

## 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 commissioner. 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 power to require 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 fails to answer it squarely. The syllabus seems to indicate that the commission does not have the power to appoint an independent agent to examine the property of the commission's agent to examine the petitioner's books. Other phrases and sentences in the body of the order indicate the belief of the majority that the commission has that power but should not exercise it.

I do not believe that the real question is the one stated in the majority opinion.

This particular question was not considered at the argument. Both respondents and the commission agreed on the question. They both answered "yes." Both agree as to the law. Under the theory of the majority, 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 the present authorization, in effect, have the power of the accounting department of the commission to examine the books of the petitioner in the examination of utility concerns.

The commission has the power. Should it exercise it?

I believe the commission should exercise that power. It is true that the regular audit is prepared by the accounting department of the commission.

In the light of its knowledge of its own books and records petitioner, however, has a certain advantage.

It is able to cross-examine, to audit, and present evidence modifying or amending the showing of the audit.

Respondents should have the same opportunity to present evidence modifying or amending 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.

## ARNOLD GIVES HIS VIEWS ON BOOK AWARDS

Says Contract of State Board of Education Discreditable.

### REVIEWS COST FIGURES

Note—Senator Arnold is a member of the Senate Committee on Rights and Privileges, which investigated the letting of textbook contracts by the State board of education. He signed a resolution, proposing a bill to end the board's action, but because of the tabling of all reports on motion of Senator Oscar Ratto, Republican floor leader, he was not permitted to express his views on the subject.

By 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 financial and industrial conditions in Indiana, the number of unemployed, or the falling price of farm products.

Mr. Rucker suggested that the mental condition of his client should be considered and that Emerich was a hermit who had lived almost for years in a small cabin, selling and repairing shoes.

The State must insist that only the punishment provided by law in such cases be inflicted here," said Prosecutor Evans.

"The statutes provide a prison sentence of five years for the offense of breaking and entering when the evidence shows that the total cost of all the books

is \$500 fine and a six months penal farm sentence imposed by the court.

While attempting to get his client off on a small farm sentence, Mr. Rucker informed the court that he was not feeling very well and then putting on his wide open smile, told the court that the ends of justice would be met if the court would impose the penal farm instead of prison.

"However, with the labor conditions unchanged and with the public demanding better quality, the cold facts are that unless clothiers continue to do business at a great loss prices will be raised again, as low as \$1.50 a yard," he said.

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