

I anticipated and hoped that before the present hearings
now conducted are completed we will receive word that the
deposition has been taken. It is 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 inadvertently 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 Shepard, 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,