

which could have been prepared between the time for filing them, and the entire delay is wholly unexplained in a satisfactory way by the ex parte statement of counsel for the Commission. We feel that we have been responsible for no delay whatever in this case except the delay of one week. After taking no testimony since February, 1937, the first notice that we have received of any desire by the Commission to take further testimony was received in the letter from Mr. Whiteley, dated March 7, 1938, wherein he stated that he would take testimony during the week of March 19, but-5 or the week of March 26, not mentioning either date specifically and apparently not being determined in his own mind as to which date. It is true that on receipt of that notice we advised that I could not take testimony until the second week of April. Then we received from the Commission's counsel that they would take testimony on April 3. It was not practicable for us to go on on that date, and we then made an informal application for one week's delay. With that explanation we feel that we are responsible for no delay whatever in this case and this delay, it seems to us, is unprecedented and extraordinary and certainly calls for further explanation than we have yet received.

MR. WHITELEY: While I object to counsel's statement, in the absence of any correction of the statement I