

MR. WHITELEY: You can be heard at the final argument on that point.

MR. SMITH: It will not be actually argued until the final hearing?

THE EXAMINER: Yes, at the final hearing.

MR. WHITELEY: I would like to make one further observation with regard to the competency and relevancy of this document and that is that the Commission, of course, must determine that the proceedings be brought before it are brought in the public interest before it will issue a finding to cease and desist.

If a court of competent jurisdiction has held certain acts to be unfair methods of competition or to be unfair I would say, and similar acts are proved in the case the findings of the court that these acts were unfair would, of course, tend to prove the public interest and, of course, the Public Statutes providing certain practices are often introduced in evidence to show the public interest and I am offering this decree to show what acts are enjoined so that if any of these acts be among those proved in this case and, of course, pleaded in the complaint, the Commission then can have an opportunity to determine whether or not these acts are unfair methods of competition under the Act of September 26, 1914.

THE EXAMINER: I get your point, Mr. Whiteley, but