

# Wardens Named In Suits As California Sportsmen Test Trespass Laws

By BILL TALBITZER

OROVILLE (UPI)—A civil war of sorts is brewing in Northern California between two major groups—sportsmen and game wardens.

Eight separate legal actions have been filed in Butte County courts and wardens have been named defendants in all of them. Many more will follow.

The basic question is this: Do wardens violate constitutional rights of individual citizens in searching for game taken illegally by the hunters.

The rash of legal entanglements started last Dec. 19 when Robert Millington, a Gridley attorney, was stopped by game wardens as he drove from a field on the Walter King Ranch, near Gridley, after hunting for ducks. Millington had shot one goose which he said he left lying in plain sight on the back seat of his car. His shotgun, which he said he had unloaded, was also lying on the back seat.

When Millington was stopped, he

was still on the King property. He said Game Warden Will Payne, of Oroville, said "I'm going to take a look at that gun," and reached into the car for the weapon. Millington replied: "Not without a search warrant, you aren't," but said Payne grabbed the weapon anyway.

Then, said Millington, Payne handed him a citation charging him with refusing to surrender his weapon for inspection and followed up by confiscating the gun.

Millington retaliated by pleading innocent to the charge when he appeared in Gridley District Court, and asked for a jury trial. He also sued Payne, Warden Tom Borneman and several "John Does" for a total of \$350 damages, and added another lawsuit demanding the return of his shotgun. The gun was later returned to him but the lawsuit for damages is pending as is his jury trial.

What followed then was in the nature of a legal snowball. Seeing that Millington now had his dander up and was eager to go to

the mat with the Department of Fish and Game, other citizens began to file suits. In rapid fire order, here's what happened.

1. King retained Millington to file a \$15,000 damage suit against the wardens claiming that they had embarrassed his guests, rendered his land unfit for the sale of hunting permits which he claimed was a substantial portion of his income and trespassed "willfully" upon his property.

2. George, Elaine Hughest, husband and wife who operate the Gridley Poultry and Locker Market, filed suit for \$127,650, charging game wardens, both federal and state, conducted a raid on their locker plant on Dec. 26 without having first obtained a search warrant.

3. Attorney Charles Skow, of Chico, filed an appeal for Oren L. McFadden, of Chico, who charged that he had been found guilty of a game charge in the Paradise Justice Court on Dec. 16, without being given the opportunity to defend himself.

4. Skow filed still another ap-

peal, this one on behalf of Wayne Clark Wilson, of Paradise, who was charged on Dec. 16, with possessing a deer heart out of season.

5. Attorney Joseph R. King, of Oroville, filed a charge of illegal search and seizure against the wardens on behalf of Mrs. Leona Singley, a Butte County deputy sheriff, who was charged with possession of two untagged pheasants.

6. Attorney Pamela Carrico, of Gridley, filed a \$1,020 damage suit on behalf of Aaron M. Waller Jr., and his son, Robert Waller, both of Gridley who charged that the wardens confiscated "without warrant or arrest" a shotgun owned by Aaron and seven ducks shot legally by Robert.

7. Skow filed still another action, this one on behalf of Ronald Nelson, of Gridley, who charges the wardens with assault and battery in connection with his arrest on an alleged game violation. Nelson charges that wardens Gilbert Berg and R. E. Mercer threatened to handcuff him to a tree all night, pushed him, struck

him and forcibly made him confess to a violation he never committed. Skow has asked that his plea of guilty be set aside and that the wardens be cited for assault and battery.

8. Finally, Attorney Robert Laughlin, of Chico, on behalf of Tony Zunino, of Chico, charged the wardens with arresting his client for refusing to surrender his shotgun for inspection when, in fact, Zunino was not hunting and had not been hunting, but was, instead, stopped as he drove along a road. The wardens later dropped the case.

Such is the war in Butte County. A war of words, perhaps, but one in which the verbal shots may eventually be heard within the chambers of California's highest court.



**BRENDA AND GLENDA** give a helping hand at the halter while Pamela hangs on in case Lollipop gets off to a jet start. The burro is all fitted up with a bridle and saddle that just fit — both the girls and Lollipop.



**A HELPING HAND** from daddy Harold Metler is given to Glenda as he boosts her up behind Pamela on the Christmas burro, Lollipop. The burro is gentle with the little girls and gives them no trouble at all, except being a little slow to start sometimes.

Sir Robert Peel originated the modern English police system.



**A PAT ON THE NOSE** draws a smile from both Brenda and Lollipop during a lull in the activities around the barn lot of the Harold Metler place on Crystal Springs Road.

## Bowl Alley Face Lifted

NEW YORK — (UPI)—There's a bowling arena in New York which has a "social center" for women bowlers and is planning to present flower exhibits and fashion shows as added attractions.

Elsewhere in the country, bowling has grown so popular among the ladies that some arenas feature outdoor barbecue pits, swimming pools and other such facilities for making the sport a family affair.

According to latest reports, 23 million Americans go bowling, compared with 12 million in 1948. The number of women bowlers has grown from 32,000 in 1940 to 6,000,000 today.

Teen-agers are taking to the sport, too — more than half a million now, as against 8,700 little more than a decade ago.

It's reached the point, in fact, where bowling has its own "world series." This year's second annual World Invitational Match Game Bowling Championships are being held at the Chicago Coliseum with the finals being televised over NBC on Dec. 12.

**TAKEN LITERALLY**  
EAST HARTFORD, Conn. (UPI)—A restaurant which advertised a "grand opening" had just that. Someone opened its safe and made off with \$5,000.

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