

The witness did not appear on that date, but informed the Consul General's office at London that he did not desire to appear except in the presence of his counsel and that his counsel was then ill and that he would appear as soon as counsel was able to take part in the matter.

Later he advised Consul General's office that this illness had developed into double pneumonia and, to wit, February 1, 1938, the witness advised the Consul General that it would probably be at least a month before his counsel would be well enough to take part in the procedure. To date I have not been advised that this deposition has yet been taken and upon making inquiry at the State Department by telephone on Saturday, April 7, 1938, I was informed that the State Department had received no information that the deposition had yet been taken.

I make this somewhat lengthy explanation because counsel for the Commission felt it was advisable that this deposition be taken and be in hand before he proceeded to take further testimony in this country in support of the allegations in the complaint and would very much prefer to have that deposition, but in view of the extended delay in the taking of it, I fear that I could not further postpone the taking of further testimony beyond this time. I may also say that during December, January and a great part of February both the trial examiner and counsel for the Commission were actively