

against this respondent by the complaint and in order that the Commission and the Examiner for the Commission have it before them, we respectfully call your attention to the language of the paragraph just read and just relied upon by Mr. Whiteley; it reads as follows:

"The respondent, Aluminum Company of America, for more than two years last past in the course and conduct of its business as described in paragraph one herein has employed and is still employing a scheme, the purpose and/or effect of which was and is to gain and maintain a monopoly of aluminum raw material, of aluminum ingots, of secondary aluminum and aluminum fabricated products, and aluminum alloy products, throughout the United States, and in order to carry out that scheme such respondent has adopted and has used and is now using the following practices, to wit."

Then follows five specific averments numbered respectively a, b, c, d, and e, and none of these averments refer or even hint at any attempt to secure a monopoly in bauxite or any other raw material and the Examiner has only to read the paragraphs of the complaint relied upon by counsel for the Commission to see that this evidence is wholly immaterial and outside of the complaint.

THE EXAMINER: I think the words "raw material", Mr. Smith, covers that.

MR. SMITH: Where, Mr. Examiner,? They say to