

engaged in the trial of another case of considerable magnitude which was not formally closed until March 14, 1938. When I knew that this other case was about to be closed, to wit, on March 7, 1938, I wrote counsel for the respondent that I would like to resume the taking of testimony on behalf of the Commission on March 7, 1938, during the week of March 13 or the following week, and was promptly advised by Mr. Ingram of counsel for the respondent that owing to Mr. Smith's absence from Pittsburgh on certain previous engagements it would be impossible for counsel for respondent to proceed in this matter until the second week in April.

Upon consulting with the Chief Counsel for the Commission, counsel for the Commission replied that it was not felt that the taking of testimony should be delayed beyond the 3rd of April and thereupon counsel for the respondent informally requested of the Commission that an additional week's postponement be granted, which request the Commission approved and on March 17, 1938, set the case for further hearing on this date, April 10.

THE EXAMINER: Mr. Whitely, just in order to get things straight in our minds, of course, I presume, you have no idea when you are going to get this deposition from Europe? MR. WHITELY: I have no further information than that which I have just set upon the record, Mr. Examiner.

Cyl. 3