

# OPINION BLOW TO COMPANIES IN THIS STATE

(Continued from page three.)

dent board. When such an award is made, any party in interest may file a certified copy thereof in the district court of the state, and the district court shall thereupon render a decree or judgment in accordance with the award. This decree of judgment necessarily would be rendered against the employer unless provisions of some sort is made whereby the surety also is made a party to the judgment. Such a stipulation undoubtedly could be inserted in the bond or contract. Before accepting a surety bond or contract, the board undoubtedly has the right to require that the surety stipulate therein that it may be entered with the employer as a joint and several judgment debtor in any decree or judgment rendered in the district court. Section 70 of the act provides that the surety shall be bound by decisions, judgments or awards rendered against the employer. Such a provision, however, hardly is broad enough to authorize a district court in rendering a record judgment against the surety, unless an express stipulation to that effect has theretofore been made. Once a judgment is rendered against the surety, it undoubtedly would be paid if the company is at all responsible.

## FOR BENEFIT EMPLOYEES.

Should a situation ever arise where it became necessary for an action to be instituted in the district court on the surety company's bond, such an action would be instituted by the injured employee. Although the bond or contract will run to the state, it will be for the benefit of the employee; and it is a well established rule of law that the beneficiary under a contract may bring suit thereon in his own name although not a party thereto. When an employee is injured and hospital attendance, medical aid and compensation are refused, the employee in the first instance brings his claim before the industrial accident board. As stated above, the award of the board may be put on record as a judgment in the district court. If in any given case the surety company pays the award, it of course has recourse against the employer. This, however, is a matter in which neither the state nor the employee is interested.

Your last question is as follows: Under the Idaho insurance law, can any insurance company authorized to do a surety or guaranty business also under the authorization to write such surety or guaranty business, do a workman's compensation liability business?

## MUST HAVE LICENSE.

We gather from this question that you desire our opinion as to whether or not the ordinary surety company which has complied with the provisions of the insurance code and is authorized to do a surety and guaranty business in the state of Idaho, may write liability contracts without a special license therefor. As a general proposition a surety company is not an insurance company, and any surety company which desires to write accident insurance, would be required to comply with the provisions of our law governing accident and casualty insurance companies. The provisions of the insurance law relative to capital, surplus, maximum risks, forms of policy, etc., are not the same for surety companies as accident companies, and consequently a surety company which

wished to write liability insurance would be required to take out a separate license the same as if the two classes of business were being written by two different companies.

## STATUS OF COMPANIES.

We apprehend, however, that the real purpose of your inquiry is to ascertain whether or not a surety company which executes a surety bond or a guaranty contract under the provision of subdivision (b) of section 70 of the Compensation Act, can at the same time issue to the employer a contract indemnifying him against any awards which he may be required to pay under the provisions of the act. This is a somewhat different question for the reason that such a contract is more in the nature of a contract of indemnity, than a policy of insurance. There is no provision in the insurance code or elsewhere in the Idaho statutes placing any express restrictions upon the issuance of employer's liability insurance. The insurance code (Sec. 46 Sub. 4) expressly excepts from the provisions of the act blanket policies of insurance issued to cover an entire body or class of employees for a premium intended to cover the risks of all the persons insured under such policy. This exception might include indemnity contracts of the kind under discussion. But whether or not employer's liability contracts are expressly excepted from the provisions of the insurance code, the fact that the law places no express restrictions upon the writing of such contracts, would permit a company regularly authorized to write insurance within the state to write contracts of this character. There is a possibility that our laws would be construed as permitting a company to write such contracts within the state simply by complying with the laws relative to foreign corporations. However, these contracts generally are referred to as contracts of insurance, and in our opinion the company would have to comply with the insurance laws.

We further are of the opinion that any company which is licensed to transact business in this state either as an insurance company or as a surety company, may write liability contracts, provided it is permitted to do so by its by-laws and charter and the laws of the state in which it is domiciled.

The foregoing replies to your inquiries are given with full appreciation of the fact that any interpretation placed upon a law as broad in scope as the workman's compensation act, and particularly when said law is in the nature of an innovation, is not necessarily final. We have tried, however, to place such interpretations upon the act as we felt were warranted by general rules of statutory construction, the wording of the act itself and collateral knowledge of legislative intent. We trust that our reply to your inquiries as given above, will give you a basis for determining questions coming before you for consideration.

Very respectfully yours,  
(Signed) T. A. WALTERS,  
Attorney General.

## Pierce Park—Collister

Mr. and Mrs. Hiram Williams are rejoicing in the birth of a daughter, born Tuesday, Oct. 23.

Apples in the Collister orchard are holding out better than was at first anticipated. There will be another week of packing. Three cars of Jonathans have been shipped and two cars of Ben Davis and one of Winesaps are to be shipped.

Mrs. M. B. Atkinson entertained Pierce Park Ladies' Aid Wednesday and there was a large attendance. Committees were appointed to distribute food conservation literature, and it was decided to start again the Parent-Teachers association.

There will be a Halloween social at Pierce Park school house Wednesday evening.

Mr. and Mrs. E. L. Sarvis left for

# NEVADA WOMAN TO GIVE ADDRESS ON SUFFRAGE ISSUE

Miss Anne Martin, Talented Woman Who Gave Up Educational Career to Work for Amendment.



MISS ANNE MARTIN.

Miss Anne Martin who will speak in the Columbian club rooms Nov. 4 at 4 o'clock, is one of the keenest women politicians in the country, and as legislative chairman of the Woman's party, she keeps in constant touch with the congressional situation. She follows each congressman's change of opinion on the suffrage question; she sees to it that the record of 531 members of congress are kept so up to date, that anyone can consult these records and find how their congressman is standing on the question.

Miss Martin is coming to Boise as a woman voter from Nevada, where she is affectionately known as "Little Governor Anne." She was at one time professor of history at the University of Nevada, and holds degrees from the University of Nevada and Leland Stanford university. She also studied political economy at Oxford, England. While in England she became interested in the suffrage movement, and upon her return home she resolved to give up her career as a student, and devote herself to the fight for political liberty for American woman. She has charge of the Nevada campaign in 1914, and campaigned in the mountain and mining districts on horseback, in order to reach the voters who could not be reached by automobile or train. After the suffrage victory in her own state, Miss Martin went to Washington, D. C., to work for the federal suffrage amendment.

When Miss Martin speaks, she talks facts, which are more impressive than hours of pleading and sentimentalities.

the east Saturday. They will visit relatives in Nebraska and Oklahoma while away.

Subject of sermon at Pierce Park Sunday morning, "The Church and War."

Harry Heller arrived home Thursday from the mountains, where he has been doing forest ranger work since spring.

Stanley Curtis has recently finished a silo and filled it with ensilage.

The Wright family who have been living on the Martin place near the park, will move to Boise soon.

Edgar Syford is adding several rooms to his home and the work is nearing completion.

The Tucker family have moved to their ranch near Bogart.

Lawrence Jamison has rented part of the Alter ranch and will move there in January.

Mrs. Clifford Clark and infant son are spending several days with Mr. and Mrs. H. C. Miller of Star, the parents of Mrs. Clark.

Born to Mr. and Mrs. D. W. Gribble, Oct. 24, a daughter.

Mr. Ryan, of the Ryan and Starn packing house has one tree which represents a new variety of apple from which he recently gathered 10 boxes of apples.

Collister and Ryan and Starn packing houses are both greatly in need of cars to ship apples. Ryan & Starn have 1500 boxes stored awaiting shipment and Collister 3500 boxes.

Collister school will have Halloween exercises Wednesday afternoon, each room furnishing a special feature for the occasion.

Collister Morden Ladies' Aid gave a Halloween social at the church Friday evening. There was an appropriate program and the building was attractively decorated.

Mrs. George Pierce is expecting her sister, Mrs. J. C. Fox of California the first of the week. Mrs. Fox has been in Nampa several days enroute here, and will spend some time visiting in Boise.

Mrs. Bert Clark and son are spending a few days at the home of Sigel Clark. Mr. and Mrs. Clark have been enriched by the birth of two grandsons recently.

WORTH THEIR WEIGHT IN GOLD. No man can do his best when suffering from backache, rheumatic pains, swollen joints, sore muscles or other symptoms of kidney trouble. B. H. Stone, 240 N. 2d St., Reading, Pa., writes: "I contracted a most severe case of kidney trouble. I gradually grew worse and for months was unable to attend to business. I began to use Foley Kidney Pills and soon found the pains were gone and I have had no aches since. They have been worth their weight in gold to me."—Whitehead Drug Store. Adv. T. Th. S.

# Few Days Bring Queenly Complexion



"A Remarkable Secret, Every Woman Should Know," Says Valeska Suratt, Star of the Screen.

## BY VALESKA SURATT.

HOW refreshing it is to know that it is now no longer necessary to wait for many months and perhaps years to produce a beautiful complexion, and that you can have it as surely as the sun rises, in a few days' time. If you are one who finds this hard to believe you have but to try and you will be able to prove the fact the simple formula given below yourself very quickly. Ask your druggist for a one-ounce package of zintone. At home mix the contents of the package with two tablespoonfuls of glycerine in a pint of water. Use the cream lavishly and every day and you will get results without fail.

SPOTTY—It's wonderful what you can do in removing blackheads by sprinkling a little powdered norexin on a wet sponge and rubbing the blackheads with it for a few minutes. It does what nothing else in the wide world can do—gets rid of them all, big and little ones. Get the norexin at the drug store for fifty cents.

SHINEY—I do not know of any face powder that hasn't that "chalkiness" in some degree. That's why I have my own face powder. It's just like velvet and invisible. It is now sold at drug stores as "Valeska Suratt Face Powder" at fifty cents. In white, flesh and brunette tints. Ask your friends to try it.

MISS A. B.—You never saw anything in your life remove superfluous hair as quickly and easily as this. Just moisten the hairs with suifo solution, and see them shrivel and dis-

solve away. You can get the sulfo solution for one dollar at any drug store. I wouldn't use the burners and so-called superfluous hair removers sold. They redden and irritate the skin. This is safe on any part of the body. You'll be more than satisfied.

GLORY—Try a teaspoonful of eggol in half a cup of water, and use as a head-wash. It dissolves away all scales, grease and dandruff. It's wonderful. Eggol will cost twenty-five cents—enough to make about twelve shampoos. There's nothing as good.

MRS. F. O. G.—Your hair ought to stop right away from falling if you will use my hair formula. Every one who has tried it says it is perfectly astounding how it makes hair grow and stops hair falling. Get one ounce of beta-quinol from your druggist, and mix it with one pint of bay rum or if preferred in one-half pint each of water and alcohol. Use this every day, and your dream of long, silky, beautiful hair will truly come true. In making up this mixture you will find it will give you over a pint of the hair grower at a smaller cost than that of any prepared hair treatment, and that of any hair oil. Use this every day, and you have the best you can get anywhere.

MRS. "S. O. S."—You'll have very few wrinkles left after a few days' use of the following mixture, which you make yourself at home in a few minutes. To two ounces of eptol, which cost about fifty cents at any drug store, add two tablespoonfuls of glycerine, and mix in half a pint of water. Your skin will become fresh and plump and your friends will be remarking, not how old, but how young you look. Rub the cream well into the skin and you will soon find that the crow's feet, deep lines of age and even "habi" wrinkles will be quickly leaving. It is really surprising.

EXPECTANT—There's no reason any druggist not having the eptol for wrinkles and the norexin for blackheads. The price of each is fifty cents. If you have any difficulty hereafter, send the price, fifty cents, to "Secretary to Valeska Suratt, Thompson Bldg., Chicago," and either article will be sent you at once by mail.

# ISIS THEATRE

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