

OFFICE OF
ATTORNEY GENERAL
State of Idaho

ALLAN G. SHEPARD
Attorney General



BIENNIAL REPORT

July 1, 1966 ----- June 30, 1968

State of Idaho

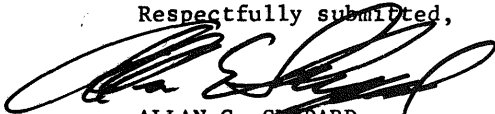
November 1, 1968

Hon. Don Samuelson
Governor, State of Idaho
Capitol Building
Boise, Idaho

Dear Governor Samuelson:

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

Respectfully submitted,



ALLAN G. SHEPARD

Attorney General

AGS:jam

encl.

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	1911-1912
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
Allan G. Shepard 1963-1966
Allan G. Shepard 1967-

POSITION

Attorney General	Allan G. Shepard	
Deputy Attorney General	R. Michael Southcombe	
Deputy Attorney General	M. Allyn Dingel, Jr.	February, 1967
Deputy Attorney General	Roger B. Wright	
Asst. Attorney General	William D. Collins	
Asst. Attorney General	Max Eiden, Jr.	March, 1968
Asst. Attorney General	Warren J. Felton	
Asst. Attorney General	David Allen Frazier	January, 1968
Asst. Attorney General	Thomas C. Frost	
Asst. Attorney General	James R. Hargis	
Asst. Attorney General	Frank Powell	
Asst. Attorney General	Mack Andy Redford	September 1967
Asst. Attorney General	Larry D. Ripley	
Asst. Attorney General	Richard C. Russell	
Asst. Attorney General	John S. Simko	August, 1967
Asst. Attorney General	Daniel A. Slavin	
Assistant Attorney Gen.	William M. Smith	
Asst. Attorney General	Robert P. Tunnicliff	April, 1968
Investigator	Matthew O'Rourke	
Legal Secretary	Cheryl Ballard	August, 1967
Legal Secretary	Lillian Gale	September 1966

Legal Secretary	Elizabeth Griffitts	June 1968
Legal Secretary	Janet Hays	June 1968
Legal Secretary	Alice Hoover	
Legal Secretary	Ellen Ploeger	February, 1968
Legal Secretary	Levene Uranga	
Secretary-Bookkeeper	Barbara McKenzie	December 1966
Secretary to Attorney General	Bernice Callsen	
Research Assistant	Susan Flandro	
Law Clerk	Klaus Weibe	September, 1967
Law Clerk	Dwight V. Board	
Law Clerk	Norman Gissel	
Law Clerk	Howard F. Manly	
Law Clerk	Stewart A. Morris	
Receptionist	Sally Jo Dethman	April 1968

Appropriation

Attorney General's Office

1967-1969 Biennium

SALARIES AND WAGES	\$300,000.00
TRAVEL	27,000.00
Other Current Expense	58,000.00
Capital Outlay	15,000.00
TOTALS	<u>\$400,000.00</u>

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.

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 a specific local problem 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.

66-4 July 14, 1966

Mr. Fred Kennedy
Prosecuting Attorney
P. O. Box 724
Mountain Home, Idaho

Five-sixths of a jury in a misdemeanor case may render a verdict.

66-5 July 15, 1966

Hon. L. E. Clapp
Secretary of State
Statehouse

The Secretary of State should accept for filing any argument in favor of a referendum if said argument is filed on or before the 105th day preceding the general election.

66-6 Sept. 14, 1966

C. L. Swenson
Auditor
Franklin County
Preston, Idaho

Following the expiration of the time within which certificates of nomination may be filed, the Secretary of State should certify to the various county auditors the names of persons who have filed certificates of nomination with his office under the provisions of Section 34-612C, Idaho Code. Thereafter, the county auditors should cause to be prepared the ballots for election day procedures including usage as absentee ballots and perform such other duties as are incumbent upon the county auditors in compliance with the election laws of the State of Idaho, insofar as the same can be reasonably performed within the time limitation of said laws and this opinion.

66-7 Sept. 23, 1966

Hon. Grace Williams
Clerk
Bingham County
Blackfoot, Idaho

The ballot shall be divided into equal perpendicular spaces or columns with one column provided for each of the independent candidates for governor.

66-8 November 7, 1966

Hon. Robert E. Smylie
Governor of Idaho
Statehouse

A simple majority of the votes cast on the Referendum is sufficient to constitute approval or disapproval of the Sales and Use Tax Act under the provisions of Section 34-1803, Idaho Code.

67-1 April 19, 1967

Saul H. Clark
Director
Probation and Parole
P. O. Box 7494
Boise, Idaho

A probation officer is not required to first apply to a district court for a hearing before he can arrest, under authority of Idaho Code 20-227, a probationer who, in the judgment of the officer has violated a condition of his probation.

68-1 January 11, 1968

Hon. Don Samuelson
Governor of Idaho
Statehouse

This opinion decided that by the rules of statutory construction, marriage license fees are

\$4.75, though a conflicting statute refers to \$3.00 license fees.

68-2 March 11, 1968

Jack Farley, Director
Motor Vehicle Division
Department of Law Enforcement
State of Idaho
Building

In regard to the amendments to Section 49-330 of the Idaho Code, Chapters 353 and 378 of the 1967 Session Laws are and should be read as the law.

PROBATE COURT -- PENDING

2913 In the Matter of the Application of Western Airlines, Inc., for authority to engage in air transportation in the Northwest-Southwest area.

Before the Civil Aeronautics Board, Washington, D. C.

2925 In the Matter of the election of the Sheriff of Cassia County, State of Idaho.

2974 In the Matter of the Appeal of Ebco, aka Milner Hotel, Plaintiff.

Before the State Tax Commission of the State of Idaho.

2975 Pacific Gas Transmission Co. vs. Idaho Public Utilities Commission.

United States of America before the Federal Power Commission.

4011 In the Matter of Pacific Northwest Pipeline Corp. El Paso Natural Gas Company vs. El Paso Natural Gas Company, Northwest Pipeline Company.

United States of America before the Federal Power Commission.

4067 In the Matter of Western Montana Service Investigation.

Civil Aeronautics Board

4103 In the Matter of Mrs. Elizabeth H. Anders d/b/a Anders Real Estate, Holder of Idaho Real Estate Broker's License No. B-547.

Real Estate Brokers Board, State of Idaho.

4104 In the Matter of Earl R. Swearingene, d/b/a Earl R. Swearingene Real Estate Holder of Idaho Real Estate Broker's License No. S-319.

Before the Real Estate Broker's Board, State of Idaho.

4113 In the Matter of the Application for Recount of Bernice Dorman.

4116 In the Matter of Forrest D. Wetterow.

4154 Application for Recount of Ballots by Rampton Barlow.

4160 In the Matter of Aetna Casualty and Surety Company.

4226 Dr. C. H. Kennedy, Petitioner Applicant, Complainant and Appellant, v. Stanley I. Trenhaile, Commissioner of Agriculture, Respondent and Appellee.

Before the Idaho Personnel Commission.

4249 Legislative Council Committee on Post-Conviction.

4270 Wilburn S. McHenry, Petitioner-Applicant, Complainant and Appellant, vs. C.L. House, Chairman of Board of Corrections of the Idaho State Penitentiary; Saul H. Clark and A. Taylor Clark, Members, Respondents and Appellees.

Before the Idaho Personnel Commission.

4275 In the Matter of Jos. T. Chapman and Co., Inc.

Before the Commissioner of Insurance.

4280 A & J Construction Company, Plaintiff, vs. Idaho Fish & Game Department.

PROBATE COURT-----CLOSED

2942 In the Matter of the
Estate of James W. Giezentanner,
Deceased.

2966 In the Matter of the Estate
of Arthur Pellegram.

4069 State of Idaho, ex rel
Potato and Onion Commission
Plaintiff, vs. W. W. Newcomb,
Defendant.

4070 State of Idaho, ex rel
Potato and Onion Commission,
Plaintiff, vs. Albert E. Moser,
Defendant.

4132 State of Idaho, Plaintiff,
vs. Frank and Lucy Nedeau, De-
fendants.

4155 G. B. Denny, Plaintiff,
vs. Ray F. Binder, Defendant.

4235 In the Matter of the Estate
of Herman Frederick Fischer,
Incompetent.

4283 Auto Rental Company of
Idaho d/b/a Avis Rent A Car,
Plaintiff vs. State of Idaho,
Department of Law Enforcement
and Donald V. Royse, Defendants.

DISTRICT COURT -- CLOSED

2901 David Lemons, Plaintiff,
vs. Chester Hillman, Defendant.

2902 James E. Hunt, Prosecuting
Attorney, Bonner County, State of
Idaho, Plaintiff, vs. Fred F. Kondo,
Justice of the Peace in and for the
County Precinct, State of Idaho,
Defendant.

2905 State of Idaho, ex rel
Carl H. Tappan, State Reclamation
Engineer, Plaintiff, vs. Clyde E.
Smith and Bonnie Smith, husband
and wife, Defendants.

2916 Charles P. Brewer, d/b/a
Brewer Pest Control, Plaintiff,
vs. State Board of Health,
Defendant.

2920 Felicia Nichols, Plaintiff,
vs. Willis Godfrey and State of
Idaho, Defendant.

2926 State of Idaho, ex rel
Stanley I. Trenhaile, Commission-
er of Agriculture, Plaintiff, vs.
Hairl P. Johnson and Darlene
Johnson, husband and wife, and
Jerry Johnson, dba Johnson's Packing
Plant, Defendants.

2927 U. M. Terry and Maurine R.
Terry, husband and wife, Plaintiffs,
vs. Jim L. Carney, et ux., James
Marshall, dba Northeast Farms,
Statewide Adjustment Bureau, Inc.,
State of Idaho, Elmer J. Hagerty,
et ux., Defendants.

2934 Alice Clegg, Don W. Clegg and
Lucille Clegg, Laura Clegg, Joseph
Collins, Robert Young, and Donnette
Young, Petitioners, vs. Carl Tappan,
State Reclamation Engineer, and
Reclamation Department of State of
Idaho, Respondents.

2936
Lodha Sterling, Inc., an Idaho
Corp., Plaintiff, vs. Wilson B.
Lehmborg and State of Idaho,
Defendants.

2940 In re Application of
Harold H. Hanson for an Outfitter's
License, Plaintiff, vs. Idaho State
Outfitter's and Guides Board,
Defendant.

2941 In re Application of Harold
H. Hanson for an Outfitter's
License, Plaintiff, vs. Idaho
State Outfitter's and Guides
Board, Defendant.

2941 In the Interest of David
Soto, a child under eighteen years
of age.

2944B John Dee Larsen, Applicant,
vs. Orville Stiles, Acting Warden
of the Idaho State Penitentiary,
and State of Idaho, Respondents.

2945 William H. Morton, Jr.,
et ux., Plaintiffs, vs. Unknown
Heirs of Ernest DeAlton, Defendants.

2949 Joseph Marcel von Eiselein,
Petitioner, vs. State of Idaho,
Respondent.

2953 Harvey F. Moore, Plaintiff
vs. Marshall Stone, et al. De-
fendant.

2958 State of Idaho, Plaintiff,
vs. Rosauer's Super Markets,
Inc., Defendants.

2961 Earl E. Chambers, et al,
vs. State of Idaho and George
E. Blackburn.

2963 State of Idaho, Plaintiff,
vs. Edward Albert King,
Defendant.

2968 Fred K. Park, Petitioner,
vs. State of Idaho, Respondent.

2973 Fred Marienau, Plaintiff,
vs. School Trustees, of Class
A. School Dist.

2980 State of Idaho, Plaintiff,
vs. Sandra Pritchett and
Georgia Fisher.

2986 The State of Idaho ex rel
R. Doyle Symms, Ernest F. Gaffney
(Idaho Board of Highway Directors)
vs. Arnold Tweeten and Leona
Tweeten and the State of Idaho.

2996 Lyle Cobbs, Plaintiff,
vs. State Board of Education.

2997 James L. Toynbee and
Sandra, ex al vs. Elvin J.
Albiston and the State of
Idaho.

4001 Robert Kyle, Plaintiff,
vs. State of Idaho, Defendant.

4008 Cv Wesley E. Coffelt,
Petitioner, vs. State of
Idaho, Respondent.

4013 State of Idaho, Plaintiff,
vs. Joseph Marie Acevado,
Paul Horcasitas, Donnie
Doyle Green, Lewis E. Carter.

4018 Willard R. Jacobson,
Plaintiff, vs. The State of
Idaho, Department of Public
Health, Eldon C. Davidons and
Ralph Rodriguez, Defendants.

4025 In the Matter of the
Multi-Line Insurance Rating
Bureau

4026 Idaho Telephone Company
Pacific Northwest Bell Tele,
Co., et al, Plaintiffs, vs.
E. D. Baird; Charles E.
Gossett; T. Hedley Dingle;
T. C. Waddoups, as members of
and constituting the Idaho
State Tax Commission, Defendants.

4028 State of Idaho, Plaintiff
vs. Joseph M. Bitz, Defendant.

4037 Charles B. Parker, Charles
R. Stewart, Rodney A. Heater and
William H. Fate, Plaintiffs, vs.
Floyd West, as the Tax Collector
of the State of Idaho, Defendant.

4040 State of Idaho vs. Bill
Caldwell; Ray Hymas; Dennis
Deorr Kunz.

4042 Cv. John Heine, Plaintiff,
vs. School District No. 271,
Coeur d'Alene, Idaho, State
of Idaho, acting by and through
its duly elected superinten-
dent, Defendants.

4050 Cv. John W. Pruett, Plaintiff, vs. Western Paving Co., and Marshall Haney Corporation.

4052 Neil Udell and Maureen Udell, Plaintiffs, vs. Rosella J. Kruse, et al., Defendants.

4055 Richard A. Swan, Appellant, vs. State of Idaho, Respondent.

4060 John Frances Nester, Petitioner, vs. State of Idaho, Respondent.

4062 Jack Gibbs, Reed Budge, Vern Moser, Caribou County Idaho Citizens Grazing Ass'n, Plaintiffs, vs. Robert E. Smylie, Allan G. Shepard, Joe R. Williams, Arnold Williams, D. F. Engelking, O. J. Buxton, Defendants.

4066 Boise Bowling Center, et al., Plaintiffs, vs. State of Idaho and Floyd West, Defendant.

4068 Phillips Petroleum Company, Plaintiff, vs. P. G. Neil; Tax Collector of the State of Idaho, Defendant.

4073 State of Idaho, Plaintiff, vs. Larry Oliver Reeve, Defendant.

4075 C. W. Mulhall, Plaintiff, vs. John Nielson; Jane Doe Nielson, his wife, if married, et al., Defendant.

4076 Idaho Falls Bonded Produce & Supply, Inc. and Idaho Corp. vs. Pearson Canal Co., an Idaho Corp., et al.

4078 Harriet M. Jones, a widow, Plaintiff, vs. Mrs. R. E. Lenox, also known as Mrs. Dixon M. Lenox, also known as Dixie Dow, et al., Defendant.

4079 Richard Clayton, Plaintiff, vs. Everett L. Jensen, et al., Defendant.

4080 Cecil Jenkins, Plaintiff, vs. Delbert Jenkins, et al., Defendant.

4081 State of Idaho on the Relation of W. D. Stearns, Director of Unfair Sales Act for Dep't. of Commerce and Development, Plaintiff, vs. Jay M. Davis, dba Jay's Sav-on Foods, Defendant.

4082 Caribou County, a Political Subdivision of State of Idaho, Petitioner, vs. Carl E. Tappan, State Reclamation Engineer, State of Idaho, Respondent.

4083 Charles H. Evans, Plaintiff, vs. State of Idaho, Defendant.

4084 Jean E. Solomon, et al., Plaintiffs, vs. Department of Public Assistance, State of Idaho, Defendant.

4090 CV. State of Idaho, ex rel., Plaintiff, vs. Command Products, Inc., Defendant

4091 Jose Martinez, Petitioner,
vs. State of Idaho, Respondent.

4092 In the Matter of the Appli-
cation of Caryl Fuchs, for a Writ
of Habeas Corpus.

4093 State of Idaho, ex rel
Thomas D. McEldowney, Acting
Commissioner of the Dep't of
Finance, State of Idaho, Plaintiff,
vs. Walter E. Moore, Harry H. March,
and John C. Ferguson, Defendants.

4094 State of Idaho, ex rel.
Thomas D. McEldowney, Acting
Commissioner of Dep't of Finance,
State of Idaho, Plaintiff, vs.
Michael T. Pruett, J. Tim Roark,
and Charles L. Mitchel, Defendants.

4096 In the Interest of Virginia
Lynn Luginbuhl and Dorothy Irene
Luginbuhl, aka Dorothy Irene Young,
Children under 18 years of age.

4097 Leon Hahne and Irene Hahne,
Plaintiffs, vs. American Builders
Company, Inc., Defendants.

4100 State of Idaho, Plaintiffs,
vs. Robin Curtis Rhodes, Defendant.

4105 Austin R. DeGraw, Petitioner,
vs. State of Idaho, Respondent.

4114 State of Idaho, Plaintiff,
vs. Kenneth Clar Davis, Defendant.

4118 Edward Albert King, Petitioner,
vs. State of Idaho, Respondent.

4120 State of Idaho, Plaintiff,
vs. James B. Polson, Defendant.

4121 In re Plans of Gem State
Mutual Life Association, Inc.

4122 State of Idaho, Plaintiff-
Respondent, vs. James C. Oldham and
Ivan Leeper, Jr., Defendants-Appellants.

4123 State of Idaho,
Plaintiff, vs. Boulevard Market,
Defendant.

4124 State of Idaho, Plaintiff,
vs. Albertson's, Inc., Defendant.

4125 State of Idaho, Plaintiff,
vs. Buttery Foods, Defendant.

4126 State of Idaho, Plaintiff,
vs. S. S. Kresge Company,
Defendant.

4127 State of Idaho, Plaintiff,
vs. John H. Harris, Defendant.

4128 State of Idaho, Plaintiff,
vs. M. & W. Market, Defendant.

4129 State of Idaho, Plaintiff,
vs. Safeway Stores, Defendant.

4133 State of Idaho, Plaintiff,
vs. James Robert Rassmussen,
Defendant.

4134 State of Idaho, Plaintiff,
vs. Buddy Lee Welch, Defendant.

4137 Joseph W. Kowalski,
Petitioner, vs. State of Idaho
and Mark M. Maxwell.

4139 In the Matter of Applica-
tion for Permit No. 40673.

4140 Prunty Ranchers, Inc.,
Plaintiff, vs. Everett L. Tyler,
et al., Defendants.

4141 In the Matter of Permit
No. G-29854, Golden Valley
Mutual Water Company.

4142 Golden Valley Mutual
Water Company, a corporation,
Plaintiff, vs. Keith Higginson,
et al., Defendants.

4143 In the Matter of Permit
No. G-29854, Golden Valley
Mutual Water Company

4153 Mobil Oil Corporation, et al., Plaintiff, vs. The City of Coeur d'Alene, Defendant.

4156 State of Idaho, Plaintiff, vs. Leonn U. Urie, Defendant.

4159 Charles E. Davidson, Petitioner, vs. State of Idaho, Respondent.

4161 I. G. Harris and Shirley M. Harris, husband and wife, and W. J. Garrett, Plaintiffs, vs. Idaho State Dep't of Reclamation and Keith R. Higginson, et al., Defendants.

4163 State of Idaho, Plaintiff-Respondent, vs. Harold William Manning, Defendant-Appellant.

4165 Claude A. Boyd, Plaintiff, vs. State of Idaho, Defendant.

4167 Frank J. Allen, Plaintiff, vs. Robert E. Smylie, et al., Defendants.

4168 Fred Gross and Helen Gross, Plaintiffs, vs. Sunset Memorial Gardens, Inc., et al., Defendants.

4169 State of Idaho, ex rel. Mark M. Maxwell, Chairman of State Board of Corrections, Plaintiff, vs. Julia Mayhew, aka Mrs. Allen Mayhew, et al., Defendants.

4171 State of Idaho, ex rel R. Keith Higginson, State Reclamation Engineer, Plaintiff, vs. Dick C. Ingle and Pearl Ingle, husband and wife, Defendants.

4173 State of Idaho, Plaintiff, vs. William H. Butler, Defendant.

4174 Dennis Worm, Frederick Worm, Richard Worm and Roger Worm, Infants by Wilma Worm, Plaintiff, vs. Robert R. Dickard, Albertson-Dickard Funeral Home, Inc., an Idaho corporation, Defendants.

4176 Perry Swisher, Plaintiff, vs. Floyd West, Tax Collector, State of Idaho, and Jack T. Worley, State Sales Tax Auditor, Bannock County, Defendants.

4177 State of Idaho, Plaintiff, vs. Dale Arthur Hanson, Defendant.

4180 State of Idaho, Plaintiff, vs. Henry F. Reed, Defendant.

4186 State of Idaho, Plaintiff, vs. Richard R. Black, Defendant.

4189 State of Idaho, Plaintiff-Respondent, vs. Dale Robert Applegate, Defendant-Appellant.

4191 State of Idaho, Plaintiff, vs. Joseph Waller Kowalski, Defendant.

4192 Walter P. Hall, et al., Plaintiff, vs. John Carter, et al., and State of Idaho, Defendants. The State of Idaho, Cross-Plaintiffs, vs. Walter Hall, et al., Cross-Defendants.

4193 State of Idaho vs. Don Flory.

4194 A. Harold Rife, as Trustee of Farmer Oil Profit Sharing Trust, Plaintiff, vs. Robert D. Barbour, Conservator of Idaho Savings and Loan Association and the Commissioner of Finance of State of Idaho, Defendants.

4196 State Board of Health, State of Idaho, Plaintiff, vs. March C. Kelley, As Administrator with Will Annexed of the Estate of Betty P. Kelly, Defendant.

4197 State of Idaho, Plaintiff-Respondent, vs. Patrick Henry Handran, Defendant-Appellant.

4198 Idaho Public Livestock Market Board on Relation of Stanley I. Trenhaile, Plaintiff, vs. H. S. Davis, Cecil R. McIndoo and Hardy Ward, and W. W. Knox, Defendants.

4199 City of Grangeville, Plaintiff, vs. Patrick A. Wren, Defendant.

4201 In the Matter of Prudential Savings & Loan, Inc.

4201A Stanley Peters and Donald Lallman, Plaintiffs, vs. Prudential Savings & Loan Association, et al., Defendants.

4201B Richard A. Parmeter and D. T. Worsencroft, d/b/a Tebe's Sheet Metal, Plaintiff, vs. Herbert J. Edwards, Prudential Savings & Loan Association, et al., Defendants.

4202 State of Idaho vs. Melvin C. Marks, Petitioner.

4203 R. D. Malloroy, Petitioner, vs. Mark M. Maxwell, Warden, Idaho State Penitentiary, Respondents.

4205 Idaho Investment Corporation, an Idaho corporation, Plaintiff, vs. Pioneer Savings & Loan Association, Inc., et al., Defendants.

4206 Harry D. McDaniel, Plaintiff, vs. State of Idaho, Defendant.

4207 R. D. Malloroy, Plaintiff, vs. State of Idaho, Defendant.

4208 State of Idaho, ex rel. R. Keith Higginson, State Reclamation Engineer, Plaintiff, vs. Nellie B. Foreman, in person and Administratrix of the Estate of D. I. Foreman, Defendant.

4209 Norbert Ponthier, Petitioner, vs. State of Idaho, Respondent.

4210 State of Idaho, Plaintiff, vs. Richard Hahn, Defendant.

4211 In the Matter of the North Side Canal Company, Ltd. from Notice of Determination by Idaho State Tax Collector, Sales Tax Division, State of Idaho.

4212 Robert Wilbanks, Petitioner, vs. State of Idaho, Respondent.

4213 State of Idaho, Plaintiff, vs. Norbert Ponthier, Defendant.

4214 In the Matter of Idaho Savings & Loan Association, Inc.

4214A Idaho Savings & Loan, vs. Internal Revenue Service.

4216 Burley Irrigation District, et al., Plaintiff, vs. Henry Eagle, Watermaster, District No. 36, State of Idaho, Defendant.

4218 Lulu Ann Shreve, Plaintiff, vs. State of Idaho, Defendant.

4223 State of Idaho, Plaintiff, vs. Ramon Gonzales, Jr., Defendant.

4224 Sun Ray Drive-In Dairy, Inc., Plaintiff, vs. Stanley I. Trenhaile, Commissioner of the Dep't of Agriculture of State of Idaho, Defendant.

4227 State of Idaho, ex rel. R. Doyle Symms, Howard B. Thomason and C. Ed Flandro, Idaho Board of Highway Directors, vs. Idaho First National Bank of Boise, National Association, et al.

- 4229 In the Matter of Sierra Life Insurance Company of Twin Falls, Idaho.
- 4230 State of Idaho, ex rel. John D. Silva, Commissioner of Finance of the State of Idaho, Plaintiff, vs. Solar Buildings, Inc., an Idaho corporation, Mike Jiminez, Edwin B. Norton and Rolland Andrus, Defendants.
- 4231 State of Idaho, Plaintiff, vs. Lance T. Lorrigna, Defendant.
- 4232 State of Idaho, Plaintiff, vs. Wendell Mathison, Defendant.
- 4233 Dale Burge, Petitioner, vs. State of Idaho, Respondent.
- 4234 Hayden Lake Irrigation District, Plaintiff, vs. North Idaho Properties, Inc., Defendant.
- 4236 St. Charles Irrigation Co., Plaintiffs, vs. R. Keith Higginson, et al., Defendants.
- 4237 Harold William Manning, Petitioner-Appellant, vs. State of Idaho, Respondent.
- 4238 State of Idaho, Plaintiff, vs. Rosendo Reyna, Defendant.
- 4239 State of Idaho, Plaintiff-respondent, vs. James Harrington, Defendant-Appellant.
- 4242 State of Idaho, Plaintiff, vs. Edward Rolfe, Defendant.
- 4243 Coeur d'Alene Downs, Inc., an Idaho corporation, Petitioner, vs. Idaho Horse Racing Committee, et al., Respondents.
- 4245 State of Idaho, Plaintiff, vs. John R. Black, Defendant.
- 4246 Ronald D. Rankin, Plaintiff, vs. Pete T. Cenarrusa, Secretary of State, State of Idaho, Defendant.
- 4247 Upper Columbia Mission Society of Seventh Day Adventists, Plaintiff-Respondent, vs. Kootenai County, by and through its Board of Commissioners, a Political Subdivision of the State of Idaho, Defendant-Appellant.
- 4248 Norman Tague, ex rel the People of the State of Idaho, Plaintiff, vs. Arley Johnson, Glen Stanger, R. J. Holmes, William B. Durbon and John R. Woodworth, Defendants.
- 4251 State of Idaho, Respondent, vs. Arlo Gene Briggs, aka Arlo Gene Tims, Appellant.
- 4252 R. D. Leonardson, Virgil King, Emmett Bennett and John H. Pino, Plaintiffs, vs. Clyde Koontz, Tax Collector of the State of Idaho, Marjorie Moon, Treasurer of the State of Idaho, Marjorie C. Jonasson, Treasurer of the County of Ada, and Deloy Giles, Treasurer of the County of Bannock, Clarence Planting, Ada County Auditor and Emmette Spraker, Bannock County Auditor of the State of Idaho.
- 4256 R. D. Leonardson, Virgil King, Emmett Bennett and John H. Pino, Plaintiffs, vs. Clyde Koontz, Tax Collector of the State of Idaho, Marjorie Moon, Treasurer of the County of Ada, and Deloy Giles, Treasurer of the County of Bannock, Clarence Planting, Ada County Auditor, and Emmette Spraker, Bannock County Auditor, State of Idaho.
- 4258 State of Idaho, Plaintiff, vs. Glenn C. May, Defendant.
- 4263 Gary L. Smith, Plaintiff, vs. State of Idaho, Defendant.

4264 Gene C. Mileck, Plaintiff,
vs. Pete Cenarrusa, Secretary of
State for the State of Idaho, De-
fendant.

4266 J. F. Woodall and Reed Budge,
Plaintiffs, vs. O. J. Buxton, Joe
R. Williams, Arnold Williams, Louis
E. Clapp and D. F. Engelking, De-
fendants.

4272 Dwight E. Pline and Ardyce
Pline dba Pline's Green Lantern
Cafe, Plaintiffs, vs. Clyde Koontz,
Tax Collector, State of Idaho,
Defendant.

4277 State of Idaho, Appellant-
Plaintiff, vs. Dean Barney, Res-
pondent-Defendant.

4279 In the Matter of the Seizure
of a 1966 Dodge Charger, 2-Door
Sport Coupe, Motor No. XP296-61,
202, 880 License No. 1A 45308.

4281 State of Idaho, Plaintiff,
vs. Harry March and Walt Moore,
aka Pete Henry Moore, Defendants.

4282 State of Idaho, Plaintiff,
vs. Thomas Clark Linn, Defendant.

4285 State of Idaho, Plaintiff,
vs. Douglas Shepherd, Defendant.

4287 David R. Shannon, Plaintiff,
vs. State of Idaho, Defendant.

4289 State of Idaho, Plaintiff,
vs. Kermit Davis, Defendant.

4290 Kwik Vend, Inc., Plaintiff,
vs. Clyde Koontz, Tax Collector,
State of Idaho, Defendant.

4296 Craig Hisaw, Appellant, vs.
R. Keith Higginson, State Reclama-
tion Engineer, Respondent.

4303 American Independent Party
in Idaho, a corporation, George C.
Wallace, Marvin P. Griffin and A.
Watson Conner, Plaintiffs, vs.
Pete T. Cenarrusa, Sec'y of State,
State of Idaho, Defendant.

4304 State of Idaho, ex rel,
John D. Silva, Commissioner
of Finance of the State of
Idaho, Plaintiff, vs. James
H. Dunbar, Defendant.

4306 Military Department of
the State of Idaho, Plaintiff,
vs. George A. Ellis, Defendant.

4307 State of Idaho, Plaintiff,
vs. Janet White, Defendant.

4309 The State of Idaho,
Plaintiff, vs. Florentino
(Chick) Segovia and Ramiro
Hernandez Garcia, Defendants.

4313 Elmer Jackson Tramel,
Applicant, vs. State of Idaho,
Respondents.

IDAHO SUPREME COURT - PENDING

2909A Earl E. Austin, Plaintiff, vs. Louis E. Clapp, Defendant.

2947 In the Matter of the Assessed Valuation of Certain Real Property assessed against C. C. Anderson Stores Co. for the year 1964.

2951 Leonard Dean Gardner and Wayne Carter Peterson, Plaintiffs, vs. Warden L. E. Clapp, Defendant.

2951 Cv. Leonard Dean Gardner and Wayne Carter Peterson, Petitioners, vs. State of Idaho, Defendant.

2972 David G. Ainsworth, Plaintiff, vs. Robert E. Smylie, Defendant.

2988 State of Idaho, Plaintiff, vs. Walter J. Edelblute, Defendant.

2989 Tommy Nick Richardson, Petitioner-Appellant, vs. State of Idaho, Defendant-Respondent.

2991 Wayne England, Plaintiff-appellant, vs. Idaho Outfitters and Guides Board, Defendant-Respondent.

2992 David Fenton, Petitioner, vs. State of Idaho.

4004 State of Idaho, Plaintiff, vs. Philip E. Koho, Defendant.

4005 Harvey W. Pulver, Complainant, vs. State of Idaho.

4015 Theodore John Starkey, Plaintiff, v. State of Idaho, Defendant.

4017 Elmer A. Martin, Lloyd Lay, et al., Plaintiffs, vs. Jessie K. Hatcher, Everett Bechtel, et al., Idaho Private Contractors Board, Defendants.

4024 John Henry Bement, Petitioner, vs. State of Idaho, Respondent.

4036 A. L. Gurley, d/b/a Western Music Co., Plaintiff, vs. Floyd West, Tax Collector, State of Idaho, Defendant.

4039 Local Union 283, International Brotherhood of Electrical Workers and Local Union 370, International Union of Operating Engineers, Plaintiffs, vs. W. L. Robison, Commissioner of Labor, State of Idaho, Defendant.

4045 Robert H. Wilbanks, Plaintiff, vs. State of Idaho, Defendant.

4047 State of Idaho, Plaintiff, vs. Jerome T. Carpenter, Defendant.

4048 State of Idaho, Plaintiff, vs. Phillip Mowery, Defendant.

4049 State of Idaho, Plaintiff, vs. John H. Ebersole, aka George Wagner, Defendant.

4051 Union Pacific Railroad Co., Plaintiff, vs. South Bannock Free Library District, Defendant.

4054Cv. Dennis Pharris, Petitioner, vs. State of Idaho, Respondent

- 4056 State of Idaho, ex rel. Ed Ring vs. Hood Worthington and Valley Worthington, dba Lolo Lumber Co.
- 4064 State of Idaho, Plaintiff, vs. Michael T. Pruett, Defendant.
- 4077 John H. Ebersole, Petitioner, vs. State of Idaho, Respondent.
- 4087 State of Idaho, Plaintiff, vs. Harley Madison Long, Defendant.
- 4089 Edward L. Purser, Petitioner, vs. State of Idaho, Respondent.
- 4098 In the Matter of the Application of James L. Carey for Writ of Habeas Corpus.
- 4101 In the Matter of the License of Richard Kennett, dba Dick's Flying Service.
- 4106 State of Idaho, Plaintiff-Appellant, vs. Walter Max Palmer, Defendant-Respondent.
- 4107 James E. Dotson, Plaintiff, vs. State of Idaho, Respondent.
- 4108 Giles W. Clute, Plaintiff, vs. State of Idaho, Respondent.
- 4109 Henry W. Goff, Petitioner, vs. State of Idaho, Respondent.
- 4110 John S. Dayley, Plaintiff, vs. State of Idaho, Respondent.
- 4112 R. D. Malloroy, Plaintiff, vs. State of Idaho, Defendant.
- 4115 P. A. Legg and Nellie L. Legg, Plaintiffs, v. John A. Barinaga and Helen Barinaga, Defendants.
- 4117 Andrew J. Mirth, Petitioner, vs. State of Idaho, Respondent.
- 4119 State of Idaho, Plaintiff, vs. Virgil G. Oyler, Defendant.
- 4130 Kaye Berry, Petitioner, vs. State of Idaho, Respondent.
- 4131 State of Idaho, Plaintiff, vs. Walter E. Cox, Defendant.
- 4136 Francisco Cano, Plaintiff, vs. State of Idaho, Defendant.
- 4138 State of Idaho, Plaintiff, vs. Joseph Johnston, Defendant.
- 4145 Complaint of Ebco, Inc. and Cascade Equipment Corp. to ratio of Assessment for Tax Year 1966 in Ada County.
- 4146 Dale R. Cullison, Plaintiff, v. Democratic State Central Committee, Defendant.
- 4148 State of Idaho, Plaintiff, vs. Jack and Shannon Darrah, Defendants.
- 4149 Al P. Garding, Plaintiff, vs. State of Idaho, Defendant.
- 4150 In the Matter of EBCO (Troy Capital Building)
- 4151 In the Matter of EBCO (Owyhee Hotel)
- 4152 Boise Community Hotel Company vs. Board of Equalization.
- 4157 Willis Godfrey, Petitioner, vs. State of Idaho, Respondent.
- 4158 Charles P. Sagmoen, Petitioner, vs. State of Idaho, Defendant.

4162 Melvin C. Marks, Plaintiff, vs. State of Idaho, Defendant.

4170 In the Matter of Dale Robert Applegate, Habeas Corpus.

4172 State of Idaho, ex rel R. Keith Higginson, State Reclamation Engineer, Plaintiff, vs. William Bunt and Verda Bunt, Husband and Wife, Defendants.

4178 State of Idaho, Plaintiff, vs. Ernest R. Hardister, Defendant.

4179 State of Idaho, Plaintiff, vs. Luther Robert Biggs, Jr., Defendant.

4181 State of Idaho, Plaintiff, vs. Duke Clarence Scroggins, Defendant.

4183 Martin Larson, aka Bradley L. Robertson, Plaintiff, vs. State of Idaho, Defendant.

4184 State of Idaho, Plaintiff, vs. Milton H. Brinton, Defendant.

4185 James V. Higheagle, Plaintiff, vs. State of Idaho, Defendant.

4187 State of Idaho, Plaintiff, vs. Joseph K. Dunn, Defendant.

4188 James Doty, Petitioner, vs. Mark M. Maxwell, Warden, Idaho State Penitentiary, Respondent.

4190 State of Idaho, Plaintiff, vs. Leroy Alvin Loyd and John Alvin Adamson, Defendants.

IDAHO SUPREME COURT----CLOSED

- 2905 Tappan vs. Smith
- 2917 Teodoro Totoica, Claimant-Respondent, vs. Western Equipment Co., Protestant-Appellant, an employment Security Agency, Defendant-Respondent.
- 2919 Allan G. Shepard, Attorney General of the State of Idaho, and James E. Hunt, Prosecuting Attorney Bonner County, Plaintiffs, vs. James Mickelson, Leonard Harbison, and Homer Smith Board of County Commissioners of Bonner County, Idaho, Defendants.
- 2923 Roy O. Burge, Petitioner, vs. Thomas V. Tibor et al., Reount Judges, Precinct #1, Power County, Idaho, and George L. England et al., Board of County Commissioners Power County, Idaho and Allan G. Shepard, Attorney General, State of Idaho, Respondents.
- 2955 Wendell H. Mathison, Applicant, vs. Honorable Tom Felton, and Roy E. Mossman Respondents.
- 2957 A Webster Arthur, Petitioner, vs. State of Idaho, Respondent.
- 2964 State of Idaho, Plaintiff, vs. Edward Albert King, Defendant.
- 2976 George Olson, Appellant, vs. State of Idaho, Respondent.
- 2994 In the Matter of Orvil D. Atkinson vs. State of Idaho.
- 2998 State of Idaho, Plaintiff, vs. David James Cypher, Defendant, and Robert William Mueller, Defendant.
- 4016 State of Idaho, Plaintiff, vs. Frank J. Martinez, Defendant.
- 4019 State of Idaho, Appellant, vs. George Olson, Respondent.
- 4022 The State of Idaho, Plaintiff vs. Clarence E. McKeehan, Defendant.
- 4030 State of Idaho, Plaintiff, vs. Joseph J. Sorenson, Defendant.
- 4031 State of Idaho, Plaintiff vs. LaVar Chaffin, Defendant.
- 4035 State of Idaho, Plaintiff, vs. John R. McElory, Defendant.
- 4175 City of Sandpoint, Plaintiff-Appellant, vs. Robert Butigan, Defendant-Respondent.
- 4182 Louis E. Clapp, Plaintiff, vs. Francis J. Rasmussen District Judge of the 13th Judicial District of the State of Idaho, in and for the County of Caribou, Defendant.

4250 Earl E. Austin, Plaintiff-Appellant, vs. State of Idaho, Defendant-Respondent.

4253 State of Idaho, Plaintiff-Respondent, vs. Arthur Ross, Defendant-Appellant.

4255B State of Idaho, Plaintiff, vs. David R. Shannon, Defendant.

4257 State of Idaho, Plaintiff-Respondent, vs. Arnold W. Fisk, Defendant-Appellant.

4259 Earl E. Austin, Plaintiff, vs. Sheriff Paul Bright, Defendant.

4260 State of Idaho, Plaintiff, vs. Bobby Jo Compton, Defendant.

4265 State of Idaho, Plaintiff, vs. Frederick M. Hoadley, Defendant.

4267 Robert E. Jones, Rodger Jones, Thomas McPhie, George McVey and Clarence Larson, Plaintiff, vs. Paul W. Bright, Sheriff, Ada County, Defendant.

4268 State of Idaho, Plaintiff, vs. Robert Wilson, Defendant.

4269 State of Idaho, Plaintiff, vs. Bernard W. Johnson, Defendant.

4271 State of Idaho, Plaintiff, vs. Daryll Ray Hodges, Defendant.

4273 State of Idaho, Plaintiff, vs. Shirley Coby (Also known as Shirley Boise), Defendant.

4274 State of Idaho, Plaintiff, vs. Donald G. Vaughn, Defendant.

4284 Harvey Pulver, Movant, vs. State of Idaho, Respondent.

4288 Thomas Wayne Walker, Movant, vs. State of Idaho, Respondent.

4291 State of Idaho, Plaintiff, vs. Paul Louis Peterson, aka Lorne M. Fraser, Defendant.

4293 In the Matter of the Application of James O'Neil for a Writ of Habeas Corpus.

4294 Idaho Mining Company of Texas, Inc., Plaintiff-Applicant, v. State Board of Land Commissioners, State of Idaho, Defendant.

4295 State of Idaho, Plaintiff, vs. Jerry D. Glassman, Defendant.

4297 In re Application of John Bullis for Writ of Habeas Corpus.

4298 State of Idaho, Plaintiff, vs. John Bullis, Defendant.

4299 State of Idaho, Plaintiff,
vs. Michael Dillon Defendant.

4300 State of Idaho, Plain-
tiff, vs. William Harold Findley,
Defendant.

4301 State of Idaho, Plaintiff,
vs. Jimmie Jim Sandoval, Defen-
dant.

4302 State of Idaho, Plain-
tiff, vs. Charles Dalles
Anthony, Defendant.

4305 State of Idaho, Plaintiff,
vs. Frank W. Blair aka Gordon
Sayre Little, aka D. E. Stone,
Defendant.

4308 Samuel G. Bailey, Plain-
tiff vs. Paul W. Bright, Defen-
dant.

4310 State of Idaho, Plain-
tiff, vs. David R. Shannon,
Defendant.

4311 Jess P. Locard, Prison
Number 12122 Movant vs. State
of Idaho Respondent.

4313 John D. Cox, Claimant-
Respondent, vs. Intermountain
Lumber Company, Defendants-
Appellants, and State of Idaho
in relation to Industrial
Special Indemnity.

U. S. DISTRICT COURT - PENDING

2907 State of Idaho, Plaintiff-Appellant, vs. Ignacio Fuentes, Defendant-Respondent.

2944 State of Idaho, Plaintiff, vs. John Dee Larsen, Defendant.

2956 State of Idaho, Plaintiff, vs. Doris Lucille Anstine, Defendant.

2960 State of Idaho, Plaintiff, vs. Richard Jensen, Defendant.

2995A Ronald Roma Abercrombie, Defendant, vs. State of Idaho, Plaintiff.

4007 Rowan G. Richerson, Petitioner, vs. State of Idaho, Respondent.

4020 The City of Lewiston, Plaintiff, vs. Thomas L. Anderson, Frances W. Frary, Raymond E. Grider, Defendants.

4034 Dennis Pharris, Petitioner, vs. State of Idaho, Respondent.

4043 Fairl S. Haddon, Plaintiff, vs. State of Idaho, Defendant.

4111 O. W. Hymas, Petitioner, vs. Hon. Francis J. Rasmussen, Judge, District Court, Thirteenth Judicial District, Defendant.

4135 State of Idaho, Plaintiff-Respondent, vs. Walter E. Cox, Defendant-Appellant.

4255 David Robert Shannon, Plaintiff, vs. Paul Bright, Sheriff, Ada County, and Larry Bonham, Defendants.

4255A David R. Shannon, Plaintiff, vs. State of Idaho, Defendant.

4255C David R. Shannon, Plaintiff, vs. State of Idaho, Defendant.

4255D David R. Shannon, Plaintiff, vs. Fourth Judicial District, Defendant.

4255E David R. Shannon, Plaintiff, vs. Clerk of Fourth Judicial District, Defendant.

4261 Claude A. Park, Plaintiff, vs. Paul Bright, Sheriff, Ada County, Idaho, Defendant.

4262 Claude A. Parks, Petitioner, vs. State of Idaho, Respondent.

U.S. DISTRICT COURT----CLOSED

4022A Clarence Edward McKeehan,
Petitioner, vs. L.A. Huddles-
ston, Sheriff of Nez Perce
County, Idaho, Respondent.

4059 Alvin Settler, Plaintiff,
vs. Yakima Indian Tribal Council,
et al.

4118A Edward Albert King,
Petitioner, vs. Mark M. Max-
well, Respondent.

4144 Widing Transportation
Inc. a corporation, Plaintiff,
vs. State of Idaho, ex rel.
Idaho Public Utilities Commission,
Defendant.

4164 Ness Produce Co., an Oregon
Corporation, Plaintiff, vs.
James F. Short, Director of
Agriculture of the State of
Oregon, et al., Defendant.

4166 In the Matter of Claude
Marion Elsberry

4220 In the Matter of United
Blue Ribbon Food Service, Inc.

4225 United States of America,
Plaintiff, vs. 504.90 Acres
of Land, et al., Defendants.

4254 In the Matter of Ray Calvin
Stevens, Debtor.

4278 United States of America,
Plaintiff, vs. 4.2 Acres of Land,
more or less, situate in County
of Cassia, Idaho; Roy N. Hondo

also known as Hisaye I. Hondo,
husband and wife; William E.
Baker and Phyllis I. Baker,
husband and wife; Burley Irriga-
tion District Equitable Life
Assurance Society of the United
States, a corp; Federal Land Bank
of Spokane, a corporation;
Akiye I. Hondo, a widow; State
of Idaho; Cassia County, Idaho:
Any and all unknown owners;

U.S. SUPREME COURT----PENDING

2938A Claude Stokes, Petitioner,
vs. Warden Mark M. Maxwell,
Idaho State Penitentiary,
Respondent.

U.S. SUPREME COURT----CLOSED

2921 In re Application of
Joseph Lewis and Alfred L. Klein,
Petitioners, vs. James E. Allen,
Jr., Commissioner, of Education
of the State of New York, Respon-
dent.

4016 Martinez vs. State of
Idaho.

4147 State of Delaware, Plaintiff,
vs. State of New York et al.
Defendants.

4195 Robert Kennedy, et al,
Petitioners, vs. Louise Powell,
Respondent.

4241 Nugent Kautz, et al.,
Petitioners, vs. Department
of Game of Washington and Depart.
of Fisheries of Washington,
Respondents.

U.S. COURT OF APPEALS

2910B Alvis Wilson, Petitioner,
vs. Mark M. Maxwell, Respon-
dent.

2944A In re John Dee Larsen,
Petitioner,

2993 Charles E. Smith, Petition-
er, vs. the State of Idaho,
Defendant.