

S I N A L I C H T M A N N, called as a witness on behalf of the petitioners, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. PLAUT:

Q Mrs. Lichtmann were you one of those people who were associated with the Master School at its early inception?

A. I was.

Q You are the wife of Maurice M. Lichtmann who testified here previously?

A. I am.

Q Were you associated with Mr. Lichtmann in the conduct of the Lichtmann Piano Institute?

A. Yes, I was from the very inception.

Q And had you been a professional teacher of music and musician?

A. Yes, I have been a concert pianist and teacher of music before I came to this country, and continued my occupation and my professional work right here.

Q And between you and Mr. Lichtmann you conducted that Lichtmann Piano Institute?

A. Mr. Lichtmann and I founded the Lichtmann Piano Institute and conducted it together.

Q Now you met Professor and Madam Roerich here in 1920 or thereabouts, did you not?

A. We met Professor and Madam Roerich in 1920.

Q And when you say you had a connection with the Master School of United Arts will you please describe what your connection was with that school?

A. Professor and Madam Roerich when we met them told us about their plans to form a school where all arts would be taught under one roof. Mr. Lichtmann and myself were very much enthusiastic in this thought, and so we decided together to start such an institution.

Q May I interrupt at this point. When you say "together" whom do you have reference to?

A. Professor and Madam Roerich, Mr. Lichtmann and myself, we decided to start the institution, Master School of United Arts.

Q What year was that?

A. It was in 1921.

Q And did you form the school?

A. We did form the school together, we invited teachers, we formed the faculty, we arranged for suitable quarters for such a school.

Q Those quarters were at 54th Street that we have had a picture of before?

A. Yes. And we began conducting the school right there.

Q What particular phase of the school did you attend to?

A. Well since I and Mr. Lichtmann were musicians we took care of the entire musical department; but besides that conferred together with Professor and Madam Roerich on the formation of all other departments as well.

Q Were there other departments?

A. Yes there were.

Q Without being too long on the subject will you just describe two or three of the other departments for us?

A. Painting, sculpture, drama and ballet.

Q Now as I understand it the fact is that the four of you had

that school for the school year 1920-1921?

A. That is correct, yes, we began it in 1921.

Q Or was it 1921-1922?

A. 1921-1922.

Q How many pupils were there on the average at that school in that season?

A. Well, as you asked previously, we conducted the Lichtmann Piano Institute even before we began that school. We were so interested in consolidating our activities that we brought a substantial amount of our students, piano students, from the Lichtmann Piano Institute, and they instead of taking lessons at the Lichtmann Piano Institute continued with their work at the Master School of United Arts.

THE REFEREE: Have we not all of this from Mr. Lichtmann?

Mr. Plaut: I will go directly to meeting Mr. and Mrs. R Horch.

Q When for the first time did you yourself meet Mr. and Mrs. Horch?

A. It must have been - Miss Grant introduced us or spoke later about Mr. and Mrs. Horch in the spring of 1922.

Q When for the first time did you meet them actually?

A. We met them in the house of Professor and Madam Roerich in the spring of 1922.

Q And were you in that party that went to Maine that summer?

A. Professor and Madam Roerich, Mr. Lichtmann and myself went to Maine, and we stayed in Maine - Mr. Lichtmann and myself stayed in Maine for about one month.

Q And you did not go back with Miss Grant or Mr. and Mrs Horch when they returned to New York in August, did you?

A. No we formulated all our thoughts before, and they went back and we remained.

Q Do you recall any meeting after the corporation was formed, a so-called first meeting?

A. Do you mean in November, 1922?

Q Yes, do you recall that meeting?

A. I recall very well that meeting.

Q Will you state what happened at that meeting?

A. We were together in the building ---

Q When you say "we" will you please say who these people were?

A. Mr. and Mrs. Horch, Miss Grant before that time joined us officially in the Master School of United Arts, Professor and Madam Roerich, myself and Mr. Lichtmann, and Mr. Bloomberg, the lawyer of Mr. Horch, was at that meeting.

Q What took place there?

A. We were told by Mr. Bloomberg the legal and technical details about this corporation.

Q By corporation you mean the Master Institute of United Arts, Inc?

A. Yes, it had changed from Master School to Master Institute of United Arts.

Q Was anything done about stock at that meeting?

A. The stock was distributed at that meeting to all who were present, to all trustees and stockholders who were designated before that.

Q Do you remember yourself getting physical possession of a stock certificate?

A. I did receive a certificate of stock of the Master Institute of United Arts, and so did Mr. Lichtmann.

- Q What did you do with your certificate?
A. Mr. Lichtmann took my certificate of stock and his and put it into the vault, as it was his practice to do usually with any business or legal papers.
MR. PLAUT: Have you got the stock certificate of Mrs. Lichtmann there?
Mr. Kline: Yes.
- Q Now do you recall a further meeting in the spring of 1923?
A. Yes, in April, 1923, I recall meeting with Professor and Madam Roerich again, and all of us.
- Q (Handing paper) When you testified a few minutes ago about getting physical possession of the stock certificate did you have reference to this paper which has been introduced and marked in evidence as Petitioners' Exhibit 8?
A. Yes I did, but ---
MR. LEVY: That is all the question calls for.
- Q Is there something on there now that you had not seen before?
A. Yes, when I received the stock I did not sign my name.
MR. LEVY: Nobody asked her about that.
- Q I am talking about the face of the certificate itself.
A. The face is what I received.
- Q Do you recall whether those typewritten words were on there, on the face of the certificate?
A. It was not at the time when I received the certificate; I remember just this.
- Q Let us go back to this meeting of April, 1923. You say you were present there?
A. Yes.
- Q And the other people present were Mr. and Mrs. Horch and Miss Grant and Mr. Bloomberg and Mr. Lichtmann and Professor and Madam Roerich?
A. Yes.
- Q Now what did you do at that meeting?
A. We had been read the agreement ---
- Q What is that?
A. The agreement had been read to us and we were all there - well we had spoken about the agreement before.
MR. LEVY: I move to strike that out.
THE REFEREE: Strike it out.
- Q When you say the agreement was read to you do you mean this agreement which I am showing you now which has been marked Petitioners' Exhibit 9?
A. Yes, this agreement had been read to us.
- Q Who read it to you?
A. I think - in fact I am sure it was Mr. Bloomberg, because he conducted more or less all the legal matters.
- Q And then what did you do after the agreement was read to you?
A. Well we understood ---
- Q No, just tell us what you did, not what you understood.
A. I gave my share of the stock to Mr. Horch.
- Q Did you get anything in return for it?
A. A receipt.
- Q (Handing paper) Is this the paper which you have reference to as the receipt?
A. Yes this is the receipt that I received.
MR. PLAUT: I offer it in evidence.

Mr. Levy: No Objection.

The Paper was admitted in evidence and marked
Petitioners' Exhibit No. 46

December 17, 1936, C.B.

Q Did you also do anything with the back of the certificate,
Petitioners' Exhibit 8?

A That was the time when I signed it.

Q Oh, you put your name on the back of it then?

A Yes.

Q Was anything else done at the meeting?

A Well, if I may say that ---

Q No, was anything done?

A No, it was a very solemn and very fine feeling that
we all had.

Mr. Levy: I move to strike that out.

The Referee: Strike it out.

BY THE REFEREE:

Q Was anything else done at the meeting?

A Everyone else returned or gave their certificates to
Mr. Horch. I mean it was a successive thing, every one
did it, one after the other one.

BY MR. PLAUT:

Q In the same way that you did it?

A In the same manner as I did.

Q Do you recall whether or not the subject matter of that
agreement Petitioners' Exhibit 9 had been the subject matter
of any discussion between you and Mr. Horch and Mrs. Horch
and any other members of the group prior to that date of
April 23, 1923?

A We did speak about it.

Q Do you recall how long discussions had been taking place
prior to the time it was signed?

A Probably for at least a couple of months we spoke about
it, about this agreement; I should say about - no, I would
not say a couple of months, but easily about a month, a
few weeks.

Q Do you know who initiated the conversation about the subject
matter of that agreement?

A Mr. Horch.

Q Did he discuss it with you personally?

A He spoke to me quite frequently personally about it.

Q Now after that agreement of April 23, 1923, was signed did
you continue your connection with the Master Institute of
United Arts?

A Yes, as a trustee and actual participant in the institution.

Q What did you do?

A Do you mean from a business point of view or in general what did I do?

Q No, what did you do in relation to the school.

A Well, I took an important share of the work in the school activities.

Q Well, exactly what? Were you a teacher?

A Yes, I taught the piano, I continued to teach, I arranged the program, we had conferences about the issuance of the catalog for publicity and such matters as went along with the work of the school. We held very frequent conferences on some policies, on invitation with the teachers.

Q When you say "we" whom do you mean?

A Professor and Madam Roerich, Mr. Lichtmann, Miss Grant, Mr. and Mrs. Horch and myself.

Q Did you take in the period from then to now any position of leader of the school itself, the teaching department?

MR. LEVY: I object to that.

MR. PLAUT: It may be leading, but I think we will cover the ground a little quicker in that way.

MR. LEVY: It is not only leading but it calls for a conclusion.

THE REFEREE: Objection sustained.

Q What type of work did you do say from 1927 to the present time in connection with the school?

A Well, from 1927 until 1929 I continued in the capacity of a teacher, the head of the musical department and a trustee, but in 1929 I became officially the director of the school, of the Master Institute of United Arts, and continued up to the present time as the director, that is the director of all the departments of the school.

Q When you say all the departments, what departments do you have reference to?

A We teach music, painting, sculpture, architecture, opera, ballet, drama.

Q And are you presently engaged in that occupation?

A For the last eight years and presently too.

Q Now from the time that you started the Master School until the present time will you tell us as best you can how much time you spent in each day in connection with this work, either of Master School or Master Institute?

A I think truthfully I spent the whole day at the institution, I mean I did not consider any more the time as my own, nor did I continue with personal lessons or anything of personal nature. We brought our institution, the Lichtmann Piano Institute, into the fold of the Master School of United Arts ---

Q While you are on the subject - I do not want to interrupt you unduly - but Mr. Levy read before the date of October 1, 1923, as the date of the amalgamation.

A Yes, but before that we brought a considerable amount of students into the Master School of United Arts.

Q Did you live on the premises of the school at any time?

A We lived on the premises not of the school, we lived in a building on Riverside Drive, I believe it was 311, from 1923 until 1929, we had the top floor apartment of four small rooms. The reason of our ---

MR. LEVY: Never mind the reason.

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Q. Then after 1929 you then took up your residence in 310 Riverside Drive, a large building, did you not?

A. Just as all the other trustees.

Q. And during that time did you attend any meetings of the trustee?

A. Yes, all the meetings, in fact with very few exceptions when I may have been ill I attended.

Q. Now after 1929 you say that you were the head of all the departments of the school. Can you give us an idea of the size or scope of the school, with reference to the number of students, the members of the faculty ---

THE REFEREE: What do we need all that for?

MR. PLAUT: I will withdraw it.

Q. Were you present at a conversation with Miss Grant and Mr. Lichtmann on February 20, 1935, when Mr. Horch said something,

A. Yes, I was - if I understand right what you refer to I was.

Q. It is the same subject that I have referred to in the previous examination of them. What is your recollection of what Mr. Horch told you then?

A. He told us that for the sake of completing the organization successfully it was necessary that the names of the two absent leaders of ours, Professor and Madam Hoerich, be substituted for the brief time of the signing of necessary legal documents which were demanded then - or rather urged then by the lawyers; and he also added that we had - the same occasion really happened once in 1928, and so he asked us to execute it as soon as possible in substituting for Professor and Madam Hoerich two other names for the short time.

Q. Did he say what they were being substituted for?

A. As trustees, just substitution for the - substituting for Professor and Madam Hoerich.

Q. As trustees?

A. Yes.

Q. Did he say anything about stock?

A. Stock was never mentioned.

Q. Do you recall signing your name to Petitioners' Exhibit L, the paper which I now show you?

A. Yes, I signed my name to that.

BY THE REFEREE:

Q. The question is, do you recall signing it?

A. Yes.

BY MR. PLAUT:

Q. That is your signature?

A. That is my signature, yes.

Q. Had you read the paper over before you signed it?

MR. LEVY: Do not read it over now. Just answer the question.

A. It was my practice ---

BY THE REFEREE:

Q. Did you read it over before signing it?

A. No, I did not on that occasion.

BY MR. PLAUT:

Q. Who asked you to sign it?

A. Mr. Horch.

Q. And you are quite sure, are you, that nothing was said about stock at that time?

A. No.

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BY THE REFEREE:

Q. At the time that you signed it did you see the list, the line immediately adjoining the list of names, at the top of which were the words "Number of shares"?

A. I am afraid I do not think I would remember that, but what I would remember would be all the names that would be already there.

Q. Well, were they all signed before your name was signed?

A. Mr. Horch's name was normally - I do remember his name then, I am not trying to find out what the custom was; I am trying to find out about this paper. You were asked the question whether you recall signing this paper and you said you did.

A. I did.

Q. Did your signature go on last?

A. Yes

Q. Do you know which spaces were then blank?

A. No, but I remember certain signatures, and I remember Mr. Horch's and Mrs. Horch's.

Q. Was your husband's signature on there before you affixed yours?

A. I would not say that, I am sorry, I cannot remember that.

Q. Did you notice the number 1 alongside your name?

A. I could not say that now.

Q. Was that typewritten in before you signed it?

A. Apparently it was typewritten.

Q. Not whether it is apparently so, but whether it was so.

A. I could not remember, I could not remember this side. I only remember the signatures.

Q. How do you distinguish this paper from any other paper you may have signed with similar names on it?

A. I would distinguish this, that when there was not a great urgency and anxiety to do something I would take time to read it.

Q. How many occasions were there when there was anxiety to sign?

A. We had some occasions when we were urged to sign.

Q. How do you distinguish this one as such an occasion?

A. Because during the organization we were all urged to speed up as much as possible and not to delay on any account any papers that were submitted to us for signature.

Q. How do you know this paper was signed during reorganization?

A. Well, this is one of the papers that was given to us and told us to sign to complete it.

Q. You do not recognize that as that paper, you recognize it after you read the contents of it?

A. I understood that was the paper, this was the one we were all speaking about.

Q. You do not testify that this is the paper, from your own recollection?

A. I have not read it now.

Q. At the time you signed it you did not know the contents?

A. But when I remember the date, February 20, I can't but think of that paper.

Q. It was signed on February 20?

A. It was either February 20 or February 19, that was the date which I remember.

Q. Well, had Miss Grant signed this paper before you did?

A. I cannot remember this signature.

Q. You notice under each name there is a name typewritten?

A. The typewritten signatures, being typewritten I remember.

Q. That was under your name?

A. Yes.

Q. But whether the number 1 was alongside you do not remember?

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A. No.

Q. Did you know that you were signing it as a stockholder?

A. No.

Q. Did you think you were signing it as a trustee?

A. As a trustee only.

Q. You did not think you were signing it as a stockholder?

A. I never signed anything as a stockholder, nor was I ever told to.

Q. Do you notice that it is marked at the top "Stockholder"?
You do not remember whether you signed it as a stockholder or trustee?

A. I remember I signed it as a trustee, I was asked to sign it as a trustee.

Q. And the words "Number of shares" on that piece of paper mean nothing to you?

A. It did not register then. To me all that was important was just this part, and to put a signature.

Q. Well, was Sophie Schafran a trustee?

A. No, but we were given to understand that she was to act as a substitute for either Professor or Madam Roerich.
It was done before.

BY MR. PLAUT:

Q. (Handing papers) Do you recognize your signature on this batch of papers which I am showing to you now, being Petitioners' Exhibit 13?

A. Shall I only speak of my signature or read it?

Q. Is that your signature?

A. This is my signature.

Q. In 1928 did you have any conversations with reference to signing any papers - conversations with Mr. Horch?

A. Yes, that I remember very well.

Q. What was said then?

A. We all were terribly put out by the fact that we had to drop the names of Professor and Madam Roerich.

MR. LEVY: I move to strike that out.

THE REFEREE: Strike it out.

MR. PLAUT: I consent.

Q. Let us go about it this way, Mrs. Lichtmann: do you recall the month and day on which the matter of signing papers came up?

A. It was in the - it must have been in the summer of 1928.

Q. Well, you know that you went away to India in 1928?

A. Yes, we went in July and it must have been very shortly before that. Unless I am reminded of a date I cannot remember myself.

Q. What do you recollect as the date when you left for India?

A. We left in July, the beginning of July.

Q. You went with Miss Grant, did you?

A. Miss Grant and myself.

Q. Before that you had some conversations with Mr. Horch about signing papers, did you not?

A. Yes, we did.

Q. Now just think of that and tell me what you said to him or what he said to you or what was said in the presence of both of you. If you do not recall the exact words state the substance.

A. I can only think of the substance. The substance was that

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it was found necessary, because we were putting up the building, to have the names of all the trustees, resident trustees, to sign their names to such legal papers as were demanded, I think I am right, by Mr. Moore at that time.

Q. Who said that?

A. Mr. Horch told us about it.

Q. And when you say "us" whom do you mean by that?

A. All trustees.

Q. Well, call them off by name.

A. Mr. Lichtmann, myself, Miss Grant, and his wife Mrs. Horch. We were all aware of it.

Q. Continue the conversation.

BY THE REFEREE:

Q. Was Esther Lichtmann aware of it?

A. She may have been aware of it, but she was not a trustee.

Q. Were you present when she was fold?

A. We were usually all present together at the meetings.

Q. At this meeting was she present?

A. It depends; if this was the Master Institute meeting she could not have been present, she was not a trustee.

Q. Was Sophie Schafran present?

A. I do not remember.

BY MR. PLAUT:

Q. Go ahead and tell us what was said. This was at a meeting, was it?

A. This was a private conversation prior to the signing. It went on for about a couple of days, we were all discussing this situation, the need of having all signatures as Mr. Moore demanded and as he found it expedient, and we not knowing what to do and being perplexed about having Professor and Madam Roerich's signatures while they were away, and finally---

MR. LEVY: Is this all part of the conversation?

THE WITNESS: Yes, because it was reported to me.

Q. Who reported it to you?

A. Mr. Lichtmann and Mr. Hoch spoke to me afterwards very distinctly.

Q. Let us just confine ourselves to what Mr. Horch said to you, or if Mr. Lichtmann was saying it to you just tell us what was reported to you in the presence of Mr. Horch, and as near as you can tell us who was doing the talking.

A. Mr. Horch said we had the lawyer's advice, and always Mr. Moore insisted that it was necessary that all the signatures be present at that period, at that time, due to the building which we were at that time erecting; and so the question arose that we ask two people to substitute for the absence of Professor and Madam Roerich for that legal paper, and if I remember right it was Mrs. Schafran and Miss Lichtmann who were then told to sign as substitutes for the absent Professor and Madam Roerich, and we were assured---

Q. Who assured you?

A. Mr. Horch assured us that it was a necessary message which he himself was very sorry to bring to life, because he would not want to have the names of Professor and Madam Roerich even for one moment off our record, but it was found unavoidable, and so we all had to agree that these two names should

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be substituted for Professor and Madam Roerich.

Q. Now you signed that paper, did you not? You testified that that was your signature on there?

A. It is my signature; I have not read the contents, but it is my signature.

Q. Did you read it at that time?

A. May I see it?

Q. (Handing paper) Yes.

A. I do not remember reading this paper. I remember a great deal of talking about the paper and signing it.

Q. Was the subject of stock brought up in any of this discussions?

A. No, it was not.

Q. What was your idea of what you were substituting Professor and Madam Roerich for?

A. Merely as trustees. We knew that his mother was not a stockholder, nor Miss Lichtmann.

Q. Mrs. Schafran was your mother?

A. She is my mother, yes.

A. And Miss Lichtmann was your sister-in-law?

A. Yes, she was my sister-in-law.

Q. Now do you recall any statements made by Mr. Moore on the subject of stock of Master Institute?

A. No, but I do remember that as Mr. Horch told us of the conversation with Mr. Moore, who was a very brisk old gentleman, and he said we were too sentimental, and it was not necessary at all to consider just the feeling or the emotional side of such a transaction, it was necessary - we had to build the building and we had to have the signatures. But it was never spoken from the point of view of stock, it was told that the trustees had to sign. The word "trustees" was that by which we designated each other all these years.

Q. Now had Mr. Horch ever asked you on any other occasions to sign waivers of notice of similar papers?

A. Oh, yes, very frequently.

Q. Were any of those papers in blank?

A. Yes, sometimes they were just sent to my office from the fourth floor to the third floor to sign them and send them back to his office.

BY THE REFEREE:

Q. Blank sheets of paper?

A. Yes, just sheets for signatures, usually there may have been some signatures there already, or there was just the last page or something, it would be something like that brought by the secretary, "Now will you please put your signature here?"

Q. Do you mean to say that you signed your signature to a paper without any typing on the paper at all?

A. No.

Q. When you said blank that is what I understood you to mean.

A. No, it was something like that, just a few lines types and then the rest of the page for signatures.

Q. When you said you signed in blank papers I did not understand what you meant.

A. No, I did not sign blank papers actually.

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Q. I wanted to have that made plain.

A. It was my error, it was some time ago, just a sheet of paper or just a waiver of notice, and then I was asked to sign it and I did. In my office I was quite busy---

Q. What did you mean when you said you signed a blank paper?

A. Did I say that again?

Q. No, the first time you used the word "blank." I want to get your thought.

A. No, I signed papers just as they came to me, and, whether there was much typing on the last page or just a few lines, I just signed it.

Q. And sometimes it was just one page?

A. Sometimes it was just one or two pages - or one page.

BY MR. PLAUT:

Q. Did you have any hesitation in signing those papers when they were sent to you?

A. None whatsoever. I usually was told before on the telephone, please do sign such and such papers, or this paper; or the secretary would come and say, "Mr. Horch asks you to sign this paper."

Q. What was the nature of the relationship between you and Mr. Horch during this time?

MR. LEVY: That is a rather ambiguous question.

THE REFEREE: Objection sustained.

Q. Was Mr. Horch friendly with you?

A. Very much so, and the reason why I ---

MR. LEVY: No.

Q. Were you with him?

A. Very much, we had very find relationship.

Q. Did you see him very often?

A. Yes - well, never a day would pass that we would not see each other for a few times, and it was a relationship of co-workers in the same cause, in the same institution.

Q. Did you have confidence in him?

A. I had perfect confidence ---

MR. LEVY: One moment; I object to that.

THE REFEREE: I will allow it.

THE WITNESS: I had perfect confidence and trust in Mr. Horch and never doubted anything that he would suggest or offer or ask to do, whether they were legal---

MR. LEVY: Wait a minute; I think that has been answered.

THE REFEREE: That is sufficient.

Q. Did you have any knowledge that something was done with stock on February 25, 1935?

A. Not at that time, no.

Q. When for the first time did you find out about it?

A. Oh, it was in June of this - no, pardone me, not in June, I think it was in March or April of this year, 1936.

Q. Now after February 25, 1935, was there any change in the relationships that you have just described?

A. No.

Q. Between you and Mr. Horch?

A. None whatsoever, We cont nued - that is to say I continued as director of the school, I was working---

MR. LEVY: I move to strike that out as not responsive.

THE REFEREE: Strike it out.

MR. PLAUT: What part are you striking out?

THE REFEREE: The entire answer except "none whatsoever."

Q. And how long did that state of affairs continue after February 25, 1935?

A. The friendly relationship continued until August.

Q. 1935?

Yes, until August.

Q. What happened then?

A. Mr. Horch at one of the meetings in August told us that he had severed relationship with Professor and Madam Roerich and that those trustees who do not want to go along with his policy and with his new way of conducting the institute had better join Professor and Madam Roerich in the Himalayas.

Q. Can you fix the date any closer than merely saying August, 1935?

A. It must have been in the beginning of August; I cannot remember the date.

Q. Now after that what was the nature of Mr. Horch's attitude towards you?

MR. LEVY: I object to that.

THE REFEREE: Objection sustained.

Exception taken by Mr. Plaut.

Q. Did you have friendly relations with Mr. Horch after that?

A. I still --

MR. LEVY: Yes or no.

THE WITNESS: Whether I had friendly relations?

Q. Yes.

I cannot say yes or no, I have to give a reason for either yes or no.

Q. Well, answer it as best you can.

A. I was exceedingly perplexed, I was exceedingly worried, I did not know---

MR. LEVY: I move to strike that out.

THE REFEREE: Motion denied.

Exception taken by Mr. Levy.

Q. Did you have any conversation with him about your perplexity?

A. No, he completely severed himself from any desire to talk to us.

Q. Did you have any communications with him?

MR. LEVY: I object to this line of testimony. I think the fact that we are here today is sufficient evidence of the fact that the friendly relationships did not continue.

THE REFEREE: I do not see the object.

Q. Did you receive any notice to attend the stockholders' meeting on December 16, 1935?

A. No.

Q. Did you know that there was going to be a meeting on that day?

A. We learned it on December 15, quite privately, by sheer--

Q. That is all right, I won't go into that. That was your first knowledge of it?

A. Yes.

Q. That was not communicated to you by Mr. Horch or Mrs. Horch?

A. No.

MR. PLAUT: That is all.

CROSS EXAMINATION BY MR. LEVY:

- Q. You told us about the organization meeting which you say occurred in November, 1922, at the time that Mr. Bloomberg came?
 A. Yes.
- Q. And you remember that very distinctly, don't you?
 A. Yes.
- Q. That was in the Master School at 54th Street?
 A. Yes.
- Q. Now you testified that Mr. Bloomberg got up and explained to the people who were there the legal and technical details of the incorporation?
 A. He merely read the paper.
- Q. You said that Mr. Bloomberg told you the legal and technical details--was not that your testimony on direct examination?
 A. If I said "explained" perhaps I used not a very correct expression: perhaps I should say he read to us already a set of papers which were first brought.
- Q. And was that all that he did?
 A. Do you want to know the conversation that took place?
- Q. I am asking you whether he explained anything.
 A. Yes, it was a very jovial and pleasant feeling, we all spoke and he spoke also.

BY THE REFEREE:

- Q. The question was whether he explained the contents.
 A. No, as long as he read them they were clear.
- Q. What paper did he read at that time?
 A. The incorporation papers of the Master Institute.
- Q. Can you tell me the substance of what he read?
 A. Yes, the school is being incorporated on a certain basis by so many trustees, by so many stockholders--I mean that I can now recall.
- Q. That is what I am asking you to do, to recall as best you can.
 A. And what are the aims of such an institution, what are we to conduct, as a school -- what would be the separate departments, what would be the wider scope, I mean as to lectures, concerts, cultural activities -- that is more or less what I recall was in this paper.
- Q. Did he say how many stockholders there were to be?
 A. We knew it was to be seven, he told us there were to be seven trustees, which were also at the same time seven stockholders.
- Q. Did he say what the paid in capital was to be?
 A. No, we did not speak of any capital at that time.
- Q. Did he read the entire document that he had with him or did he skip some of it?
 A. Undoubtedly he had to read all the entire document.
- Q. Not probably now. Did he read the entire document?
 A. Ho, I am sure he must have read the entire document.
- Q. Was there more than one document or was it only one?
 A. It was a document consisting of several sheets.
- Q. Did he read any by-laws to you?
 A. I cannot recall whether he read the by laws at that time.
- Q. Did he read any minutes of any meeting that was then being held?
 A. There may have been a paper which was official minutes of that meeting, but I cannot say that he read that.

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Q. I do not want to know what might have been, because I do not want you to guess; I want your best recollection.

A. My best recollection is that he read the incorporation papers, and my best memory is that this is the part which interested me, and that is the actual aims and activities of this institution.

Q. Was it on that day that they distributed the certificates of stock?

A. Yes.

Q. That very day?

A. Yes.

Q. That is clear in your mind?

A. Yes, I remember that clearly.

BY MR. LEVY:

Q. Do I understand you to say you were paying attention to the parts that interested you particularly.

A. Very much so.

Q. And you do not recall whether or not the capitalization of the corporation was read by Mr. Bloomberg?

A. If it was read I do not remember it.

Q. I see. Now on that occasion did you sign any papers?

A. What papers?

Q. I am asking you. Did you sign any papers?

A. I do not remember. If I would see my signature of that then I may recall by looking at the memorandum.

Q. Your answer is that you do not know whether you did or not?

A. I do not--but pardon me, what is it you are alluding to, any paper?

Q. Any paper.

A. I do not remember signing any paper.

Q. That is an answer. You also testified that on that day Mr. Bloomberg produced the certificates of stock.

Q. A. Yes, he gave us.

Q. Do you recall where he had them?

A. I believe every lawyer brings their portfolio with him, don't they?

Q. I am asking you; I was not there.

A. I can't remember actually the physical contrivance in which were these things.

Q. If there is anything you can remember please say so.

A. I do not remember in what manner or form he produced them.

Q. What I am interested in, were the certificates of stock in a book or were they torn out?

A. They were presented to us, each of us; I remember receiving mine.

Q. Did Mr. Bloomberg have a stock certificate book?

A. I do not remember.

Q. You know what a stock certificate book is?

A. I have seen it here.

Q. You know they are fastened together and perforated?

A. Yes.

Q. Did you see such a book at that time?

A. No.

Q. You do not remember whether Mr. Bloomberg had a book with him?

A. No.

Q. Now you heard your husband testify here, didn't you?

A. Yes, I did.

Q. And do you recall his testimony to the effect that when you

moved from 54th Street and gave up your school on 150th St. it meant the loss of a great many pupils -- did you hear him so testify?

A. Yes.

Q. That was a fact, was it not?

A. I certainly would not call it a loss. I felt that we have brought in --

Q. I do not care about that; I did not ask you how you felt.

MR. PLAUT: I think the answer is responsive. I suggest that she be permitted to continue.

THE REFEREE: The question is whether she lost any pupils, were there fewer pupils as the result.

MR. PLAUT: The question that followed that was, did you agree with that?

THE REFEREE: Suppose you re-read the question, Strike out the answer and have the matter clarified now.

Q. Did you lose a great many pupils when you gave up the school?

A. No, we did not lose many pupils. Now I understand your question.

Q. Mr. Lichtmann testified that owing to the fact that the new school was on 103rd Street and Riverside Drive pupils did not want to travel all the way down from 150th Street and up from the neighborhood of 54th Street, and that that resulted in the loss of pupils.

A. I cannot say that.

Q. You heard Mr. Lichtmann testify to that?

A. I did but I cannot say that, I do not think so, frankly.

Q. Your recollection is --

A. That all students with greatest pleasure joined 103rd St. school.

Q. So that on that point you are not in agreement with your husband?

A. I do not agree, no.

Q. Your arrangement with the Master Institute was that you would get 50% of the tuition fees that were paid by the pupils you taught, is that so?

A. Yes, we worked out that arrangement for all, including ourselves.

Q. That was the arrangement before the incorporation, was it not?

A. That is when we founded the Master School of United Arts, yes.

Q. And that arrangement continued after the incorporation, did it not?

A. It did.

Q. and in addition to receiving your share of the tuition fees did you receive a salary at any time from the Master Institute?

A. A salary -- or as we call it administration -- which was to be given to certain trustees, begun, if I am right -- but that will be in the books -- in 1929. There was no salary that I received before 1929; I am very sure of that.

Q. So your only income from the school was the percentage you received of the tuition fees?

A. Yes.

Q. Up to 1929?

A. Yes, I received 50 per cent of everything that I have brought in in pupils, as every teacher did.

Q. Not only the pupils you personally taught but also the pupils you brought in?

A. Well, I speak of all pupils which I taught. I could only

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receive 50 per cent as a musician on those pupils whom I taught.
Q. So in 1929 you began to receive a salary?

A. Yes, at that time there was an agreement that certain trustees should receive salaries.

Q. I am concerned for the moment only with you.

A. Yes.

Q. How much did you receive?

A. At that time it was voted that those trustees --

Q. No, just you.

A. That I myself -- well, I was not the only one, that is the only thing.

BY THE REFEREE:

Q. The question is what salary did you get?

A. \$200 a month. May I add something, your Honor, what the salary was stipulated?

THE REFEREE: That was not asked you.

BY MR. LEVY:

A. And that salary continued up to what time?

A. That salary continued only I think for one year or for a year and a half.

BY THE REFEREE:

Q. Was that in lieu of or in addition to your one-half of the fees paid by the pupils taught by you?

A. It was not in lieu of it, but it was --

Q. Was it in addition to that?

A. It was in addition for administrative duties.

THE WITNESS:: I did not finish my answer. You asked me how long?

BY MR. LEVY:

Q. Yes, how long did it continue.

A. I believe for a year or a year and a half, and then the salary has been reduced, and when we started to have our difficulties and receivership the salaries stopped, and we received second mortgage bonds instead of the salary, which afterwards returned.

BY THE REFEREE:

Q. That was not true of the money which you received for one half of your pupils' fees, those sums you received in cash?

A. Whenever it was possible, but sometimes I did not receive this to, they were withdrawn from the teachers, and I was one of them.

BY MR. LEVY:

Q. You testified about the agreement that was signed on April 23, 1923, didn't you?

A. Yes.

Q. You know what I am referring to?

A. Yes, the agreement.

Q. Was the agreement read aloud on that occasion?

A. Yes.

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- Q. And who read it?
A. Again Mr. Bloomberg.
- Q. And after it was read you say you signed it?
A. Yes, I signed it.
- Q. And everybody else?
A. Yes.
- Q. Did you get a copy of that agreement?
A. No.
- Q. Do you recall what was done with it?
A. My impression is that Mr. Horch kept it.
- Q. You are quite positive, however, that you did not get a copy?
A. I did not get a copy, if that is what you asked me.

BY THE REFEREE:

- Q. Did you sign that as a stockholder or as a trustee?
A. That agreement?
- Q. Yes.
A. No, at that time I signed it as a trustee, fully aware that I am a trustee, I knew I was a stockholder at that time.
- Q. But you did not sign it in that capacity, you signed it as a trustee?
A. No, I signed it as a stockholder too. I knew that it dealt with both principles involved.

BY MR. LEVY:

- Q. As a matter of fact when you were signing all these documents and agreements that you told us about you were not thinking whether you were signing in one capacity or another, were you?
A. On this occasion I definitely knew because it was definitely stipulated in the agreement.
- Q. On the other occasions did you think that you were signing in one capacity or the other?
A. On what occasions?
- Q. You have told us that it was a frequent practice of the secretary to come to your office with papers folded over as I am folding this, and ask you to sign them?
A. Yes.
- Q. And that your usual practice was to sign your name?
A. Yes, because of my trust in Mr. Horch.
- Q. Without reading the documents at all?
A. Quite frequently without reading.
- Q. And on those occasions did you say to yourself: I am signing this in my capacity as trustee and not a stockholder?
A. I never said such things to myself or thought of them.
- Q. The thought never occurred to you, did it?
A. I was very well aware what I was.
- Q. I know you knew that you were a trustee.
A. Exactly.
- Q. And you knew that you were a stockholder, didn't you?
A. From the very beginning, yes, surely.
- Q. You knew that you were both?
A. But I was not aware I was a stockholder when I signed all papers, Mr. Levy.
- Q. That is not very clear to me.

BY THE REFEREE:

Q. You said "I was not aware I was a stockholder when I signed all papers"?

A. Mr. Levy asked: Did you know when you are signing it as a stockholder you are signing it as a trustee--I could not have thought such.

BY MR. LEVY:

Q. When you signed these various documents that you testified about you invariably signed them in your capacity as trustee -- you so testify, don't you?

A. Yes, I signed them as a trustee.

Q. And you also testified in your examination that you never signed as a stockholder to your knowledge?

A. Did I say that I never signed as a stockholder?

Q. On your cross examination you amended that to say that on two occasions you signed as a stockholder.

A. Yes -- did I say two occasions?

Q. That is what I understood you to say.

A. Perhaps I had better go over and ~~xxxx~~ see what it is.

THE REFEREE: The witness stated only one and she did not get a chance to state the other.

Q. What was the second occasion on which you signed as a stockholder?

A. The first occasion that I remember being aware of being a stockholder and receiving a certificate of stock was in 1922, in November; then I did not sign any papers. I received the certificate of stock, I was aware I was a stockholder. And on the second occasion when I heard the agreement read to us, which meant the trustees and stockholders, I signed the agreement as a trustee and as a stockholder, and I gave back the stock. I speak of two occasions.

Q. I understand. Now after that to your knowledge did you sign any other document as a stockholder?

A. I cannot answer whether I signed as a stockholder -- I cannot answer.

Q. Now let me go back to what I asked you a short while ago. The fact is, is it not, that it was your custom to put your signature to any paper that was put in front of you, without giving thought to what capacity you were signing it in, is not that so?

MR. PLAUT: I object to the form of that question.

THE REFEREE: I will allow it.

Exception taken by Mr. Plaut.

Q. When the paper --

MR. LEVY: If you do not understand that question I will ask the stenographer to read it.

THE WITNESS: Yes, please do.

(question repeated by the reporter.)

A. I did not give thought in what capacity I was signing the papers when I had to sign them, I did not give any specific thought.

Q. Now you just used the words "had to sign them." There was not compulsion, was there?

A. I used the verb "had to" because it was brought to me for signature.

THE REFEREE: The witness does not intend to convey the thought that she was forced to sign; she was merely requested to sign.

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BY THE REFEREE:

Q. That is correct, is it not?

A. Yes.

BY MR. LEVY:

Q. Now just so there will be no misunderstanding about this, this paper, Petitioners' Exhibit 19, which you looked at before-- will you look at it again please?

A. That is my name.

Q. That is your name?

A. My signature.

Q. and you testify that you remember clearly signing your name and the circumstances under which you signed it?

A. I have to acknowledge my signature, but I have not seen this paper, I mean I was not allowed to read it. Why I cannot say. I acknowledge the signing of the signature. And when his Honor asked me if I remembered this, I refer to the date of February 19th or 20th, I am not sure which, and in my memory this is that paper that I think of.

Q. What was there about February 19th or 20th that impressed itself so very firmly in your mind?

A. When it was very necessary -- when it was found expedient that we sign all as trustees the paper to allow the reorganization to be completed.

Q. How do you recall the 19th or 20th.

A. I just recall the date, just as I recall any other date.

Q. Do you remember when the reorganization was completed?

A. This must have been the time, the signatures to this paper must have brought the completion, and this is why I remember it, because on Feb. 23rd Mr. Horch gave us a very big report as to the entire completion of the reorganization, and we have it in the minutes.

Q. That was at a meeting --

A. It must have been February 23rd or so, I am not sure.

Q. Was that at a meeting?

A. Mr. Horch's statement?

Q. Yes.

A. Yes, it was at a meeting.

A. And was it a meeting of the stockholders or the trustees?

A. We were all trustees, and we were all stockholders.

Q. And you do not remember whether the meeting you attended was a stockholders' meeting or a trustees' meeting?

A. Perhaps if the paper was produced it would be shown; I have never paid attention to what was written at the top of the notice.

Q. Before I leave this document, Petitioners' exhibit 19, your testimony as I understand it -- and if I am wrong correct me-- is that you identify your signature?

A. I identify my signature.

Q. And you do recall that around the 19th or 20th you signed some papers.

A. Yes, and not only that, Mr. Levy, I think that this paper, which I have not read still, had something to do with the facts you are speaking of.

Q. (handing paper) Now I show you a paper and ask you whether this is your signature.

A. This is my signature.

Q. Will you look at that and the previous page and tell me what it is.

A. This is a waiver of notice.

BY THE REFEREE:

Q. Of what?

A. Of special meeting of stockholders.

Q. Of Master Institute of United Arts?

A. I beg your pardon -- yes, of Master Institute of United Arts.

MR. LEVY: I offer it in evident.

THE WITNESS: We did not hold that meeting.

MR. LEVY: I offer it in evidence.

MR. PLAUT: No objection.

THE REFEREE: There are two pages. The two pages were admitted in evidence and marked Respondents' Exhibit #17, Dec. 17, 1936, C.B.

THE WITNESS: I did not read that paper, Mr. Levy.

Q. You say you did not read this paper?

A. No, this is one of those waivers of notice that I signed. I said that we did not hold that meeting.

Q. Did you know that your mother Mrs. Schafran also signed this paper?

A. I cannot remember whether I knew that she signed.

Q. And at these meetings did you vote on the various matters?

A. We discussed all the affairs of the institution.

Q. And did you have formal voting?

A. Very rarely.

Q. But policies and activities of the institution were discussed?

A. Not in a parliamentary way as they should have been discussed?

A. Not in a parliamentary way as they should have been discussed.

BY THE REFEREE:

Q. But informally they were discussed?

A. Yes.

BY MR. LEVY:

Q. They were discussed nevertheless?

A. Informally.

Q. Who attended these meetings?

A. Mr. Lichtmann, myself, Mr. & Mrs. Horch, Miss Grand -- when we all were well enough and could attend. Sometimes there were only five, sometimes six; most of the time --

BY THE REFEREE:

Q. Did your mother ever attend any meetings?

A. Of the Master Institute, no. She was not a trustee.

Q. What meetings did she attend?

A. Of the Roerich Museum whenever the meetings took place in 1934.

Q. Was she a trustee of the Roerich Museum?

A. Yes.

Q. Were not these meetings held together, a combination meeting?

A. Yes. She was not in the last few years meetings on account of her health. The Master Institute, she did not attend as

such, but the Roerich Museum -- we discussed each department, and it was understood that the departments were officially presenting their matters.

Q. So part of the time you were really meeting as Master Institute and part of the time you were meeting as Roerich Museum?

A. Yes.

Q. And they were intermingled?

A. Yes.

Q. First you discussed one and then another, and you did not consider them in the meeting?

A. No.

Q. So when your mother was present at the Roerich Museum meeting she was really physically present at the Master Institute meeting?

A. When she was present.

Q. I said when she was present.

A. Yes.

Q. So she did attend some of these meetings?

A. She attended the meetings of the Roerich Museum, which only discussed the affairs of the different departments.

Q. And that included also the Master Institute?

A. Yes, sir.

Q. And that also included Corona Mundi?

A. Yes.

BY MR. LEVY:

Q. You are acquainted with Mrs. Sidney Newberger, are you not?

A. Yes.

Q. Did she ever attend any of these meetings?

A. Mrs. Newberger?

Q. I am asking you that.

BY THE REFEREE:

Q. Was she physically present?

A. No.

Q. At no time?

A. No, she was not a trustee.

Q. That is not the question. Was she physically present?

A. I do not remember her being present

BY MR. LEVY:

Q. Why don't you say so? You do not remember?

A. I am saying it now; I do not remember.

Q. How about Miss Esther Lichtmann?

A. She was a trustee of the Roerich Museum and attended the meetings.

Q. You said that your mother was never a trustee of the Master Institute?

A. No, except on the substitution, I mean on the two occasions of which we spoke before, that is 1928 and 1935.

Q. (Handing paper) Now I show you a waiver of notice and ask you whether this is your signature on it. Is that your signature?

A. This is my signature, but we have not had that meeting.

Q. I did not ask you that, did I?

A. I am sorry; you asked me if that is my signature. This is

my signature, and this is a waiver of notice.

Q. And is that your mother's signature?

A. Yes.

Q. Signed Sophie Schafran?

A. That is my mother's signature, that is the waiver of notice that has been brought to us for signature.

MR. LEVY: I offer that in evidence.

PR. PLAUT: No objection. The paper was admitted in evidence and marked Respondents' Exhibit #18, Dec. 17, 1936, C.B.

THE REFEREE: This is only one sheet that you are offering?

MR. LEVY: Only one sheet, yes.

Q. Did you ever resign as trustee of the Master Institute?

A. Yes, I did. In 1928 before we left for India we were asked to resign temporarily and be substituted by some secretaries of ours for the time being, because it was necessary during the erection of the building to sign some legal papers.

Q. And you did resign at that time?

A. I recall of being told that it was a necessary matter.

BY THE REFEREE:

Q. The question is did you resign?

A. I signed certain papers.

MR. LEVY: That is all.

REDIRECT EXAMINATION BY MR. PLAUT:

Q. Now, Mrs. Lichtmann, you say what appears on this paper, Respondents' Exhibit 17, is your signature. There is no doubt about that, is there?

A. Yes, there is no doubt about it.

Q. That is your signature, is it not?

A. Yes.

Q. Now do you recall whether any such meeting as that referred to in this waiver was held?

A. May I read it now?

MR. LEVY: She has already testified to that.

THE REFEREE: The witness has testified that, although she signed this waiver, the meeting, notice of which was waived was not held.

Q. Is that your answer?

A. Yes, that is my answer.

MR. PLAUT: Now will you concede, Mr. Levy, that these minutes were drawn by your office?

MR. LEVY: Yes, I assume they were.

MR. KLINE: They were.

MR. PLAUT: Where are the other ones?

MR. KLINE: They are not in evidence.

MR. PLAUT: Let me see them anyhow.

MR. KLINE: Yes.

Q. Now do you recall whether or not there was any meeting in pursuance of the waiver of notice which is Respondent's Exhibit 18, which I am now showing you?

A. You ask me if I recall the meeting of Feb. 20th?

Q. No, I am asking you if you recall attending a meeting at which the waiver of notice, being the one that you have here, was signed and formally put in the minute book.

A. No.

Q. Did you during February have meetings?

THE REFEREE: February, 1935?

MR. PLAUT: 1935

A. We had a few meetings.

Q. And do you recall whether minutes were kept at such meetings?

A. Yes.

Q. (Handing paper) Now I show you this book of papers and ask you whether that is to your recollection the minutes of the meetings you actually had.

A. Yes, this is the meeting of Feb. 20th -- 19th or 19th-- that is what I was referring to all the time.

Q. Were you present at meetings, by whatever name they may have been called, during the period from say Feb. 17th to the 25th inclusive?

A. Yes.

Q. And minutes were kept of those meetings?

A. Yes.

Q. And the papers that you have before you are the minutes of meetings that were actually held?

A. Yes.

Q. Did you know anything about formal meetings that lawyers may have drawn up papers for?

A. No.

THE REFEREE: Well, she must have information of them because she signed a waiver.

MR. PLAUT: I am going to come to that.

Q. In this period of Feb. 18th to the 25th inclusive do you know whether or not the lawyers, Messrs. Greenbaum, Wolff & Ernst, were sending up papers for your signature?

A. They were. Mr. Horch told us so.

MR. PLAUT: And will you concede, Mr. Levy, that Respondents' Exhibit 18 was likewise drawn in your office?

MR. LEVY: Yes.

Q. Now who drew up the minutes of the meetings which were actually held? When I say actually I mean where people got together and actually met.

A. Mrs. Horch was the secretary; she drew up the minutes.

Q. And are those papers before you the minutes of the meetings which were actually held?

A. Yes.

Q. Let me have that back.

A. Yes.

Q. Now I draw your attention to what appears to be the minutes of a meeting held on Feb. 20th, 1935, and ask you whether you know whether such a meeting actually was held.

THE REFEREE: She testified that she recalls the meeting on Feb. 20th.

MR. PLAUT: I missed that. Now I offer in evidence the minutes of that meeting of Feb. 20th, 1935, signed by Mrs. Horch.

MR. LEVY: I object to that, your Honor, as entirely irrelevant and immaterial. I offered excerpts from the official minutes in evidence for the purpose of establishing that certain people were trustees and stockholders. Now here are what purport to be unofficial minutes that relate to a lot of miscellaneous matters that have no bearing whatsoever upon this controversy.

THE REFEREE: You are really only offering that in corroboration of her statement that there was a meeting, and it was not this meeting which Mr. Levy claims was held but is was some other meeting.

MR. PLAUT: That is half of it.

THE REFEREE: What is the other half?

MR. PLAUT: That the minutes of this meeting contain the statement that upon the advice of the attorneys a meeting was held by the Master Institute of United Arts, Inc. on Feb. 19th, at which Mrs. Schafran and Mrs. Sidney M. Newberger acted as trustees in the absence of Professor and Madam Roerich.

That I contend explains the difference between what they call formal minutes and actual minutes of what took place. I want to get to the actual facts, and not have these formal minutes which were drawn as minutes which had to be in the books and which never took place.

(Discussion off the record.)

MR. PLAUT: I offer in evidence the following from the minutes of the meeting of Feb. 20, 1935, held under the title of Roerich Museum:

"Present Louis L. Horch, Chairman, Mrs. Nettie S. Horch, Mrs. Sina G. Lichtmann, Miss Frances R. Grant and Mr. M.M. Lichtmann.

1. Mr. Horch states that upon advice of the attorneys a meeting was held by the Master Institute of United Arts, Inc., on Feb. 19, at which Mrs. Schafran and Mrs. Sidney M. Newberger acted as trustees in the absence of Professor and Madam Roerich. This was found necessary to be done by the attorneys. A similar action took place in 1928. After the building is turned over to the Master Institute both Mrs. Schafran and Mrs. Newberger will resign and Professor and Madam Roerich will be reelected again as trustees of the Master Institute of United Arts, Inc."

MR. LEVY: I have no objection to that.

MR. PLAUT: I now offer the next paragraph from the same minutes:

"2. Mr. Horch advises that he has had many conferences with Mr. S. Schur during the past week. Problems arose on account of absence of Madam and Professor Roerich. The old minutes and old records of 1928 had to be gone over in detail."

MR. LEVY: No objection.

MR. PLAUT: I now offer the following from the same minutes, apparently under the same number 2:

"then questions and problems about the Master Institute, Inc. had to be gone over; the Master Institute being also a stock corporation offered special difficulties and a special document had to be drawn up that the Master Institute has no debts. Special minutes have to be drawn up for the Master Institute to receive the building. Mr. Horch went over in detail with Mr. Schur."

THE REFEREE: Have you any objection to that?

MR. LEVY: No objection.

MR. PLAUT: I should like to have it appear on the record that these minutes are signed by Nettie S. Horch and Sina Lichtmann, Frances R Grant, and M.M. Lichtmann.

MR. LEVY: That is conceded.

MR. PLAUT: Now I should like to offer the minutes of a meeting held on Feb. 24, 1935, at which were present Louis L. Horch, Mrs. Nettie S. Horch, Mrs. Sina G. Lichtmann, Miss Frances R. Grant and Maurice M. Lichtmann.

THE REFEREE: Signed by whom?

MR. PLAUT: Signed by Louis L. Hoch and Nettie S. Horch, that is all.

THE REFEREE: Do you want it all in?

MR. PLAUT: No, the following extracts from the minutes I now offer :

"The vacating of the receivership and the return of the building under the direction of the trustees, Feb. 24, 12:01 A.M. Mr. Horch announces that on Feb. 23 at 4:45 PM the Roerich Museum Building which has been operated under the jurisdiction of the Supreme Court of the State of New York since April 5, 1932, with Mr. Louis L. Horch and Philip J. Dunn as receivers, was conveyed to Master Institute of United Arts, Inc. The receivership was vacated at 12:01 A.M. Feb. 24, 1935, and the building again placed under the direction of the trustees who had directed the building previously. In the opinion of all the attorneys it was one of the most complicated closings of title they had ever witnessed. Over fifty legal documents had to be prepared, and the attorneys worked incessantly for one week on this case."

That is the first paragraph.

MR. LEVY: I have no objection to that.

MR. PLAUT: Also the following on page 3:
"Some of the benefits of the reorganization plan. The return of the building gives the legal right for free space to the Museum interests to occupy the first three and half floors and seventeen rooms to be occupied by the trustees or by workers designated by them who are performing cultural work for the Museum. It terminates the \$65,000 lease which we were forced to accept against our wishes by the American Bond and Mortgage Co. in order for us to secure the formal loan of \$2,075,000."

MR. LEVY: I object to that as immaterial

THE REFEREE: I will allow it.

Exception taken by Mr. Levy.

MR. PLAUT: If I offer the following from the same page:
"Mr. Horch wishes again to express his deepest thanks to Madam Roerich for her constant encouragement and for her fiery indications, without which this victory could not have been won. Mr. Horch also wishes very warmly to thank the other trustees and friends who so nobly have stood side by side in this great fight for the protection of this temple of beauty."

MR. LEVY: I do not see its importance, but I have no objection.

THE REFEREE: I will allow it.

Mr. PLAUT: I have no more of special importance in that meeting, except to indicate that the minutes in single space typing occupy five pages.

I would like to offer now the minutes of a special meeting held on Feb. 25, 1935. Present L.L. Horch, chairman, M.M. Lichtmann, Mrs. S.G. Lichtmann, Miss F.R. Grant, Mrs. N.S. Horch. Signed by Mr. Horch and Mrs. Horch.

I offer the following from that meeting minutes:

Mr. Horch warned that it is essential to give honest facts to Professor Roerich, and if there is nothing in view then let it so be stated."

MR. LEVY: I object to that.

THE REFEREE: Objection sustained.

MR. PLAUT: Exception. May I have it marked for identification?

THE REFEREE: It is in the record.

Q. Mrs. Lichtmann, you recall meetings from which I read these excerpts from the minutes, do you not?

A. Yes, I recall them very well.

Q. Such meetings were actually held, were they not?

A. They were held.

Q. Where were they held?

A. They were held in our building on Riverside Drive.

Q. Was there a special room set aside for such meetings?

A. There is a trustees' room on the fourth floor.

MR. PLAUT: I think that is all.

MR. LEVY: I have no further questions.

Adjourned to a date to be agreed upon between the parties.

NEXT PETITIONERS' EXHIBIT 47.

NEXT RESPONDENTS' EXHIBIT 19.