

exhibit for identification No. 758, and ask that it be so marked.

MR. SMITH: Counsel for respondent requests to have it marked for identification. Let the record show that we object also to this last offer of identification.

THE EXAMINER: Let the record show it.

(Whereupon the said document was marked for identification as Commission's Exhibit No. 758.)

Cyl. 7

MR. SMITH: Are counsel for the respondent correct in assuming that if there is application made to the Commission for the offer of this exhibit that the respondent's counsel will be given reasonable notice and ample time to appear in opposition to the motion?

MR. WHITELEY: The matter is variously handled, as I understand it, Mr. Smith. Either the matter could be presented to the Commission in advance at some particular time until the question of its admission or rejection, and the hearing could not proceed, but, if, as is the case in this instance, the hearings can continue and perhaps, as I believe, we could submit this question to the Commission at the final argument.

MR. SMITH: Then we ought to get a chance for our argument on that point. There is no ex parte ruling by the Commission that this exhibit be offered without our having a chance to be heard against it, is there?