THIRTIETH BIENNIAL REPORT OF THE
Attorney General
OF
Idaho
1949 - - - 1950

ROBERT E. SMYLIE
Attorney General

Digitized from Best Copy Available
ATTORNEY GENERAL'S DEPARTMENT

ROBERT E. SMYLIE  ATTORNEY GENERAL

J. R. SMEAD  Assistant Attorney General

*JOHN A. CARVER, JR.  Assistant Attorney General

DON J. McCLENAHAN  Assistant Attorney General

J. X. LEDGAT  Assistant Attorney General

*JAMES E. BRUCE, JR.  Assistant Attorney General

C. J. SCHOOLER  Assistant Attorney General

J. B. MUSHER  Assistant Attorney General

JOHN GUNN  Assistant Attorney General

GLENN A. COUGHLAN  Assistant Attorney General

DONALD A. PURDY1  Assistant Attorney General

WILLIAM H. BAKES  Assistant Attorney General

BLAINE F. EVANS  Assistant Attorney General

JEAN I. SILER  Secretary

BERNICE CALLSEN  Secretary

HELEN M. WAITE  Legal Stenographer

JEAN N. SQUIRES  Legal Stenographer

CAROLYN GOODWIN  Legal Stenographer

MARY MARGARET JENKINS  Legal Stenographer

DARLENE HARRINGTON  Legal Stenographer

Resigned.

1 To enter the Naval Service of the U.S.
# PROSECUTING ATTORNEYS—1949-50

(For the Counties of Idaho)

<table>
<thead>
<tr>
<th>County</th>
<th>Name</th>
<th>Address</th>
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</thead>
<tbody>
<tr>
<td>Ada</td>
<td>James W. Blaine (R)</td>
<td>Boise</td>
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<tr>
<td>Adams</td>
<td>Carl H. Swanstrom (D)</td>
<td>Council</td>
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<td>Bannock</td>
<td>Henry McQuade (R)</td>
<td>Pocatello</td>
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<tr>
<td>Bear Lake</td>
<td>Jerry Staudacher</td>
<td>Montpelier</td>
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<tr>
<td>Benewah</td>
<td>Carl M. Buell</td>
<td>St. Maries</td>
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<tr>
<td>Bingham</td>
<td>Robert M. Kerr, Jr. (D)</td>
<td>Blackfoot</td>
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<td>Joseph McFadden (D)</td>
<td>Hailey</td>
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<td>Boise</td>
<td>J. B. Eldridge (R)</td>
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<td>Bonner</td>
<td>Robert E. McFarland (R)</td>
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<td>John M. Sharp (R)</td>
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<tr>
<td>Boundary</td>
<td>W. J. Nixon (R)</td>
<td>Bonners Ferry</td>
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<td>Butte</td>
<td>Arthur C. Dunn (R)</td>
<td>Arco</td>
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<td>Camas</td>
<td>Charles O. S. Scoggin (R)</td>
<td>Fairfield</td>
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<td>Canyon</td>
<td>W. W. Vander (D)</td>
<td>Caldwell</td>
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<td>A. H. Nielson (R)</td>
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<td>Clark</td>
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<td>Clearwater</td>
<td>Frank F. Kimble (R)</td>
<td>Orofino</td>
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<td>Custer</td>
<td>Jack B. Furey (R)</td>
<td>Challis</td>
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<td>Elmore</td>
<td>Perce Hall (R)</td>
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<td>Ralph Litton (D)</td>
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<td>Kootenai</td>
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<td>Lemhi</td>
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<td>Howard E. Adkins (D)</td>
<td>Shoshone</td>
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<td>Leonard O. Kingsford</td>
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<td>Minidoka</td>
<td>George Redford (D)</td>
<td>Rupert</td>
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<td>Nez Pierce</td>
<td>Earl W. Morgan (D)</td>
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<td>Oneida</td>
<td>John W. Clark (R)</td>
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<td>Gilbert C. Norris (R)</td>
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<td>W. C. Loofbourrow (R)</td>
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<td>Shoshone</td>
<td>Albert J. Graf (D)</td>
<td>Wallace</td>
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<td>Teton</td>
<td>S. H. Atchley</td>
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<td>Twin Falls</td>
<td>Graydon W. Smith (R)</td>
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<td>Valley</td>
<td>Robert H. Remaklus</td>
<td>Cascade</td>
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<tr>
<td>Washington</td>
<td>Frank H. Joseph (D)</td>
<td>Weiser</td>
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ATTORNEYS GENERAL FOR THE STATE OF IDAHO

Since Statehood

George H. Roberts .......................................................... 1891-1892
George M. Parsons .......................................................... 1893-1896
Robert E. McFarland ...................................................... 1897-1898
Samuel E. Hays .............................................................. 1899-1900
Frank Martin ................................................................. 1901-1902
John A. Bagley .............................................................. 1903-1904
J. J. Guhne ................................................................. 1905-1908
D. C. McDougall ............................................................ 1909-1912
Joseph H. Peterson ....................................................... 1913-1916
T. A. Walters .............................................................. 1917-1918
Roy L. Black .............................................................. 1919-1922
A. H. Conner .............................................................. 1923-1926
Frank L. Stephan ............................................................ 1927-1928
W. D. Gillis ................................................................. 1929-1930
Fred J. Babcock ............................................................. 1931-1932
Bert H. Miller .............................................................. 1933-1936
J. W. Taylor ............................................................... 1937-1940
Bert H. Miller .............................................................. 1941-1944
Frank Langley ............................................................... 1945-1946
Robert Ailshie .............................................................. 1947
Robert E. Smylie ............................................................ 1947-1950

JUSTICES OF THE IDAHO SUPREME COURT

January 1, 1949—December 31, 1950

ALFRED BUDGE .......................................................... Re-elected 1942. Retired January 3, 1949
EDWIN M. HOLDEN .......................................................... Re-elected 1944. Resigned July 17, 1950
RAYMOND L. GIVENS .......................................................... Re-elected 1948. Became Chief Justice 7/17/50
PAUL W. HYATT ........................................................... Appointed August 30, 1948. Resigned March 1, 1949
Qualified Sept. 3, 1947
JAMES W. PORTER .......................................................... Elected 1948
C. J. TAYLOR .............................................................. Appointed March 30, 1949
Qualified April 13, 1949
WM. D. KEETON ............................................................ Appointed March 30, 1949
Qualified April 4, 1949
DARWIN W. THOMAS ...................................................... Appointed December 1, 1950

To fill vacancy caused by death of Justice James F. Ailshie.

To fill vacancy caused by resignation of Justice Bert H. Miller.

To fill vacancy caused by resignation of Justice Paul W. Hyatt.

To fill vacancy caused by resignation of Chief Justice Edwin M. Holden.
December 1, 1948

The HONORABLE C. A. ROBINS
Governor of Idaho
Boise, Idaho

Dear Governor Robins:

Pursuant to the requirements of Section 67-1401, Idaho Code, I have the honor to present for your consideration the report of the Attorney General of Idaho for 1949-50.

I am grateful for the opportunity to restate publicly my gratitude to my excellent staff. Without their untiring and brilliant assistance, successful performance of the duties of the office would have been impossible.

Respectfully,

[Signature]

Attorney General.
ATTORNEY GENERAL'S REPORT

Financial Summary

July 1, 1949 through June 30, 1950:

APPROPRIATIONS

<table>
<thead>
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<th>Description</th>
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<td>Salaries and Wages</td>
<td>$31,421.96</td>
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<td>Other Expense</td>
<td>2,613.15</td>
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<td>Other Expense—Travel</td>
<td>1,797.04</td>
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<td>Capital Outlay</td>
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DISBURSEMENTS AND BALANCES

July 1 through December 30, 1950.

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<tr>
<th>Description</th>
<th>Expended</th>
<th>Balances</th>
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<td>$980.54</td>
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<tr>
<td>Other Expense</td>
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<td>Other Expense—Travel</td>
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<td>583.15</td>
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<td>Capital Outlay</td>
<td>1,622.46</td>
<td>183.67</td>
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OPINIONS

49-48 PROSECUTING ATTORNEY, BONNER COUNTY.
No crime is committed when mortgagor removes property from
the county where the mortgage is made when such mortgage is
not recorded. (Don J. McClanahan).

50-48 INCOME TAX DIVISION.
Income tax law does not authorize Tax Commissioner to make
refund of income taxes paid without protest even though as a
matter of law the tax was not owing when paid. (Robert E.
Smylie).

51-48 EMPLOYMENT SECURITY AGENCY.
Under provisions of Employment Security Law, Employment
Security Agency may legally enter into a contract for the
purchase of a building, provided certain requirements are met
and providing that the purchase is authorized by the legislature
of the State. (James E. Bruce, Jr.).

52-48 INCOME TAX DIVISION.
Amounts paid for osteopathic and chiropractic treatments are
deductible as medical expense. (J. N. Leggat).

53-48 INCOME TAX DIVISION.
Oil royalties received by Idaho resident from outside the state
should be included in gross income where taxpayer has no
business situs outside state of Idaho. (J. N. Leggat).

1-49 EMPLOYMENT SECURITY AGENCY.
Unemployment Compensation Insurance: Experience rating.

2-49 PROSECUTING ATTORNEY, BOISE COUNTY.
County Commissioners appointing a wife of one of the commis­
sioners to be deputy assessor is in violation of the Nepotism
Act. (Don J. McClanahan.)

3-49 COMMISSIONER OF LAW ENFORCEMENT.
Commissioner of Law Enforcement has no power to authorize
the use of a red light and a siren on the private vehicle of a
medical practitioner. (Don J. McClanahan).

4-49 JUSTICE OF THE PEACE, MOSCOW, IDAHO.
County Commissioners may compensate a justice of the peace
when he acts as coroner. (Don J. McClanahan).

5-49 THE GOVERNOR.
Bills carrying emergency clause will be effective on approval.
Bills not carrying emergency clause or containing effective
dates will be effective on May 3, 1949. Other bills will be
effective on date set out in the bill. (Robert E. Smylie).
6–19 SUPERINTENDENT, STATE LIQUOR DISPENSARY.
Liquor permits in hands of persons dependent upon public assistance may be revoked if such assistance moneys are used to purchase liquor and such action is depriving family of holder of needed assistance. (Don J. McClanahan).

7–19 PROSECUTING ATTORNEY, CANYON COUNTY.
County Board of Education is a separate political entity and is not a part of the county government. Prosecuting attorney is not obliged to act as legal counsel to County Board of Education. (Robert E. Smylie).

8–19 SUPERINTENDENT, PUBLIC INSTRUCTION.
County Board of Education has sole power to levy tax and function of county commissioners is merely clerical and ministerial. (J. N. Leggat).

9–19 EMPLOYMENT SECURITY AGENCY.
The wife of a benefit claimant, who died following a full week of unemployment but prior to his reporting day, is entitled to the benefits due such claimant without the necessity of administration upon the widow's certifying to the claim. (James E. Bruce, Jr.).

10–19 STATE LAND COMMISSIONER.
Minimum interest rate on bonds purchased as investments of permanent funds is a matter within the discretion of the State Board of Land Commissioners. (Robert E. Smylie).

11–19. INCOME TAX DIVISION.
Computation of interest on refunds and credits of income tax. (J. N. Leggat).

12–19 BUREAU OF OCCUPATIONAL LICENSE.
Practical nurse must renew certificates annually and pay renewal fee. (Don J. McClanahan).

13–19 DEPARTMENT OF PUBLIC HEALTH.
Department of Public Health does not have power to quarantine persons with active tuberculosis but a precisely similar result may be achieved through utilization of power to designate and segregate. (Don J. McClanahan).

14–19 DEPARTMENT OF INSURANCE.
Chapter 271, Idaho Session Laws of 1947, contemplates creation and operation of non-profit corporations furnishing any of the following three services:
(1) Medical & Surgical
(2) Hospital
(3) Medical, surgical & Hospital.
Section 5 of the Act applies to a plan furnishing only medical and surgical benefits. (Don J. McClanahan).
15-49 PROSECUTING ATTORNEY, BONNER COUNTY.
Under existing law counties cannot exercise the power of
eminent domain to acquire land for airports. (Don J. McClena-
han).

16-49 DEPARTMENT OF LAW ENFORCEMENT.
Expenditures for supplies, equipment and the like on or about
mining property, made prior to 1941, but not then taken as a
deduction for the year in which made, may not be taken in
whole or in part for 1941 or subsequent years. (J. R. Smeud).

17-49 VILLAGE ATTORNEY, GLENNS FERRY, IDAHO.
It is not necessary for the voters to register anew when first
electing the officers of a new city of the second class and council-
men in a city of the second class are chosen by electors of entire
city. (Don J. McClenahan).

18-49 STATE COMMITTEE, SCHOOL REORGANIZATION.
New county committee elected under Chapter 194, Session
Laws of 1949, shall consist of seven members, if voters in coun-
ty have not effected any reorganization, and five members if any
reorganization has been effected by voters. (J. N. Leggat).

19-49 PROSECUTING ATTORNEY, MINIDOKA COUNTY.
School districts organized, or reorganized, under School Reorga-
nization Law, must pay 1 1/2% of the ad valorem taxes collected
by the County to the county as a collection service fee. (J. N.
Leggat).

20-49 PROSECUTING ATTORNEY, ADAMS COUNTY.
A device used in conjunction with, but which is not a part of,
a "coin-operated amusement device," which consists of a wheel
similar to a roulette wheel, which the player is entitled to spin
when the proper symbol appears on the coin-operated amuse-
ment device, and which determines the amount of return which
the player will get, is not covered by the license covering the
coin-operated amusement device, and is therefore a gambling
device within the meaning of Sec. 18-3801, Idaho Code. (Robert
E. Smylie).

21-49 STATE TAX COMMISSION.
Statutes exempting property from ad valorem taxation must be
strictly construed. Claimant for exemption must show where
statute clearly and unmistakably grants exemption. (J. N.
Leggat).

22-49 DEPARTMENT OF PUBLIC WORKS.
Board of Examiners has duty of preparing and submitting all
plans and specifications for state buildings and building im-
provements and after legislative approval it is duty of Com-
missioner of Public Works to let all contracts, to have charge of and supervise the construction, alteration, or repair of the public building or improvement. (Don J. McClenahan).

23-19 STATE TAX COMMISSION.

The words "State Tax Commission," in Section 63-2301, Idaho Code, should be taken to mean "state auditor." (J. N. Leggat).

21-19 DEPARTMENT OF PUBLIC HEALTH.

Counties are authorized to employ registered nurses only as county school nurse. (Don J. McClenahan).

25-19 DEPARTMENT OF PUBLIC HEALTH.

A minor person may be required to submit to an examination if suspected of being infected with venereal disease but where possible it is advisable to secure consent of parent or guardian. (Don J. McClenahan).

26-19 DEPARTMENT OF LAW ENFORCEMENT.

Premises, within the meaning of the Liquor-by-the-Drink Act, means a building or part thereof over which the licensee has the authority to exercise, and does in fact exercise, control, and in which he has been authorized by the Commissioner to sell liquor by the drink at retail. (Robert E. Smylie).

27-19 PROSECUTING ATTORNEY, WASHINGTON COUNTY.

County treasurer must deposit all tax moneys in accordance with Public Depository Law. Commissioners may not invest any tax moneys, except sinking funds. (J. N. Leggat).

28-19 STATE HIGH SCHOOL SUPERVISOR, DEPARTMENT OF EDUCATION.

Section 32-620, Idaho Code Annotated as amended by Chapter 51, Idaho Session Laws of 1949, requires that boards of trustees of school districts advertise on bids on individual purchases which do not exceed $500.00. It is a violation of the statute to split one purchase into several items in order that each individual item will have a value of less than $500.00. (Robert E. Smylie).

29-19 PROSECUTING ATTORNEY, ADA COUNTY.

Chapter 168, Idaho Session Laws of 1949 did not effect an amendment of the provisions of 30-601, Idaho Code, and the proper filing fee to be paid by a corporation to a county recorder for filing and indexing annual statements remains at 50c. (Robert E. Smylie).

30-19 BOARD OF CORRECTION.

Balances in old penitentiary library fund, designated specifically as Fund No. 72, were transferred to Board of Correction by en.
ATTORNEY GENERAL'S REPORT

Exemption of Ch. 53. Board of Correction has control of the fund which, prior to the enactment of Board of Correction statute, was in possession and control of State Board of Prison Commissioner. Board of Correction Act authorizes Board to make rules and regulations for administration of penitentiary, including regulations for admission of visitors to penitentiary. As incident to such power, Board may prescribe visitor’s fee and provide by regulation for collection and expenditure of the fee and such moneys may properly be devoted to maintenance of a library at prison. (Robert E. Smylie).

31-49 PROSECUTING ATTORNEY, BINGHAM COUNTY.
It is unlawful “to possess, sell, give away or discharge firecrackers or fireworks” except for public display or exhibition in the manner defined and limited by Sec. 2 of the Act. (Robert E. Smylie).

32-49 THE GOVERNOR.
It is lawful in view of the continuing appropriation for the Department of Public Assistance to expend appropriated funds at a rate which will exhaust those funds prior to the end of the biennial fiscal period. (Robert E. Smylie).

33-49 BUREAU OF OCCUPATIONAL LICENSE.
Residence is a continuing qualification for applicants to take the certified public accountancy examination and this requirement must be met when taking a second examination. (Don J. McClanahan).

34-49 COMMISSIONER OF AGRICULTURE.
It is unlawful for a school district operating a school lunch program to provide oleomargarine as a part of menu which it furnishes in such school lunch program. The fact that the program is supported in part by a federal grant in aid does not nullify the effect of Sec. 37-336. I.C. (Robert E. Smylie).

35-49 BUREAU OF RECLAMATION.
In a special election held in an irrigation district for the purpose of seeking authorization for an agreement to enter into a contract with the U.S. on behalf of the district, which contract will create an indebtedness, it is improper to permit voting in the election by resident homestead entr’emèn and resident contract purchasers of lands located within the boundaries of the district who possess all the qualifications but who are not “resident owners in fee simple” of land within the district. (Robert E. Smylie).

36-49 DEPARTMENT OF AGRICULTURE.
Bonded warehouse licensees must furnish satisfactory evidence of insurance covering commodities stored in licensed premises.
before Commissioner of Agriculture is authorized to issue bonded warehouse license. (Don J. McClanahan).

37-49 DEPARTMENT OF AGRICULTURE.
Each weighmaster must execute the weighmaster's bond as principal and submit such bond with his application for a weighmaster's license. (Don J. McClanahan).

38-49 TAX COLLECTOR.
The license fee for coin-operated amusement devices for less than a full calendar year is to be pro-rated "as of the actual month of issue." and is not to be reduced to actual days when licenses are issued on a date other than the first of the month. (Donald A. Purdy).

39-49 CITY ATTORNEY, MONTPELIER, IDAHO.
Municipality may not issue its coupon bonds for purposes of assisting a school district to build a gymnasium for use of the school district. (J. N. Leggat).

40-49 COMMISSIONER OF PUBLIC WORKS.
The State Highway Dep't. cannot use money in Highway Fund to replace strip of state highway now in good repair and in use which will be submerged by waters impounded by a dam proposed to be built by private irrigation corporation. The law forbids expenditure of net balances in Highway Fund except for necessary construction, repair, maintenance and traffic supervision of State Highway System. (J. B. Musser).

41-49 DEPUTY PROSECUTING ATTORNEY, CANYON COUNTY.
The Transfer and Inheritance Tax Law of Idaho imposes no liability for tax upon the payment of an award under the War Claims Act to the heirs of the employee of a government contractor where such employee died in a Japanese prison camp prior to the enactment of the law upon which the award is based. (Robert E. Smylie).

42-49 DEPARTMENT OF FISH AND GAME.
After appropriate investigation, and findings of fact indicating an emergency, the Fish and Game Commission has the power to promulgate a regulation discontinuing the issuance and use of permits covering the shipment by public carrier of game fish to points outside the State of Idaho. Such a circumstance would be where out-of-state shipping of game fish was jeopardizing the existence of the native brood stock of fish to such extent as to make impossible the preservation, protection and perpetuation of the fish resources of the State for the use and benefit of all the people. However, the Fish and Game Commission has no power to prevent the holder of resident or non-residence license from personally transporting or carrying one legal limit of game fish from the state. (Robert E. Smylie).
43-49 PROSECUTING ATTORNEY, IDAHO COUNTY.
Ch. 174, Idaho Session Laws of 1949, impliedly repeals Ch. 124, Idaho Session Laws of 1949, and amends Section 40-1636, Idaho Code, by eliminating the requirement that funds raised by the additional highway levy by a highway board of commissioners be expended in conjunction with Federal Aid Funds. (Donald A. Purdy).

44-49 VILLAGE ATTORNEY, ARCO, IDAHO.
A municipality, in exercise of its police power, is not authorized to grant an exclusive franchise to a taxicab company. It is questionable whether a limitation on the number of taxicabs would be within the power of a municipality. (Donald A. Purdy).

45-49 PROSECUTING ATTORNEY, TWIN FALLS COUNTY.
Compulsory education requirements stop when a child attains the sixteenth anniversary of birth. (J. N. Leggat).

46-49 IDAHO ASS'N OF AUDITORS & RECORDERS, IDAHO FALLS.
Chapter 168, Idaho Session Laws of 1949, amends Sec. 31-3205, Idaho Code, and provides generally for the fees to be charged by county recorders; but does not effect the specific fees provided for by specific Sections of the Idaho Code. (Donald A. Purdy).

47-49 COMMISSIONER OF AGRICULTURE.
Quota basis of payment to producers of fluid or bottled milk is not unlawful. (Don J. McClanahan).

48-49 COMMISSIONER OF LAW ENFORCEMENT.
The device called "Bar-Chute" is a gambling device within the meaning of Section 18-3801, Idaho Code, and the use, operation, possession for use, or maintenance, of the devise is unlawful. (Robert E. Smylie).

49-49 COMMISSIONER OF AGRICULTURE.
Grade labels on dairy products other than bottled or fluid milk may be used in municipalities which have adopted the standard milk ordinance or in the absence of a municipal ordinance if licensed therefor by the Department of Public Health. (Don J. McClanahan).

50-49 EMPLOYMENT SECURITY AGENCY.
Fraternal organizations such as American Legion, Elks, etc. should be held liable for reporting their employment in connection with all their activities unless said organizations can prove they are rendering services and operating exclusively for religious, scientific, literary or educational purposes. The aforementioned organizations do not fall within the category known...
as fraternal benefit societies and Ch. 30, Title 41, Idaho Code, does not pertain to above-mentioned societies. (John Gunn).

51-19 COMMISSIONER OF INSURANCE.
Insurance companies are subject to the definition of "capital" of a corporation set forth in Section 30-101, Idaho Code. (J. R. Smead).

52-19 BOARD OF CORRECTION.
The Board of Pardons cannot revoke the commutation of a sentence which has previously been commuted absolutely. (Donald A. Purdy).

53-19 BOARD OF CORRECTION.
The Board of Pardons has the power to determine when an inmate may appear in person before the board. (Robert E. Smylie).

54-19 THE MAYOR, PRESTON, IDAHO.
The element of consideration is present in the scheme known as "Appreciation Day," and the scheme is a lottery under the provisions of Title 18, Chapter 49, Idaho Code. (Robert E. Smylie).

55-19 STATE TAX COMMISSION.
Livestock shipped from home county to another county should not be assessed and taxed as migratory livestock. (J. N. Leggat).

56-19 SECRETARY OF STATE.
A corporation organized in New York may file a restated or composite certificate when qualifying to do business in the State of Idaho. (Don J. McClanahan).

57-19 COMMISSIONER OF LAW ENFORCEMENT.
Liquor-by-the-drink may be sold on licensed premises by licensees on December 26, 1949 and January 2, 1950. (Robert E. Smylie).

58-19 DEAN KLOEPPEL, ATTY. AT LAW, BURLEY, IDAHO.
Where a city or village votes against liquor-by-the-drink, the election has the effect of cancelling or annulling current licenses theretofore issued. There is no machinery in the statute with which to make refund of the State license fee where the license is cancelled or vacated by a liquor-by-the-drink election. Nor are funds appropriated for such a purpose. (Robert E. Smylie).

59-19 TAX COLLECTOR.
Interest on tax-free Federal bonds should be included in taxable income for the purpose of the tax imposed by Chapter 30, Title 63, Idaho Code. (J. N. Leggat).
1-50 DEPARTMENT OF HIGHWAYS.
The Commissioner of the Department of Public Works, of which the Bureau of Highways is a division, has the power to establish limited access or controlled access highways under Article I, Section 14, Constitution of Idaho, and Title 7, Chapter 7, Idaho Code. (Donald A. Purdy).

2-50 TAX COLLECTOR.
Succession by the survivor to decedent's interest in jointly held property is a transfer within the meaning of the Transfer and Inheritance Tax law and is, therefore, liable to inheritance tax. The amount of the tax is to be paid by the beneficiary or from the beneficiary's share of the distribution, and the obligation of seeing that it is so paid is upon the personal representative. (Robert E. Smylie).

3-50 PROSECUTING ATTORNEY, BLAINE COUNTY.
Discussing payment of tuition where non-resident pupils attend district school. (J. N. Leggat).

4-50 BOARD OF CORRECTION.
Chapter 75, Idaho Session Laws of 1950, which changes the procedure and limits the "privilege" of parole of certain sexually dangerous persons, applies to all inmates of the penitentiary and any who were sentenced before this Act took effect. (Donald A. Purdy).

5-50 STATE TAX COMMISSION.
Exemption of motor vehicles properly registered and licensed: special equipment included in gross weight when equipment and vehicle constitute an integrated unit. (J. N. Leggat).

6-50 BOARD OF CORRECTION.
Ch. 75, Idaho Session Laws of 1950, authorizes the Board of Correction to take what steps are necessary to transfer an inmate from the penitentiary to a state hospital. The psychiatrists, appointed to examine an inmate, shall designate the state hospital to which an inmate shall be sent. In accord with Ch. 75, an inmate need not be adjudged insane (sec. 66-212, Idaho Code) before being sent to the hospital. No discretion is granted to the superintendent to refuse acceptance of any inmate recommended by the examining board. (Donald A. Purdy).

7-50 COMMISSIONER OF HIGHWAYS.
Contracts for the construction of improvements of highways should be awarded and executed by the Department of Highways created by Chapter 87. Contracts for the construction of improvement of highways should be executed with the signature "Department of Highways of the State of Idaho, By _ Commissioner of Highways." (Robert E. Smylie).
PROSECUTING ATTORNEY, ARCO, IDAHO.
The Board of County Commissioners have the discretionary power to accept or reject a plat of a tract located outside of an incorporated city even though said plat meets the technical requirements of Sec. 50-2502, Idaho Code. The county recorder has merely a ministerial duty to record said plat when it meets the requirements of Sec. 50-2502, Idaho Code. (Donald A. Purdy).

COMMISSIONER OF HIGHWAYS.
The revenue derived from the 1c per gallon post-war levy on gasoline should be included in the fund to be apportioned in accordance with the formula set forth in Section 1, Chapter 83, Idaho Session Laws of 1950. (Robert E. Smylie).

COMMISSIONER OF HIGHWAYS.
The formula prescribed by Section 40-405 (b) (3), as amended, should be based on the number of miles of improved road in each county of the state, and not on the number of miles of improved roads within the arbitrary classification designated as the "County road system" by Chapter 87. (Robert E. Smylie).

COMMISSIONER OF HIGHWAYS.
Chap. 87, Idaho Session Laws of 1950 hereinafter referred to as Highway Act of 1950, does not prevent the Department of Highways from making a contract with a municipality for the maintenance of streets which are a part of the State Highway System. The State is required to maintain at state expense sections of highway located within municipalities. If these sections are built to municipal street standards then the State is responsible only for the maintenance of a section width of the highway sufficient to accommodate the movement of through traffic, i.e., that width of the highway which would adequately move traffic entering the city or village over the highway in question. (Robert E. Smylie).

COMMISSIONER OF HIGHWAYS.
The Commissioner of Highways possesses discretionary authority to designate the State Highway System without consultation with the Highway Advisory Board, or any other officer or group. The Highway Act prescribes definite standards which the Commissioner is obliged to observe in the exercise of his discretion, and he may not, of course, act in an arbitrary or capricious manner. (Robert E. Smylie).

COMMISSIONER OF HIGHWAYS.
The State Department of Highways will be required under the Highway Act of 1950 to assist the county in acquiring rights-of-way if reimbursed from county funds. (Robert E. Smylie).
ATTORNEY GENERAL’S REPORT

14-50 BOARD OF CORRECTION.
An inmate of the State Penitentiary, sentenced for a sex crime, may not be confined after the expiration of his maximum sentence.

The State Board of Correction must determine whether any inmate is sexually dangerous; if he is, then he may only be paroled in accord with the provisions of Ch. 75, Idaho Session Laws of 1950. (Donald A. Purdy).

15-50 SUPERINTENDENT, LAVA HOT SPRINGS.
The provisions of the Fair Labor Standards Act do not govern employees of the Lava Hot Springs Foundation. The Lava Hot Springs Foundation is not liable to pay a village license tax on a “juke box” installed on the premises but not owned by the foundation. (Donald A. Purdy).

16-50 DIRECTOR, FISH & GAME DEPARTMENT.
A man may retain his membership on a county selective service board while serving as a member of the Idaho Fish & Game Commission. The two positions are not incompatible, and are not prohibited by Section 36-102 (b), Idaho Code. (Donald A. Purdy).

17-50 COMMISSIONER OF HIGHWAYS.
The Highway Act of 1950 prevents the expenditure of State Highway Fund moneys on roads which are not a part of the State Highway System designated under the Act. (Robert E. Smylie).

18-50 STATE TAX COMMISSION.
Assessors may assess any omitted, or concealed property. (J. N. Leggat.)

19-50 DEPARTMENT OF LAW ENFORCEMENT.
Only five dollars is to be charged for a temporary registration permit for any combination of vehicles. (Don J. McClenahan).

20-50 PROSECUTING ATTORNEY, CANYON COUNTY.
Fee for county beer license cannot exceed $100.00 (Don J. McClenahan).

21-50 BUREAU OF OCCUPATIONAL LICENSES.
A veteran who has a G.E.D. Equivalency Certificate, but not a high school diploma, and who has completed two years of college work, has met the preliminary requirements for “Healers” as set forth in Title 54, Ch. 13, Idaho Code. (Donald A. Purdy).

22-50 PROSECUTING ATTORNEY, MINIDOKA COUNTY.
Exemption of inboard boats under 15 feet in length. (J. N. Leggat).
23-50 STATE TAX COMMISSION.
Payments to counties in lieu of county ad valorem taxes is limited to lands only (J. N. Leggat).

24-50 DEPARTMENT OF PUBLIC HEALTH.
Neither osteopaths nor chiropractors are authorized to prescribe any drug or anesthesia for obstetrical cases or any other case; nor are they authorized to perform any surgery. (Donald A. Purdy).

25-50 IDAHO REAL ESTATE BROKERS BOARD.
All non-residents licensed as real estate brokers must maintain a definite place of business in this State. (Don J. McClanahan).

26-50 COUNTY SUPERINTENDENT, BONNER COUNTY.
Requests for bids must be published whenever district plans to contract for expenditure of $500 or more, except in case of school teachers' contracts, and for purchase of text books adopted by the State Board of Education. (J. N. Leggat).

27-50 STATE BOARD OF EDUCATION.
The Idaho Teachers' Retirement Act is constitutional. The retirement system is a proper public function in the aid of free education, and is not a "special law" as prohibited by Article III, Section 19, Constitution of Idaho. (Donald A. Purdy).

28-50 THE GOVERNOR.
The governor is presently authorized to create a State Council of Defense by proclamation. No funds are appropriated and available from which the expenses incurred by the Council can be met. (Robert E. Smylie).

29-50 STATE AUDITOR.
Chapter 11, Section 1, Idaho Session Laws of 1950, creates a "State Refund Fund" to be made up by deducting two percent from the receipts deposited in the General Fund by the Income Tax Division alone. (Donald A. Purdy).

30-50 PROSECUTING ATTORNEY, JEROME COUNTY.
When a voter designates the party of his choice and then proceeds to vote for candidates on another party ticket, only the votes cast for candidates on the other party tickets are void. The rest of the ballot is valid. (Donald A. Purdy).

31-50 HON. FRANK L. STEPHAN, CHAIRMAN, REPUBLICAN CENTRAL COMMITTEE, TWIN FALLS COUNTY.
A voter who voted in the last general election is not required to re-register even though a new precinct has been created to cover the area in which he lives. (Donald A. Purdy).
32-50 STATE ELECTRICAL INSPECTOR.
An employee of an electrical co-operative is required to hold a certificate of competency as a contractor or journeyman when installing or maintaining wiring on private property of consumers. (Donald A. Purdy).

33-50 SECRETARY, STATE BOARD OF CORRECTION.
A sentence by a district judge of less than the maximum period of time provided for by statute is surplusage. An inmate convicted of any one of the crimes listed in Chapter 75, Idaho Session Laws of 1950 shall not be released on probation or parole without psychiatric examinations as provided for in that chapter. (Donald A. Purdy).

34-50 PROSECUTING ATTORNEY, LINCOLN COUNTY.
A cross (X) in the circle at the head of the party ticket in a primary election does not cast a vote for the unopposed candidates on that ticket. A ballot, whether in a primary or general election, which has the voter's signature on it, is void. (Donald A. Purdy).

35-50 COUNTY AUDITOR, GEM COUNTY.
Compensation of judges and clerks of general, special and nominating election. (J. N. Leggat).

36-50 COMMISSIONER OF INSURANCE.
License may be issued to an insurance agent, limited to the class of insurance agent will write. (Robert E. Smylie).

37-50 PROSECUTING ATTORNEY, VALLEY COUNTY.
Vacancies on ballot; county or state committee to fill. (J. N. Leggat).

38-50 COMMISSIONER, DEPARTMENT OF HIGHWAYS.
If no satisfactory bid for work on the State Highway System is received, new bids may be called for, or the work may be performed by day labor, or as may be determined by the department. (Robert E. Smylie).

39-50 PROSECUTING ATTORNEY, BINGHAM COUNTY.
Exemption from ad valorem taxation is limited to motor vehicles and cannot include other vehicles such as stationary trailers which, although licensed, do not come within the definition of the term "motor vehicle." (J. N. Leggat).

40-50 TAX COLLECTOR.
Oleomargarine Tax: Sales to U.S. Military installations in Idaho not exempted from tax. (J. N. Leggat).

41-50 COMMISSIONER, DEPARTMENT OF PUBLIC ASSISTANCE.
The Idaho State Department of Public Assistance is the sole
state agency having authority to administer state and federal aid to the permanently and totally disabled and that the Department has full power and authority to adopt rules and regulations governing such administration. (Robert E. Smylie).

42-50 TAX COLLECTOR.
Allimony is not included in gross income of recipient, nor allowed as a deduction by payor. (J. N. Leggat).

43-50 COUNTY AUDITOR, CANYON COUNTY.
In Idaho, only the Governor has authority to fill a vacancy on a Board of County Commissioners. (Robert E. Smylie).

44-50 EMPLOYMENT SECURITY AGENCY.
Under the Employment Security Law, Section 72-1304, paragraph (a) (4), a company engaged in processing seed when the seed crops are grown on individual farmers' land from seeds furnished by said company should not be held liable for reporting its employment in connection with activities because said activities are considered as exempt agricultural employment. (John W. Gunn).

45-50 WITHDRAWN.

46-50 PROSECUTING ATTORNEY, Bonneville County.
The "Western Football Quiz" is book making and pool selling and thus illegal under Section 18-3809, Idaho Code. (Robert E. Smylie).

47-50 DIRECTOR, TEACHERS' RETIREMENT SYSTEM.
Military service during present crisis in Asia constitutes creditable service. Disability or death while in such military service constitutes disability or death under Teachers' Retirement Act. (J. N. Leggat).

48-50 EMPLOYMENT SECURITY AGENCY.
Under the Employment Security Law, services rendered by a Farmers' Cooperative are considered exempt agricultural employment even though the said services might be rendered for a person who is not a member of said cooperative. (John W. Gunn).

49-50 COMMISSIONER OF LAW ENFORCEMENT.
It is unlawful to display only one license plate on a vehicle. (Robert E. Smylie).

50-50 WITHDRAWN.

51-50 TAX COLLECTOR.
Carry-over net loss may include federal income tax paid. (J. N. Leggat).
PROSECUTING ATTORNEY, TWIN FALLS.
Notice of lien must be acknowledged before county recorder may accept same for filing and recording. (J. N. Leggat).

STATE LAND COMMISSIONER.
Legislature may provide for re-location of State Penitentiary. Lands granted for use of state institutions may not be exchanged as between the institutions. State Land Board may withhold lands from sale without legislative or constitutional action. (Robert E. Smylie).

DISTRICT COURTS
CIVIL CASES

(Closed)
1222—In the Matter of the Estate of Taylor A. Pate, Deceased. (in re: Public Assistance Recovery)
1269—Frank J. Keenan, as Trustee v. Farmers' Lumber Co., Inc. (in re: Mortgage Foreclosure)
1308—Day Mines, Inc. v. R. C. Lewis, Commissioner of Law Enforcement (in re: Mine License Tax)
1309—Hecla Mining Co. v. R. C. Lewis, Commissioner of Law Enforcement (in re: Mine License Tax)
1324—Walter H. Higgins v. State Board of Engineering Examiners (in re: Refusal to Issue License)
1325—Clifford C. Warren v. State Board of Engineering Examiners (in re: Refusal to issue License)
1333—State of Idaho, ex rel. L. E. Clapp, Chairman, Board of Correction v. E. F. Diven, Receiver, Farmers' Lumber Co. Inc. (In re Action for damages and injunction)
1342—State of Idaho v. Arden and Hazel Christiansen, (in re: Income Tax)
1350—Donald W. Tolmie and Sophie Tolmie v. State of Idaho, et al. (in re: Quiet Title Action)

1351—State of Idaho v. Nick Altmyer, et al. (in re: Quiet Title Action)

1358—State of Idaho v. Idaho First National Bank, Admin. (Recovery of subsistence paid on account of Robert Hinshaw)

1362—State of Idaho v. V. K. Jeppesen, Guardian of Stella V. Smith, an Incompetent. (in re: Estate of Incompetent)


1386—State of Idaho v. L. L. Alsager, et al. (in re: Old Age Assistance Recovery)

1387—J. O. Rino, dba Rino Wholesale Candy Co. v. R. C. Lewis, Commissioner of Law Enforcement. (in re: Revocation of Wholesale Beer License)

1389—William H. Banks Warehouses, Inc. v. D. A. Stubblefield, Commissioner of Agriculture. (in re: Writ of Mandate)


1388—J. E. McNichols and Francis McNichols v. R. C. Lewis, Commissioner of Law Enforcement. (in re: Revocation of Retail Liquor License)


1411—H. C. Papenfuss v. Wayne F. Mountz, Jr. and R. C. Lewis, Commissioner of Law Enforcement. (in re: Quiet Title Action)
1447—State of Idaho v. Timber Products, Inc. (in re: Recovery for Timber Contract)
1461—Cleo Baldwin and Irene Baldwin v. Blaine County, E. F. Haworth, Edward Woozley, et al. (in re: Quiet Title Suit)
1499—State of Idaho v. Talacache Mines, Inc. (in re: Mine License Tax)
1505—State of Idaho v. Bertha Richardson. (in re: Income Tax)
1526—Ilie Krentz, Raymond Krentz and James Board v. C. A. Robins, Governor of the State of Idaho. (in re: Extradition proceedings)
1527—Nick Eubanks and L. K. Eubanks, d/b/a Lake View Tavern v. R. C. Lewis, Commissioner of Law Enforcement of the State of Idaho. (in re: Order suspending State Retail Liquor License)
1532—State of Idaho ex rel Robins v. Chaussee Swan Gravel Co. (Trespass on bed of Boise River)
1536—State of Idaho v. Royal H. Mickelsen and Helen Mickelsen. (in re: Income Tax)
1558—Green Triangle Inn, Inc. v. R. C. Lewis, Commissioner of Law Enforcement. (In re: Liquor License Case)

1559—Jensen, Merrill v. R. C. Lewis, Commissioner of Law Enforcement. (In re: Liquor license case)

1560—Joe Hamilton, (Porter's & Waifer's Club) v. R. C. Lewis, Commissioner of Law Enforcement. (in re: Revocation of Liquor license)

1562—F. C. Rowe, Cecile Roy, Edward L. Logan, Victoria Boley, Perc Peterson and Inez Peterson v. City of Pocatello, a municipal corporation, W. W. Halsey, A. L. Oliver, and Ben Peterson. (in re: To determine constitutionality of city ordinance)

1568—B. W. Barth v. R. C. Lewis, Commissioner of Law Enforcement. (in re: Revocation of Beer License)


1578—A. A. Johnston v. E. D. Baird, Lloyd A. Fenn, and Joe H. Nettleton, as members of State Tax Commission. (in re: Tax assessments on Real Estate)

1581—Robert V. Craddock d/b/a Craddock Radio Supply Co. v. Bert Call and R. C. Lewis. (in re: Action for damages)


1621—In the Matter of Henry M. Chase. (in re: Claim of the State of Idaho for Taxes)

1622—Ensley C. Loveland v. C. A. Robins, Governor. (in re: First Degree Burglary)


1644—John J. Barrett, an individual doing business under the firm name and style of Johny’s Club v. A. P. Bunderson, Acting Commissioner of the Department of Law Enforcement of the State of Idaho. (in re: Revocation of liquor license)

1645—Dave Daniels, an individual d/b/a Arco Club v. A. P. Bunderson, Acting Commissioner of the Department of Law Enforcement of the State of Idaho. (in re: Revocation of liquor license)

1650—State of Idaho v. Greenwood & Greene. (in re: Permanent writ of prohibition)


1656—In the Matter of the Application of Rodric W. Lish on Behalf of Cleo J. Lish for a Writ of Habeas Corpus. (in re: Petition for Writ of Habeas Corpus)


DISTRICT COURT

Civil Cases

(Pending)

1337—State of Idaho v. Opal Robinette, Adm. of Estate of Martha Thomas, Deceased. (in re: Old Age Assistance Recovery)


ATTORNEY GENERAL'S REPORT

1414—In re Appeal of Campbell Hardware Company. (in re: Jurisdiction of Tax Commissioner of Idaho)

1475—State of Idaho v. Ingrid P. Hoiseth, Adm. of the Estate of Knute Hoiseth and Bergit Hoiseth, Deceased. (in re: Recovery of Old Age Assistance)


1497—David Smith v. State Board of Medicine of the State of Idaho. (in re: Declaratory Action Against the State Board)

1533—State of Idaho v. Sam Vercoe, Exec. of Estate of Ida May Rapp, Deceased. (in re: Recovery of Old Age Assistance)

1540—State of Idaho v. Fred Foss and Edith Foss. (in re: Income Tax)

1541—State of Idaho v. People's Automobile Inter-Insurance Exchange, and Allied Reciprocal Insurers. (in re: Receivership and liquidation of Ins. Co.)

1577—Daniel Lindauer, et al. v. Anna Grace, as Treasurer & Ex-officio Tax Collector of Minidoka County. (in re: Tax Assessments on Real Estate)


1589—V. Z. Clinger v. State Board of Land Commissioners. (in re: Cancellation of a land sale contract)


1395—State of Idaho v. Frank E. and Verna Cox. (in re: Income Tax)
1419—State of Idaho v. Lawrence and Jane Doe Bashore. (in re: Income Tax)
1420—State of Idaho v. Toje and Jane Doe Provost. (in re: Income Tax)
1432—State of Idaho v. Lewis B. Ayres. (in re: Income Tax)
1435—State of Idaho v. Dave Bashore, Jr. (in re: Income Tax)
1437—State of Idaho v. Clinton and Jane Doe Glover. (in re: Income Tax)
1448—State of Idaho v. Lawrence J. Merritt. (in re: Income Tax)
1478—State of Idaho v. George F. and Ruther Shindurling. (in re: Income Tax)
1479—State of Idaho v. Carlton Wood Products Co. (in re: Income Tax)
1483—State of Idaho v. Guy Price; Executor of the Estate of Blanche Olive Rounds, Deceased. (in re: Old Age Assistance)
1514—State of Idaho v. Doris Hastings and James Hastings. (in re: Income Tax)
ATTORNEY GENERAL'S REPORT

1513—State of Idaho v. Herbert Cone. (in re: Income Tax)
1518—State of Idaho v. William and Ella Chase. (in re: Income Tax)
1520—State of Idaho v. C. E. Argo and Myrthel Argo. (in re: Income Tax)
1523—State of Idaho v. C. L. Craft. (in re: Income Tax)
1543—State of Idaho v. Lavera Swope and Howard Swope. (in re: Income Tax)
1565—State of Idaho v. Delbert Barton and Fannie E. Barton. (in re: Income Tax)
1566—State of Idaho v. Fannie E. Barton and Delbert Barton. (in re: Income Tax)
1595—State of Idaho v. Lucille and Harold A. King. (in re: Income Tax)
ATTORNEY GENERAL'S REPORT

1604—State of Idaho v. Clyde Kinghorn. (in re: Income Tax)
1619—State of Idaho v. Frank and Lillie Reader. (in re: Income Tax)
1620—State of Idaho v. Lillie and Frank Reader. (in re: Income Tax)

PROBATE COURTS
(Civil Cases
(Pending))

1364—In the Matter of the Estate of James Henry Sheldon, Deceased. (in re: Inheritance Tax)
1401—State of Idaho v. Leland Peterson. (in re: Income Tax)
1425—State of Idaho v. Floyd M. and Jane Doe Nave. (in re: Income Tax)
1429—State of Idaho v. Francis C. Walters. (in re: Income Tax)
1449—State of Idaho v. Spencer and Marvena Lords. (in re: Income Tax)
1457—State of Idaho v. Louis Kruger. (in re: Income Tax)
1553—State of Idaho v. Mrs. George F. Redmond and George F. Redmond. (in re: Income Tax)
1554—State of Idaho v. George F. Redmond and Mrs. George F. Redmond. (in re: Income Tax)
1563—State of Idaho v. R. P. Rasmussen and Mary Rasmussen. (in re: Income Tax)
ATTORNEY GENERAL'S REPORT

SUPREME COURT

Civil Appeals (Closed)

1321—Clyde Hess Distributing Co. v. Bonneville County, et al. (in re: Sale of Beer)


1344—In the matter of the Application of E. C. Johnston to Change Point of Diversion & place of use of Certain Waters.

1371—Lee J. Earl v. R. C. Lewis, Commissioner of Law Enforcement. (in re: Application for Retail Liquor License)

1331—Idaho Comp. Co. v. James Hubbard, Commissioner of Insurance. (in re: Premium Taxes)

1445—In the Matter of the Application of the Lewiston Grain Growers, Inc., and Others, to Increase Certain Rates and Charges for Warehouses in North Idaho. (Public Utilities Commission) (in re: Increase the Rates and Charges)

1463—Bernard W. Barth v. Board of County Commissioners for Canyon County, State of Idaho. (in re: Writ of Mandamus)

1471—Mountain States Tel. & Tel. Co. v. P. U. C. I. (in re: Appeal in Rate Proceedings)

1486—Helen Guyer v. Board of County Commissioners of Payette County, State of Idaho. (In re: Petition for Writ of Mandate)

1508—Public Utilities Commission v. Hon. C. E. Winstead, District Judge of the Third Judicial District of the State of Idaho. (in re: Increase in Rates)

1535—E. V. Boughton, v. J. D. Price, Secretary of State. (in re: Intention to File Declaration of Candidacy even though over 70 years of age)

1651—In the Matter of the Liability of Gem State Academy Bakery. (in re: for Payment of Contributions under the Employment Security Law.)


1635—(F-1474) In the Matter of the Application of Trans-Northwest Gas, Inc., a corporation for certificate of convenience and necessity. (Application for P.U.C. Permit.)


1658—Forest E. Robb v. N. P. Nielson. (in re: Original proceeding for a Writ of Mandamus in the Supreme Court)

SUPREME COURT
Criminal Appeals (Closed)
1345—State of Idaho v. Raymond D. Kleier. (in re: Attempted Burglary)
1369—State of Idaho v. Max L. Gailey. (in re: Attempted Rape)
1361—State of Idaho v. Donald P. Kleier. (in re: Attempted Burglary)
1390—State of Idaho v. Ray Shaw. (in re: Involuntary Manslaughter)
1412—State of Idaho v. J. S. Casselman, James D. Towne, J. E. Abel, George Hill. (in re: Boycott Act)
1438—State of Idaho v. Frank E. Davis. (in re: Theft of Car)
1439—State of Idaho v. Orville Reinoehl. (in re: Attempt to Extort)
1444—State of Idaho v. Fount O. Frost. (in re: Murder)
1454—State of Idaho v. Edward Lee Brooks. (in re: Grand Larceny)
1459—State of Idaho v. Guy Dickens. (in re: Larceny)
1460—State of Idaho v. Chesney Ayres. (in re: Manslaughter)
1462—State of Idaho v. Domingo Rangel. (in re: Murder in Second Degree)
ATTORNEY GENERAL'S REPORT


1481—State of Idaho v. Cliff Bell. (in re: Issuing a check Without Funds)

1482—State of Idaho v. Joe J. Wheeler. (in re: Manslaughter)

1484—State of Idaho v. Forest Lee Poynter. (in re: Driving While Intoxicated)

1485—State of Idaho v. Elmer McCandless. (in re: Burglary)

1493—State of Idaho v. Lee R. Ellis. (in re: Involuntary Manslaughter)


1498—State of Idaho v. Orba H. Teninty. (in re: Selling Liquor by the Drink Without License)

1529—State of Idaho v. Walter Eikelberger. (In re: Passing Check Without Funds)

1545—State of Idaho v. William Lawrence, Elmer Rickman, Avery Wishtoken and Aloysius Wishtoken. (in re: Grand Larceny)

1555—State of Idaho v. Huskinson and Sceso. (in re: Larceny)

1579—State of Idaho v. James R. Campbell. (in re: Issuing Check Without Funds)

1581—State of Idaho v. Ernest Adair. (in re: Revocation of Liquor License)

1630—State of Idaho v. Troy Powell and Ernie Walrath. (in re: Murder)

SUPREME COURT

Criminal Appeals

(Pending)

1556—State of Idaho v. Carl V. Linebarger. (in re: Rape)


1591—State of Idaho v. Alfred D. Okie. (in re: Battery)

1621—State of Idaho v. Clyde J. Slater. (in re: Grand Larceny)

1624—State of Idaho v. Frank E. Davis. (in re: Grand Larceny)

1629—State of Idaho v. James Robinson, Roy Cannon and Ozzie McIntosh. (in re: Robbery)
ATTORNEY GENERAL’S REPORT

1636—State of Idaho v. Walter Eikelberger. (in re: Issuing Check on a bank with Insufficient funds)


1654—State of Idaho v. Leonard Snyder. (in re: Larceny)

1661—State of Idaho v. Grace Scott. (in re: Manslaughter)

1665—State of Idaho v. Harold S. Bush. (Practicing medicine without license)

1668—State of Idaho v. Walter Eikelberger. (in re: bad check)

JUSTICE COURT
Civil Cases
(Closed)


U. S. DISTRICT COURT
Civil Cases
(Pending)

1617—United States of America v. State of Idaho. (in re: Condemnation of Real Estate)

1637—United States of America v. 15,357.16 Acres of Land in Butte, Bingham and Jefferson Counties, et al. (in re: Condemnation Suit)

1639—in the matter of Harvey C. Stokes and Fern R. Stokes. (in re: Claim of the State of Idaho for Taxes)

1640—in the matter of Raleigh Milton Weaver, Bankrupt. (in re: Claim of the State of Idaho for Taxes)

1647—in the matter of Charles E. Helfrich, Nampa, Idaho. (in re: Income Taxes—Bankruptcy)

SUPERIOR COURT OF CALIFORNIA
(Alameda County)
Civil Case
(Pending)

ATTORNEY GENERAL'S REPORT

U. S. SUPREME COURT

Civil Cases
(Closed)


We have appeared Amicus Curiae in three proceedings in the U. S. Supreme Court where issues were presented of importance to the State.

No cases are presently pending in the U. S. Supreme Court.

BEFORE THE PUBLIC UTILITIES COMMISSION

Civil Cases
(Closed)

1455—in the matter of the application of railroads operating in the State of Idaho for Authority to Increase Freight Rates and Charges within the State of Idaho. (in re: Increase in rates and charges)

1464—Ex Parte 168—Increases in Freight Rates. ( in re: Increase in Freight Rates)

1465—F-1416 PUCI—G. A. Larson—Railroad Rates. (in re: Increase in Railroad Rates)

1467—F-1426 PUCI—Utah Power & Light Co. (in re: Increase in rates)

Civil Cases
(Pending)

1466—F-1425—PUCI—Pacific Tel. & Tel. (in re: Increase in rates).

1480—in the matter of the application of Union Pacific Railroad Company for Permission to discontinue the Operation of Passenger trains Nos. 33 and 34 between Idaho Falls, Idaho, and the Idaho-Montana State Line.

1500—in the Matter of the Application of Railroads operating in the State of Idaho for Authority to Increase Rates and Charges. (in re: Increase in Rates)
1517—In the Matter of the Petition of T. S. Vanderford on behalf of himself and ninety-four other petitioners for the improvement of Toll Telephone Service from Aberdeen, Grandview, Sterling, Springfield, Pingree and Blackfoot, Idaho. (In re: Improvement of Toll Telephone Service)

1544—In the Matter of the Application of the Interstate Telephone Company, a corporation, for partial revision of its rates in Idaho. (In re: Increase in Rates)

1548—Parma Telephone Co. (In re: Increase in exchange rates at Parma)

1549—Farmers' Co-op Ditch Co., Ltd., a Corporation. (In re: Re-establishment and maintenance of efficient and effective telephone service to its office at Caldwell Bridge.)

1642—in the Matter of the Application of the Albion Telephone Company to increase rates in the Malta, Elba and Albion Areas. (In re: Increase of rates)

BEFORE THE UNITED STATES CIVIL AERONAUTICS BOARD

Civil Cases
(Closed)

1472—in the Matter of Extending the Effectiveness of the Temporary Certificate of Public Convenience and Necessity of EMPIRE AIR LINES, INC. for Route No. 78.

BEFORE THE FEDERAL TRADE COMMISSION

Civil Cases
(Closed)

1470—in the Matter of Washington Brewers Institute; Brewers Institute of America; California State Brewers Institute; Idaho Brewers Institute; Becker Products Company. (In re: Uniform Prices on Sale of Beer)


BEFORE THE FEDERAL POWER COMMISSION

Civil Cases
(Pending)

1646—(No. O-1429) In the Matter of Pacific Northwest Pipeline Corporation. (In re: Certificate of Convenience and Necessity to Build Pipeline for Natural Gas)
BEFORE THE STATE TAX COMMISSION OF IDAHO

Civil Cases
(Pending)


BEFORE THE COMMISSIONER OF FINANCE

Civil Cases
(Closed)

1446—American Securities and Underwriters Co. (In re: In the matter of the application for Blue Sky Permit)

DEPARTMENT OF PUBLIC WORKS

List of Cases Pending and Closed—1949-50

IN THE DISTRICT COURTS

(Closed)

(Closed)

(Closed)

State of Idaho, on relation of Jno. R. McKinney, Commissioner of Department of Highways of the State of Idaho vs. Della M. Currier, a single woman and Mabel Burke, a widow, the unknown heirs and unknown devisees of Mabel Burke, if deceased.
(Closed)

(Pending)

BEFORE THE INDUSTRIAL ACCIDENT BOARD

Appearsances for the State Auditor & State Treasurer

Civil Cases
(Closed)

1452—In the Matter of the Death of Jorge Jimenez Jimenez, Carlos Grimm, Consul of Mexico, for and on Behalf of Aurelia Hen-
ATTORNEY GENERAL'S REPORT

riuez de Garcia v. J. W. Hays d/b/a Hays Elevator Co., and
Bonneville County Farm Labor Assn., Inc., Employers, and
Idaho Compensation Company, Surety, and State of Idaho (N.
P. Nielson, State Auditor, and Lela Painter, State Treasurer).
(in re: Claim for Compensation)

Civil Cases
(Pending)
1666—In the Matter of the Application of Idaho Hospital Association.
(in re: Increase in Rates)

STATE INSURANCE FUND
BEFORE THE INDUSTRIAL ACCIDENT BOARD

(Pending)
State of Idaho vs. John Henry Lake
Ralph G. Cromwell John Nedrow
Willard Lindsay Earl Rand
Eldon Sailor

State of Idaho vs. Clair Charles Caylor
Sudie Allen Robert L. Munro
Clarence Salois Edward R. Cooley
Leland Ellis George Ankney
Joseph L. Bobo Warner Magnusson
James J. Nelson Lawrence Thompson
F. M. Perfect William Korsvick
Autey R. Pickens Axel Taru
Cecil Howard Albert E. Fox
Paul Bagwell Alvin A. Larsen
William Howard Ferril Terry
Joseph Burroughs William E. Johnson
Cristalbal Fereque Lawrence Thompson
Clara E. Kopp Clifford Laub
Carroll Hunt George W. Champlain
William L. Heagland Fred Howard

IN THE SUPREME COURT

(Pending)
State of Idaho vs. Mike Shumaker
Jacob Emanuel Ericksen Nick Roberts

(Closed)
Quentin G. Griffith Joe Rivera
Clifford Laub James Miller
Lester Moulton John Warlick
A. A. Miller

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EMPLOYMENT SECURITY AGENCY
IN THE SUPREME COURT OF IDAHO

(Pending)
In the Matter of the Liability of MacKenzie Auto Equipment Co. for
Payment of Contributions under the Employment Security Law.
In the Matter of the Claim of Potlatch Forests, Inc., for Reduction of
Its Contribution Rate under the Employment Security Law.

(Closed)
In the Matter of the Liability of Gem State Academy Bakery for Pay­
ment of Contributions under the Employment Security Law.
In the Matter of the Liability of Pacific National Life Assurance Co.
for Payment of Contributions under the Employment Security
Law.

IN THE DISTRICT COURT

(Closed)
State of Idaho v. Farmers' Lumber Co., Inc.
A. F. McFee v. State of Idaho

EXECUTIONS ON JUDGMENT LIENS

State of Idaho v.
Howard Atha
Elmer Barr
Jack Bentley
Robert C. Boutillier
Joe Brown
D. R. Buckendorf
George D. Leach, et al
Ben Moon, et al
Ira Nutt

Lena Owings, et al
Doyle C. Pearson, et al
Marvin A. Peterson
C. L. Rasmussen, et al
James E. Reddy, et al
Frank D. Robinson
John J. and Lyle K. Weatherbie
Belmy A. Wicks
John Wright, et al

IN THE PROBATE COURT

(Pending)
State of Idaho v.
Hiram Ballou
Lester Binkley

Arnold L. Dooms
John Gilson
James T. Wilkinson

State of Idaho v.
Hugh Robbitt
Earl E. Cabble
Jack Clark
Charles W. Cliff, Jr.
Law Hand

Mervin A. Healey
Marvin Hollis Henderson
Jesse Hansen
William D. Jackson
Elton D. King
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Myron J. Sweeney
William Thrower
Jess Tredway
White Earth Products Co.
George P. Zehner
Francis F. Underwood
LeRoy Wilkins

IN THE JUSTICE COURT

(Pending)
State of Idaho v. George E. Allred
State of Idaho v. John Richard
George Cox Howard B. Sasenbery
Guy A. Rosenfelt

BEFORE THE INDUSTRIAL ACCIDENT BOARD

(Pending)
In the Matter of the Claim of (for Unemployment Insurance Benefits):
Charles P. Addington, et al Virginia S. Hines
Zora Mae Compton Gerald L. Johnson, et al
William Delia Charles H. Miller
George R. Demon Edna W. Payne
Erle P. Dudley Frank L. Potts
Carl E. Ford Wayne E. Poutto
Frank W. Hall Haugas Sarkisian
Melinda A. Hansen Gladys M. Snapp
Zoe Harshbarger Alva A. White

(Closed)
In the Matter of the Claim of (for Unemployment Insurance Benefits):
Harold E. Aune Stewart G. Kimberling
Emma M. Asher Albert Kinney
Mary Bennett Harry E. Landmark
Mae S. Brevard Herman E. Lappens
Mildred Biggert Charles Mathews
Irene I. Bjornstad Llewellyn H. McConkey
Roy A. Burt Jack R. McTaggart
Elnora S. Dyer Gladys Vern Mitziraberg
Betty J. Gorostiza Esther D. Morton
Arietta Gowey Gayle J. Musser
LaVone M. Hankins Audrey Nelson
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Lavina S. Senter
Margaret C. Spivy
Manda G. Stensrud
William Verlon Thorp
Fred D. Tucker
Victor Wasberg

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

Geo. Betts
C. D. Brown, et al
Doris E. Buck
Russell Flamm, et al
Forney Manufacturing Co.
Foster & Son
Lonnie Garrison and Vern Marshall
Gem State Academy Bakery
General Petroleum Corporation

Idaho Animal Products Co.
MacKenzie Auto Equipment Co.
Pacific National Life Insurance Co.
Pack River-Lumber Co.
Potlatch Forests, Inc.
Francis W. Smith
Utah Oil Refining Co.
Wescott Oil Company
John T. Wyman, Jr.
In the matter of the Estate of | Court            | Status   
--------------------------------|---------|---------
Mariy Khan                        | Probate | Closed  
Hazel D. Brown                   |         |         
Edward Straus                     |         |         
Arthur H. Boone                   |         |         
Bernt J. Tiege                    |         |         
Maud E. Townsley                  |         |         
Elizabeth Kollmeyer               |         |         
Charlotte Picard                  |         |         
Julia A. Chrisman                 |         |         
Mrs. E. A. Howard                 |         |         
Edwin M. Carr                     | Probate | Pending 
Ralph W. Burroughs                |         |         
Eleanor R. Dwyer                  | District| Closed  
Dorothy A. Simplot                |         |         
James R. Ryan                     |         |         
Minnie E. Wagner                  |         |         
Ella Straughan                    | District| Pending 
Jochim Kruse                      |         |         
Wm. H. Coumbs                     |         |         

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