

**LABOR, DIVISION OF: Powers to administer oaths. Authority to issue subpoenas and take depositions. Arbitration must be voluntary.**

August 26, 1937.

Mr. Thomas R. Hutson, Commissioner,  
Division of Labor,  
Room 405, State House,  
Indianapolis, Indiana.

Dear Mr. Hutson:

I have before me your request that an official opinion be issued in response to the following inquiry:

“We would appreciate an official opinion as to the power of the Commissioner of Labor and his deputies under section 21, chapter 34 of the Acts of 1937; more specifically, does the commissioner and the conciliators working under the direct supervision and instruction of the commissioner have the power to place a person or persons under oath for the purpose of attaining and establishing certain evidence with respect to problems coming under the jurisdiction of this department.”

I think it is clear, under section 21 of chapter 34 of the Acts of 1937, that the Commissioner of Labor and each member of the Industrial Board and each officer and employee employed by the Division of Labor and designated by the commissioner, is empowered to administer oaths in connection with any of their official duties. This would apply in any investigation or hearing, or where they are gathering evidence and taking statements of persons in connection with their official duties. However, under this section it is my opinion that they would not be empowered to take depositions of witnesses, issue subpoenas, compel the attendance of witnesses and the production of papers and books, accounts and payrolls relating to the employment of workers, documents, records and testimony, except on the specific orders of the Governor of the State of Indiana.

Provided, the compelling of attendance of witnesses and the production of papers and books, accounts and payrolls relating to the employment of workers, documents, records and testimony, is not in connection with the promotion of a voluntary arbitration, mediation, and conciliation of disputes be-

tween employers and employees, for the purpose of avoiding strikes, lockouts, boycotts, black lists, discrimination, and legal proceedings in matters of employment, as provided under subsection (d) of section 9 of said Act, for when the Labor Department is proceeding under this subsection, all of said proceedings must be conducted on a voluntary basis.

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**ACCOUNTS, STATE BOARD OF: Taxation. School cities of second class, whether same may levy in excess of 18 cents on each \$100 for bond retirement.**

August 30, 1937.

Hon. W. P. Cosgrove,  
State Examiner,  
Indianapolis, Indiana.

Dear Sir:

I have before me your request for an official opinion in answer to the following question:

“Can a school city of the second class levy a rate in excess of 18 cents on each \$100.00 worth of taxable property for bond retirement and interest?”

This question requires a consideration of chapter 200 of the Acts of 1903 as subsequently amended and 107 of the Acts of 1907 as subsequently amended.

The Act of 1903, above referred to, is an Act entitled:

“An Act authorizing and empowering Boards of Trustees of school cities of all cities incorporated under the general laws of this State and Boards of Trustees of school towns of incorporated towns, to borrow money and issue their notes or bonds therefor; providing conditions on which such debt may be incurred, and to levy a tax to pay the same, for the purpose of buying grounds and paying for necessary school buildings, or repairs on the same, and declaring an emergency.”

Acts of 1903, page 350.

Section 1 of the above Act authorized the Boards of School Trustees of all cities of the state organized under general laws