harrison, Helen G.	Miller, Robert F.
Hartig, George	Miller, Tressie
Hedge, Merle R.	Mitton, Weston L.
Heller, John H.	Moore, Ralph M.
Hier, Gus A.	Morgan, Charley W., Jr.
Hill Margarette M.	Muller, Henry M.
Hodge, James W.	Myers, Jack R.
Hugo, Mary L.	Naccarato, Henry M.
Hunsperger, Sidney L.	Needham, Joseph C.
Jackson, Andrew G.	Neifert, Vesta V.
Jackson, Marie A.	Norris, Lillie M.
Johnson, Violet	Olinger, Ralph K.
Johnston, George W.	Page, Ida Marie
Jones, Louise	Patrick, Ann
Kaiser, Edith	Patrick, Josephine D.
Kaiser, Mildred	Penner, Margaret
Kapp, Charles C.	Perry, James H.
Keck, Jessie M.	Perryman, Opha
Keener, Kenna G.	Phifer, Berle
Kienitz, Dorothy	Plackett, Shirley
King, Joseph E.	Podgurski, A. Frank
Kinnison, Edith E.	Poe, W. O.
Kinyon, James E.	Pound, James R.
Klinchuch, Ileen	Powell, Keith B.
Knoll, Chauncey, R.	Quinn, Joyce A.
Knowles, Milton R.	Reininger, Leonard R.
Konzem, Leander H.	Richman, G. I.
Kunerth, Agnes	Riedeman, Carl E.
Lane, James H., Jr.	Rock, Renn D.
Larson, Glenn L.	Rogers, Vernon O.
Lawrence, Gordon N.	Rogers, Walter A.

Rollison, George C.  
Rowe, Honey  
Rudolph, Inez  
Russell, Charles E.  
Russik, Carrie B.  
Safford, Catherine  
Santistevan, Lee  
Selby, Samuel  
Seyer, Henry C.  
Shatto, Robert M.  
Sherry, Viola  
Simmons, Patricia N.  
Smart, Alvin H.  
Smith, Dora Lee  
Smith, Katherine E.  
Smith, William C.  
Smyer, Bennie R.  
Solomon, Pauline  
Southwick, Harry B.  
Sowers, Ronald F.  
Sparks, Gertrude B.  
Spracklen, Lloyd G.  
Stamper, Juanita  
Stanfield, Ida Mae  
Steed, Don  
Stiffler, Harold E.  
Stoddard, Esther I.

Stuart, Daisy M.  
Stumbaugh, Edith  
Sturges, William H.  
Tague, Sewell  
Tarola, Janet M.  
Taylor, Ted B.  
Teel, Verda  
Thompson, Nelson W.  
Tippett, Howard R.  
Tomazich, Mary J.  
Torkelson, Charles N.  
Townsend, Jewell  
Vance, Howard G.  
Villines, Clyde E.  
Virgin, Fern  
Volk, Rebecca  
Wadsworth, Golden  
Ward, Donna M.  
Watson, L. Pearl  
Webb, Alvora  
Wilson, Charlotte L.  
Wilson, Paula W.  
Winkelman, Merlin J.  
Wolf, Frank H.  
Woods, Regina B.  
Yarbrough, Ahron A.

In the Matter of the Liability of (for Payment of  
Contributions Under the Employment Security Law):

(Pending)

Boyer, William S., et al

McClintock, George M.

(Closed)

Blaser, A. E.  
Boise Exchange, Inc.  
Carney, Lee  
Carver, Parley L.  
Cary, Edwin  
Contos, Peter J.  
Cummings, Robert W.  
Dixon's Sea Food  
First Federal Savings &  
Loan Ass'n.  
Goodrich, Lloyd R., Jr.  
A. A. Kock, et al

Maenaka, Frank  
Schiess, Delbert  
Smith, Jane M., R.N.  
Thompson, Norman B.  
Twin Falls County  
Valentine, Warren  
Vogelsong, Charles M.  
Well & Davies, Inc.  
Western Specialties Co.,  
Inc.  
Wight, Weldon  
Wilkins, Charles L.