

I anticipated and hoped that before the present hearings now scheduled are completed we will received word that the deposition has been taken. If by that time the deposition shall not have been taken, counsel for the Commission will make a motion to provide for the taking of this deposition under the processes of an English Court.

I wanted to make this somewhat lengthy explanation, Mr. Examiner, for the reason there has been a long delay since we last took testimony, but which delay I feel has been warranted by the circumstances, and I felt that my explanation should appear as a matter of record.

If I have advertently made any misstatement with regard to this information I have received from counsel for the respondent I would appreciate it if that would be corrected.

MR. SMITH: Counsel for the respondent excepts and objects to this statement, to counsel for the Commission attempting to explain what he thought is a wholly uncalled for delay in the taking of testimony in this case.

The complaint in this case, Major Sheppard, was filed in July, 1935, and without any justification or excuse, except such, if any, as is contained in the statement of counsel, the Commission has taken no testimony in this case since the month of February, 1937, if I recall the date, and we submit that the delay in taking this testimony in Europe and the delay in preparing these interrogatories,