

decree entered into between the Department of Justice and the respondent company. So far as I am able to see there is no relation whatever to this complaint and has no part in it. If the Commission's attorney proves a case, they can issue what order they see fit to do upon the findings of fact, extraneous of any facts set forth or in the consent decree.

I do not see that the Commission is bound in any way, shape or form by any of the allegations or facts set out in the consent decree. The Commission has the right to prove its own case under its own pleading. I shall bar the exhibit and give the attorney an exception.

MR. SMITH: In order that this record may be completed we did not get an opportunity to state our objection formally to this consent decree. We are not excepting to your ruling, Mr. Examiner, that is quite proper, but we wanted the record to show that we do object to the offer of this consent decree on the following grounds:

First, because it is generally incompetent and irrelevant;

Second, because it is not within the complaint filed in this case.

MR. WHITELEY: Mr. Examiner, I respectfully except to the ruling of the Examiner and shall take appeal to Commission on this ruling and in the meantime, offer for identification, the certified copy of the decree as Commission's