

Syllabus

IN THE MATTER OF

H. W. LEDERER, AS PRESIDENT OF THE BIBLE INSTITUTE, ETC., ET AL.

COMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 28, 1914

Docket 4687. Complaint, Jan. 29, 1942—Decision, July 9, 1942

- Where the president and principal owner of the common stock of three corporations, engaged in the interstate sale and distribution of (1) Bibles, prayer books and other religious publications, which they had embossed with the names of purchasers by a stamping concern having the same office and principal place of business as themselves, and which, sold by them principally to funeral parlors, were distributed by latter to Sunday School children as a means of advertising; and (2) hand-bag mirrors purchased from a dealer in New York City which they had similarly embossed with names of purchasers, and which, sold by them to such purchasers as cafés, night clubs and banks, were distributed by latter to their own customers—
- (a) Adopted the name of "The Bible Institute, Inc.," for one of said corporations, and "The Bible Institute" for its corporate successor, to deceive the buying public into the belief that they were religious institutions dedicated to the same worthy purposes as the reputable Bible Institutes, thereby permitting them to make wide distribution of their publications at nominal prices, and to conceal the fact that they were corporations formed to buy and sell inexpensive Bibles, prayer books and other religious publications solely for profit; and
 - (b) Adopted for aforesaid third corporation the name of "American Plate Glass Co." for the purpose of deceiving the buying public into the belief that it was a manufacturer of glass products, including hand-bag mirrors, thereby enabling it to make lower prices than would be possible otherwise, when in fact it purchased such mirrors from a dealer for resale; and
- Where the salesmen and solicitors of said two "Bible Institutes," including its said president—
- (c) Falsely represented, through use of said corporations' deceptive and misleading letterheads and advertising, that said two corporations were religious institutions and identified with the reputable Bible Institutes; that a J. C. MacDonald was "trustee" therefor; and that they furnished free Sunday School distribution of religious publications; and represented falsely also that they were endowed by philanthropic interests which permitted them to make a wide distribution thereof; and
- Where the salesmen and solicitors of said third corporation, including its said president, in selling such hand-bag mirrors to the purchasing public—
- (d) Falsely represented, through the use of said "American Plate Glass Co." letterheads and advertising material, that it was a large glass manufacturer with plants and advertising offices in Pittsburgh, Chicago, and New York; and that it had a number of departments and a superintendent named J. C. MacDonald; and represented falsely also that it was affiliated with a large and well-known Pittsburgh plate-glass company, and that it manufactured said mirrors;

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The facts being it had no more than three employees, its salesmen above referred to; did not manufacture, but purchased such mirrors; and its various representations aforesaid were false;

With effect of misleading and deceiving a substantial portion of the purchasing public into the belief that said representations were true, thereby inducing the purchase of products in question:

Held, That such acts and practices, under the circumstances set forth, were all to the prejudice and injury of the public, and constituted unfair and deceptive acts and practices in commerce.

Before *Mr. W. W. Sheppard*, trial examiner.

Mr. Karl E. Steinhauer for the Commission.

Mr. Morton Briskin, of Hollywood, Calif., and *Kirkland, Fleming, Green, Martin & Ellis*, of Washington, D. C., for respondents.

COMPLAINT ¹

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said act, the Federal Trade Commission having reason to believe that H. W. Lederer, individually, and as president of The Bible Institute and American Plate Glass Co., respectively, and The Bible Institute, a corporation, and American Plate Glass Co., a corporation, hereinafter referred to as respondents, have violated the provisions of said act, and it appearing to the Commission that a proceeding by it with respect thereof would be in the interest of the public, hereby issues its complaint, stating its charges in that respect, as follows:

PARAGRAPH 1. Respondent, H. W. Lederer, is president and salesman of both respondents, The Bible Institute and American Plate Glass Co., the principal owner of the common capital stock of both of said corporations, and controls the policies and activities of both of said corporations, including the conduct of sales and the character of advertising representations made in connection therewith. Respondent, The Bible Institute, is a New York corporation, and respondent, American Plate Glass Co., is a Delaware corporation, both of said companies having their principal office and place of business located at 224 West Thirty-fourth Street, in the city of New York, State of New York.

PAR. 2. Respondent, H. W. Lederer, through said respondent, The Bible Institute, and respondent, The Bible Institute, are now and for several years last past have been engaged in the sale, transportation and distribution for profit in interstate commerce of cheap editions of Bibles, prayer books, and other religious publications, principally

¹ By order dated May 21, 1942, in response to respondents' motion, as more fully set forth at p. 126 of the findings, The Bible Institute, a Delaware corporation having waived formal amendment and service upon it of the complaint, was added as a party respondent.

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to funeral parlors. Said respondents have said publications embossed with the names of the purchasers by a stamping concern whose office is the same as the one designated as the principal office and place of business of respondent, The Bible Institute, in the city of New York. Said funeral parlors, in turn, distribute the publications to selected Sunday School children as a means of advertising.

PAR. 3. Respondent, H. W. Lederer, through said respondent, American Plate Glass Co., and respondent, American Plate Glass Co., are now and for several years last past have been engaged in the sale, transportation and distribution in interstate commerce of hand-bag mirrors which they purchased from a dealer in New York City for resale to purchasers in the various States, among whom are cafes, night clubs, and banks, which in turn distribute them to their customers as a means of advertising. Said respondents have the names of such purchasers embossed on said hand-bag mirrors by a stamping concern whose office in New York City is the same as the one designated as the principal office and place of business of respondent, American Plate Glass Co.

PAR. 4. In the course and conduct of their businesses, as hereinbefore described, each of the said respondents, The Bible Institute and American Plate Glass Co., employed and utilized the services of approximately three salesmen or solicitors, including said respondent, H. W. Lederer, who canvassed individual prospective customers located in various States of the United States. When orders are received by such solicitors or salesmen, the orders are forwarded to the New York office of the said corporate respondents, and the wares called for therein are then shipped directly to the purchasers throughout the various States from the stock on hand purchased for that purpose by said respondent, H. W. Lederer, for said corporate respondents.

PAR. 5. In order to facilitate and effect the sales of its cheap editions of Bibles, prayer books and other religious publications, the said respondent, H. W. Lederer, adopted the name of The Bible Institute for that respondent for the purpose of deceiving the buying public into the belief that the said The Bible Institute was and is a religious institution dedicated to the same worthy purposes for which the reputable Bible Institute throughout the States were organized, which thereby permitted respondent to make a wide distribution of publications at nominal prices, and to conceal from the said buying public the fact that the said The Bible Institute was merely a corporation formed to buy and sell cheap Bibles, prayer books and other religious publications solely for profit to its customers throughout the various States of the United States.

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PAR. 6. In order to facilitate and effect the sales of hand-bag mirrors, respondent, H. W. Lederer, adopted the name of American Plate Glass Co. for that respondent, for the purpose of deceiving the buying public into believing that respondent, American Plate Glass Co., was a manufacturer of glass products, including said hand-bag mirrors, which thereby enabled respondent to make lower prices than would be possible otherwise, and to conceal from said buying public that respondent merely purchased said hand-bag mirrors from a dealer in New York City for resale to purchasers throughout the various States of the United States.

PAR. 7. The salesmen and solicitors of respondent, The Bible Institute, including the respondent, H. W. Lederer, have used the following means and methods in soliciting the sale of and in selling its said publications to the consuming public:

1. Said agents and solicitors have knowingly given the false impression to prospective purchasers, through the use of said respondent's deceptive and misleading name and respondent's deceptive and misleading letterheads and advertising, that the said respondent, The Bible Institute, is a religious institution and is one of the worthy and reputable Bible Institutes located throughout the United States, and that a J. C. MacDonald is "trustee" for said respondent, and that respondent furnishes a free Sunday School distribution of religious publications, whereas, on the contrary, said respondent is not a religious organization, its operations being conducted solely for profit, and it is not identified with any other Bible Institute in the country and is not engaged in any of the worthy causes for which such other Bible Institutes were organized, and it does not have any person named J. C. MacDonald on its pay roll, or at all, and does not have a "trustee," but only uses such title to conceal from the buying public the mercenary character of the business of said respondent, The Bible Institute, and said respondent does not furnish a free distribution of its publications.

2. Said agents and solicitors have falsely represented to prospective purchasers that said respondent, The Bible Institute, is a religious institution; that it is identified with other institutions in various States of the country having the same or a similar name; that it is endowed by philanthropic interests which permit said respondent to make a wider distribution of bibles, prayer books, and other religious publications; whereas, on the contrary, respondent is not a religious institution and is not identified with other institutions throughout the various States having the same or a similar name, and is not endowed by philanthropic interests, or at all.

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PAR. 8. The salesmen and solicitors of respondent, American Plate Glass Co., including the respondent, H. W. Lederer, have used the following means and methods in soliciting the sale of and in selling its hand-bag mirrors to the purchasing public.

1. Said agents and solicitors have knowingly given the false impression to prospective purchasers, through the use of respondent's misleading and deceptive name and respondent's misleading and deceptive letterheads and advertising, that said respondent, American Plate Glass Co., is a large glass manufacturer with plants and advertising offices in Pittsburgh, Chicago, and New York, and that it has a number of departments, and has a superintendent named J. C. MacDonald, whereas, on the contrary, said respondent is not a glass manufacturer and has no plants or departments or advertising offices, and not more than three employees, all of whom are salesmen, including respondent H. W. Lederer, and has no superintendent, and has no J. C. MacDonald.

2. Said agents and solicitors have falsely represented to prospective purchasers that said respondent is affiliated with the large and well known Pittsburgh Glass Co. and that it manufactures the hand-bag mirror which is the only article it sells, whereas, on the contrary, said respondent is not affiliated with said Pittsburgh Glass Co., or any other glass company; and it does not manufacture the hand-bag mirrors which it sells as aforesaid, but merely purchases the same from some dealer in New York City for purposes of resale.

PAR. 9. The acts and practices of the respondents as above alleged, in the course of selling and offering for sale their wares in commerce as hereinabove described, are calculated to have the capacity and tendency to, and do, mislead and deceive a substantial portion of the purchasing public into the erroneous belief, that said false, misleading and deceptive representations are true, thereby inducing the purchase of respondents' wares.

PAR. 10. The foregoing acts and practices of the respondents, as herein alleged, are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

REPORT, FINDINGS AS TO THE FACTS, AND ORDER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on the 29th day of January, A. D. 1942, issued and on the 3d day of February 1942, served its complaint in this proceeding upon respondents, H. W. Lederer, individually, and as president of The Bible Institute, Inc., a New York corporation,

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and American Plate Glass Co., a corporation; The Bible Institute, Inc., a New York corporation; and American Plate Glass Co., a corporation, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondents' answer, the Commission permitted the respondents to file herein an amendment to said answer withdrawing the specific and general denials therein contained and admitting all of the material allegations of fact set forth in said complaint except as the same may be qualified by averments of fact set out in said answer other than the averments of fact contained in paragraph 5 thereof, and waiving all intervening procedure and further hearing on the said material allegations of fact set forth in said complaint. Later, respondents offered for filing, and the same was thereafter filed, a stipulation that The Bible Institute, a Delaware corporation, may be added as a party respondent herein, for the reason that the business and business operations of respondent, The Bible Institute, Inc., a New York corporation, were discontinued on July 12, 1941, at which time The Bible Institute, a Delaware corporation, was incorporated under the laws of that State to take over and continue the business and business operations of the said respondent, The Bible Institute, Inc., a New York corporation, which business and business operations it still continues. At the same time, all of the respondents herein filed a stipulation and agreement making the answer and amendment to answer theretofore filed herein by respondents, H. W. Lederer, The Bible Institute, Inc., a New York Corporation, and American Plate Glass Co. the answer and amendment to answer of all of said respondents. Thereafter, this proceeding regularly came on for hearing before the Commission, and the Commission having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts and its conclusion drawn therefrom.

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent, H. W. Lederer, is an individual, with his principal office and place of business located at 224 West Thirty-fourth Street, in the city of New York, State of New York, and is president of respondents, The Bible Institute, Inc., The Bible Institute, and American Plate Glass Co., the principal owner of the common capital stock of said corporate respondents, and controls the policies and activities of said corporations, including the conduct of sales and the character of advertising and other representations made in connection therewith.

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Respondent, The Bible Institute, Inc., is a corporation organized and existing under and by virtue of the laws of the State of New York, with its principal office and place of business at 224 West Thirty-fourth Street, in the city of New York, State of New York.

Respondent, The Bible Institute, is a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its principal office and place of business at 224 West Thirty-fourth Street, in the city of New York, State of New York.

Respondent, American Plate Glass Co., is a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its principal office and place of business at 224 West Thirty-fourth Street, in the city of New York, State of New York.

PAR. 2. Respondent, H. W. Lederer, through respondent, The Bible Institute, Inc., and respondent, The Bible Institute, Inc., for several years last past have been engaged in the sale, transportation, and distribution for profit in interstate commerce of inexpensive and other editions of Bibles, prayer books, and other religious publications, principally to funeral parlors. Said respondents have said publications embossed with the names of the purchasers by a stamping concern whose office is the same as the principal office and place of business of said respondents. Said funeral parlors, in turn, distribute the publications to selected Sunday School children as a means of advertising. The New York corporation discontinued business on or about July 12, 1941, and was succeeded by The Bible Institute, a Delaware corporation organized by respondent, H. W. Lederer, to continue the business theretofore conducted by the New York corporation. The Delaware corporation continued to use the acts, practices, and methods used by respondent, The Bible Institute, Inc., the New York corporation, prior to its discontinuing business.

PAR. 3. Respondent, H. W. Lederer, through said respondent, American Plate Glass Co., and respondent, American Plate Glass Co., are now and for several years last past have been engaged in the sale, transportation, and distribution in interstate commerce of hand-bag mirrors, which they purchase from a dealer in New York City for resale to purchasers in the various States, among whom are cafes, night clubs, and banks, which in turn distribute them to their customers as a means of advertising. Said respondents have the names of such purchasers embossed on said hand-bag mirrors by a stamping concern whose office in New York City is the same as the one designated as the principal office and place of business of respondent, American Plate Glass Co.

PAR. 4. In the course and conduct of their business, as hereinbefore described, each of the said respondents, The Bible Institute, Inc., The

Bible Institute, and American Plate Glass Co., have employed and utilized, and now employ and utilize, the services of approximately three salesmen or solicitors, including respondent, H. W. Lederer, who canvassed, and now canvass, individual customers located in various States of the United States. When orders are received by such solicitors or salesmen, the orders are forwarded to the New York office of the said corporate respondents, and the wares called for therein are then shipped directly to the purchasers throughout the various States from the stock on hand purchased for that purpose by respondent, H. W. Lederer, for said corporate respondents.

PAR. 5. In order to facilitate and effect the sales of said Bibles, prayer books, and other religious publications, the said respondent, H. W. Lederer, adopted the name of The Bible Institute, Inc., for that respondent and the name The Bible Institute for its successor, for the purpose of deceiving the buying public into the belief that the respondents were and are religious institutions dedicated to the same worthy purposes for which the reputable Bible Institutes throughout the United States were organized, which thereby permitted them to make a wide distribution of publications at nominal prices, and to conceal from the said buying public the fact that said respondents were merely corporations formed to buy and sell inexpensive and other Bibles, prayer books, and other religious publications solely for profit to their customers throughout the various States of the United States.

PAR. 6. In order to facilitate and effect the sales of handbag mirrors, respondent, H. W. Lederer, adopted the name of American Plate Glass Co. for that respondent for the purpose of deceiving the buying public into believing that respondent, American Plate Glass Co., was a manufacturer of glass products, including said hand-bag mirrors, which thereby enabled said respondent, American Plate Glass Co., to make lower prices than would be possible otherwise, and to conceal from said buying public that said respondent merely purchased said hand-bag mirrors from a dealer in New York City for resale to purchasers throughout the various States of the United States.

PAR. 7. The salesmen and solicitors of respondents, The Bible Institute, Inc., and The Bible Institute, including the respondent, H. W. Lederer, have used the following means and methods in soliciting the sale of and in selling their said publications to the consuming public.

(a) Said agents and solicitors have knowingly given the false impression to prospective purchasers, through the use of their deceptive and misleading letterheads and advertising, that respondents, The

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Bible Institute, Inc., and The Bible Institute, are religious institutions and identified with the worthy and reputable Bible Institutes located throughout the United States, and that a J. C. MacDonald is "trustee" for said institutes and that said respondents furnish a free Sunday School distribution of religious publications, whereas, on the contrary, said respondents are not religious institutions or organizations, their operations being conducted solely for profit, and they are not identified with any Bible Institute in the country and are not engaged in any of the worthy causes for which such Bible Institutes were organized and they do not have any J. C. MacDonald in their employ, and they do not have a trustee, but only use such title to conceal from the buying public the mercenary character of the business of said respondents; and said respondents do not furnish a free distribution of their publications.

(b) Said agents and solicitors have falsely represented to prospective purchasers that said respondents, The Bible Institute, Inc., and The Bible Institute, are religious institutions; that they are identified with other institutions in various States of the country having the same or similar names; that they are endowed by philanthropic interests which permit said respondents to make a wide distribution of Bibles, prayer books, and other religious publications; whereas, on the contrary, said respondents are not religious institutions and are not identified with other institutions throughout the various States having the same or similar names, and are not endowed by philanthropic interests, or endowed at all.

PAR. 8. The salesmen and solicitors of respondent, American Plate Glass Co., including and respondent, H. W. Lederer, have used the following means and methods in soliciting the sale of and in selling hand-bag mirrors to the purchasing public.

(a) Said agents and solicitors have knowingly given the false impression to prospective purchasers, through the use of respondent, American Plate Glass Co.'s letterheads and advertising, that said respondent, American Plate Glass Co., is a large glass manufacturer with plants and advertising offices in Pittsburgh, Chicago, and New York, and that it has a number of departments, and has a superintendent named J. C. MacDonald, whereas, on the contrary, said respondent is not a glass manufacturer and has no plants or departments, or advertising offices, and has not more than three employees, all of whom are salesmen, including respondent, H. W. Lederer, and has no superintendent and has no J. C. MacDonald.

(b) Said agents and solicitors have falsely represented to prospective purchasers that said respondent, American Plate Glass Co., is

affiliated with a large and well-known Pittsburgh glass manufacturing company and that it manufactures the hand-bag mirrors which are the only articles that it sells, whereas, on the contrary, said respondent is not affiliated with any glass manufacturing company; and it does not manufacture the hand-bag mirrors which it sells as aforesaid, but purchases same from dealers in New York City for purposes of resale.

PAR. 9. The acts and practices of the respondents as above found, in the course of selling and offering for sale their wares in commerce as hereinabove described, have the capacity and tendency to, and do, mislead and deceive a substantial portion of the purchasing public into the erroneous belief that said false, misleading and deceptive representations are true, thereby inducing the purchase of respondents' wares.

CONCLUSION

The aforesaid acts and practices of the respondents, as herein found, are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act:

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the original answer and amended answer of respondents, in which amended answer respondents withdraw the specific and general denials of fact set forth in said original answer with certain exceptions, admit all of the material allegations of fact in said complaint with certain qualifications, and waive all intervening procedure and further hearing as to said facts, and a stipulation executed by all of said respondents, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act.

It is ordered, That respondent, H. W. Lederer, his representatives, agents and employees, directly or through respondent, The Bible Institute, Inc., The Bible Institute, or any other corporate or other device, and respondents, The Bible Institute, Inc., and the Bible Institute, their officers, agents and employees, in connection with the offering for sale, sale or distribution of Bibles, prayer books and other religious or other publications in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

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1. Using the word "Institute" as part of the trade or corporate name under which their said business is conducted, or using the word "Institute" or any word of similar import, to in any way describe or refer to said business.

2. Representing in any manner or by any method that said respondents are engaged in work of a religious nature, or that they are connected with any institution.

3. Representing in any manner or by any method, that the business of said respondents is conducted by a trustee.

4. Representing in any manner or by any method that said respondents furnish free religious publications for Sunday Schools or other church activities.

5. Representing in any manner or by any method that the business conducted by said respondents is endowed by philanthropic or any other interests in order to permit a wider distribution of religious publications, or for any other purpose.

It is further ordered, That respondent, H. W. Lederer, his representatives, agents and solicitors, directly or through respondent, American Plate Glass Company, or any other corporate or other device, and respondent, American Plate Glass Company, its officers, agents and employees, in connection with the offering for sale, sale or distribution of hand-bag or other mirrors or glass products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do, forthwith cease and desist from:

1. Representing, directly or by implication that said respondents are manufacturers of the glass products offered for sale and sold by them.

2. Representing, directly or by implication, that said respondents own, control, or operate plants or branch offices in Chicago, Ill., Pittsburgh, Pa., New York City, N. Y., or elsewhere.

3. Representing, directly or by implication, that the business conducted by said respondents is a substantial one, consisting of a number of departments, and requires the services of a superintendent.

4. Representing, directly or by implication, that said respondents are in any way connected with any glass manufacturing company, except as a purchaser of glass products for resale.

It is further ordered, That the respondents shall, within 60 days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

IN THE MATTER OF
LUSTBERG, NAST & COMPANY, INC.

COMPLAINT, FINDINGS, AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SEC. 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914

Docket 2536. Complaint, Nov. 22, 1938¹—Decision, July 10, 1942

Where a corporation, engaged in the manufacture and competitive interstate sale and distribution of heavy clothing used by sportsmen and outdoor workers, including coats, shirts, mackinaws, jackets, and other garments made from woven fabrics of cotton, wool, and rayon—

Featured in advertisements in newspapers and magazines of nation-wide circulation, in trade literature and on labels attached to its products and their containers, its registered trade-marks displaying prominently "Buck Skein," with or without a deer's head, along with such additional words as "Jacket," "Trousers" and "Rain Coat," and including among its marks "Buck Skein Joe" and "Lady Buck Skein," and thereby represented that its said garments were made of buckskin, notwithstanding use of such expressions in small type and in inconspicuous place in its advertising as "looks like leather, wears forever," "all wool," "looks like buckskin," and "Double Weight Buck Skein Fabrics";

When in fact they were not made of the skin of a deer or an elk—garments of which, with their soft, pliable, lightweight and water-resistant qualities, are preferred, especially among sportsmen and those engaged in outdoor work, over the much less costly garments of woven fabric—but were made as aforesaid from wool, cotton, and rayon fabrics;

With effect of giving its advertisements a greater force and drawing power than those of its competitors who do not represent their similar products as buckskin; of placing in the hands of retailers and other dealers means of making and furthering such false representations and thus enabling them to increase sales of its products, thereby lessening the market for similar goods, the nature of which is truthfully stated; and of misleading and deceiving a substantial portion of the purchasing public into the mistaken belief that such representations were true and into the purchase, as a result, of a substantial volume of its said garments; whereby trade was unfairly diverted to it from competitors who truthfully represent their products; to the injury of competition in commerce:

Held, That such acts and practices, under the circumstances set forth, were all to the prejudice and injury of the public and competitors, and constituted unfair methods of competition in commerce and unfair and deceptive acts and practices therein.

Before Mr. Edward M. Averill, Mr. John J. Keenan, Mr. Arthur F. Thomas and Mr. Lewis C. Russell, trial examiners.

Mr. John W. Hildrop and Mr. James M. Hammond for the Commission.

Kadel, Sheils & Weiss and Stroock & Stroock, of New York City, and Mr. Logan Morris, of Washington, D. C., for respondent.

¹ Amended.