

HOLDS OUTSIDE PERSONS HAVE RIGHT TO BOOKS

Johnson Dissents From Majority View on Examination of Utility Concerns.

PRESENTS HIS VIEWS

The public service commission has the right to authorize outside persons to examine the books of utility concerns which have cases before the commission, Commissioner Fred Bates Johnson declared in a dissenting opinion in the case of the Indiana and Michigan Electric Company, which is petitioning for an increase.

The majority of the commission expressed the opposite opinion in a ruling handed down several days ago.

The dissenting opinion in part follows: "The majority opinion states:

"The question presented by petition is whether or not the commission has the right to authorize outside persons to examine the books and property of petitioner, when such agent is not of the commission's staff."

Having thus stated the question, the majority opinion falls to answer it. The syllabus seems to indicate that the commission does not have the power to appoint an independent agent, paid by respondent, to act as the commission's agent to examine petitioner's books.

Other phrases and sentences in the body of the order indicate the belief that the commission has the power to appoint an independent agent, but should not exercise it in this case.

I do not believe that the real question is the one stated in the majority opinion. This particular question was not controverted at the argument. Both respondent and petitioner agree as to this question. They both answered "yes."

Both agree as to the law. Under the theory of both parties, the commission has the power to authorize an agent, on its behalf, to examine the books and records of petitioner.

The real question is whether or not the commission, having the power, should, under that power, authorize an agent, other than a member of the commission, to examine the books of the petitioner in the light of its knowledge of its own books and records, and to examine the books of the petitioner in the light of its knowledge of its own books and records.

Should it exercise that power? I believe the commission should exercise that power.

It is true that the regular audit prepared by the accounting department is available to both parties in the light of its knowledge of its own books and records. However, there is a certain advantage. It is able to cross-examine as to this audit, and present evidence as to the audit, and the showing of the audit.

Respondents should have the same opportunity to examine and present evidence as to the audit, and the showing of the audit. It is able to cross-examine as to this audit, and present evidence as to the audit, and the showing of the audit.

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MAN WHO TOOK COPS' CAR HELD

Charles Duffy, Who Fleed in 1917, in Dayton Jail.



CHARLES DUFFY.

Reports from Dayton, Ohio, to Inspector of Detectives Fletcher of the Indianapolis police department say that Charles Duffy, 36, who escaped from Detective Harry Erick of this city while seeking alleged automobile thieves in Muncie in 1917, is under arrest and serving a short sentence in that city.

Inspector Fletcher said action would be taken to return Duffy to this city.

About four years ago local police had arrested several members of what was believed to be the most powerful gang of automobile thieves that ever operated in the central West.

The headquarters of the gang was said to have been in Muncie and Marion, where some of the members were said to be powerful in politics.

Undercover cars were charged against the gang in Indianapolis. Duffy, who had been arrested by Detectives Rugenstein and McMurry, offered to show where the headquarters of the gang were located.

He was taken to Muncie in an Indianapolis police automobile. He showed where nine stolen automobiles were located. He also showed where the headquarters of the gang were located.

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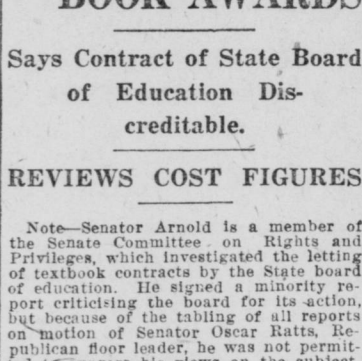
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ARNOLO GIVES HIS VIEWS ON BOOK AWARDS

Says Contract of State Board of Education Discreditable.



SENATOR WILLIAM A. ARNOLD.

The contract let by the Indiana State board of education Feb. 1, 1921, is, altogether discreditable for the reason that this body of supposedly wise men were at no time in possession of any facts in reference to the cost of manufacturing books.

There was no discussion by the board at any time relative to the present condition of the book business in Indiana, the number of unemployed, or the falling price of farm products.

A broad visioned body of men must know that general commodity prices are declining.

Print paper prices are lower. Cloth is lower. Manufacturing conditions have so improved that it was possible Feb. 1 to get a lower price than was offered in January.

The difference in the cost of manufacturing books between the time the bids were submitted and the present time is, on the average, 10 cents apiece at least.

There will be sold in the five subjects during the year at least 2,300,000 books. A decline of 10 cents in the price of each book would make a saving of \$230,000.

Thus the total saving to the state would be \$750,000. The total saving to the state would be \$750,000. The total saving to the state would be \$750,000.

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Rucker's Plea for Emerich Falls Short

Man Who Kept Girl in Shop Sentenced to Term in Prison.

Holding that his "conscience" tells him that he is right, Special Judge James Berryhill refused to heed the plea of Former Prosecutor Alvah J. Rucker that a small penal farm sentence be given John Emerich, 58, a blacksmith of Emeryville, indicted on a charge of attempting to criminally assault a girl sixteen years of age.

Because Judge Berryhill did not weaken under the efforts of Mr. Rucker, Emerich was sentenced to from two to four years in prison and a fine of \$1 and costs.

In bargaining for a small penal farm sentence for Emerich, Mr. Rucker contended that "justice" would be done if a \$500 fine and a six months penal farm sentence was imposed by the court.

While attempting to get his client off with a small farm sentence, Mr. Rucker informed the court that he was not feeling very well and that pending on his well known smile, told the court that the ends of justice would be met if the court placed Emerich on the penal farm instead of in prison.

Mr. Rucker suggested that the mental condition of his client should be considered and stated that Emerich was a hermit who had lived by himself for years. He had no friends and no family.

Other things told, suggested Mr. Rucker, the plea of Mr. Rucker of leniency for a man against whom the evidence showed a young girl was kept for days in his blacksmith shop resulted in Prosecutor William P. Evans' bitterly attacking the plan of Mr. Rucker for a small sentence for Emerich.

"The State must insist that only the punishment provided by law in such cases be inflicted here," said Prosecutor Evans. "This is a case of a man who has been in prison for years and who is now being sentenced to a small farm sentence."

"I know it is severe, Mr. Rucker," said Judge Berryhill. "I do not like to be severe, as it has been my inclination to be merciful. I know it is severe, but my conscience tells me that I am right in this case."

The court then sentenced Emerich from two to four years in prison and a fine of \$1 and costs. The court then sentenced Emerich from two to four years in prison and a fine of \$1 and costs.

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CLOTHIERS OPEN STATE MEETING

Keeping at It' Keynote of President's Prosperity Address.

"Keeping everlastingly at it brings success," said W. L. Johnson, Seymour, president of the Indiana Retail Clothiers' and Furnishers' Association, in touching the opening session of the association's fourth annual convention this afternoon at the Claypool Hotel.

He said in part: "In the adjustment we have all had our part. We have taken our medicine and should now forget the taste. In the last few months foregoing, progressive clothiers bought sparingly and to quality. Liquidate their stocks and turn it into cash named prices without any regard whatever to loss, cost or replacement value, and in doing so they have taken a much greater loss than any other class of merchants during the adjustment period. This fact cannot be emphasized too strongly, but they stood their loss gracefully, cleaned house of many undesirable fabrics and are now in position to offer only dependable, new, attractive merchandise."

"However, with the labor conditions unchanged and with the public demand for goods, the cloth facts are that unless clothiers continue to do business at a great loss prices for new, reliable fabrics will not be as low as the prices at which goods have been sacrificed. Millions were lost in order to reduce stock and clean up quickly, and the only clothing that can be offered as low in price as the goods sacrificed will be made from old, undesirable fabrics which have been so unsatisfactory in the past and in no way compare with the new goods now on hand. It is our duty to enlighten the public in every way possible on this situation."

"I feel it to say that I am an optimist regarding the business for this year and, while there are many unemployed, the fact that prices are now at a low level and that goods are being sacrificed for some time should be a great stimulant to this year's business, but we must work hard and hard. This is not the time to sit still and think our troubles are all over. Keeping everlastingly at it brings success. We should all talk prosperity and act prosperously."

The program for the afternoon session included, in addition to the address of the president, the report of the secretary-treasurer, A. W. Levi, Indianapolis; national director's report, Sol Schlos, Indianapolis; the appointment of committees, a question box in charge of Carl Steele, Huntington, and an address of welcome by Secretary of State Ed Jackson.

One of the features of the convention will be an address at tomorrow morning's session by Dr. G. A. Garver, Strasburg, Ohio, on "Building a Million-Dollar Business in a Town of 1,000." There will be a talk on income tax questions by H. M. Tabor of the Department of Internal Revenue Tax Section.

The closing session will be held Thursday afternoon.

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