

any monopoly with respect to bauxite or any attempt to monopolize with respect to bauxite and you have only to read the complaint to see that, and you might just as well try as on any charge in the world as to try to bring this into this case. I think it is wholly incompetent and improper.

MR. WHITLEY: Mr. Examiner, I think bauxite

very plainly comes under the allegation of monopoly in aluminum raw material which is set out in paragraph 3 of the second count of the complaint which was referred to this morning.

THE EXAMINER: In order to monopolize aluminum

you would have to monopolize the raw materials that go into the manufacture of aluminum and as I understand Mr. Whitley's question this is proof tending to show that in carrying out that practice the Aluminum Company attempted to monopolize the supply of bauxite; is that right, Mr. Whitley?

MR. WHITLEY: That is correct.

MR. SMITH: Then by the statement of counsel

and the statement of the learned Examiner we are now trying a different case than is alleged in the complaint.

THE EXAMINER: I think it is along that line.

Mr. Smith; and I will let you answer, Mr. Emery. From your knowledge; based upon your experience and study and