

TELEGRAM

Sent from Naggar 24-FEB-37

Reply paid Rs:2/-

AMCONSUL

CALCUTTA

My Newyork attorney informs that I should make deposition your Consulate
March fifteenth Stop Because illhealth Madame Roerich would appreciate
to make deposition nearer either Karachi or when you will be in Delhi
Stop Thanking you anticipation reply to Naggar Kulu Punjab

Nicholas Roerich.

TELEGRAM

Received Naggar 27-MAR-37 12.30

From Calcutta 25-FEB-37 10.55 a.m.

ROERICH NAGGAR

De you refer to deposition for court or tax return or other declaration
Stop if former as court appoints commissioner suggest you cabling attor-
ney arrange appointment Consul Karachi - Amconsul

COPY

1-MAR-37

The Consul General of the U.S.
American Consulate General
9 Esplanade Mansion
Calcutta

Dear Sir,

On February 24th I sent you the following wire:

"My Newyork attorney informs that I should make deposition your Consulate March 15th Stop Because illhealth Madame Roerich, would appreciate to make deposition nearer either Karachi or when you will be in Delhi Stop Thanking you anticipation reply to Naggar Kulu Punjab - Nicholas Roerich"

and I acknowledge with thanks receipt of your reply as follows:

"Do you refer to deposition for court or tax return or other declaration Stop If former as court appoints commissioner suggest you cabling attorney arrange appointment Consul Karachi - Amconsul". (Though this wire was sent by you on the 25th at 10.55 a.m. it reached me only on the 27th at 12.30 p.m. because owing to snow avalanches in the hills here our postal and telegraphic service was interrupted for a few days).

Following your kind suggestion I have cabled to my attorneys in New York asking them at the same time to have the date of the deposition in Karachi postponed for a fortnight, because of Madame Roerich's illness.

Yours faithfully,

(signed)

Nicholas Roerich

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CABLE

Sent from Naggar 2-MAR-37 25w

DLT OLDEERTLAW NEWYORK

Amconsul Calcutta suggests you arrange deposition Karachi your end Stop
Because illness please arrange deposition not before March twentyninth
Please cable

Roerich

TELEGRAM

Received Naggar 3-MAR-37 17h

From Calcutta 3-MAR-37 15.55

ROERICH NAGGAR

Commissioner requires testimony to be taken at Calcutta ten on
March fifteenth - Lane American Consul

CABLE

Received Naggar 5-MAR-37 8.17 am

From Newyork 3-MAR-37 24w

DLT SHANTI NAGGAR

Board Tax Appeals ordered deposition taken Karachi communicate with
Consul there Stop

Plaut and Davis

TELEGRAM

Sent from Naggar 5-MAR-37

Reply Paid Re:1/-

To The United States Consul
American Consulate
Karachi

My Newyork attorneys cable that my deposition originally fixed Amconsul
Calcutta March fifteenth transferred your consulate Stop Because illness
please set date March twentyninth or thereafter Stop Please wire me
Naggar, Kulu

Nicholas Roerich

COPY

File No. 804.5 RHL/glf

THE FOREIGN SERVICE
of the
UNITED STATES OF AMERICA

Department of State

American Consulate General

Calcutta, March 3, 1937

Professor Nicholas Roerich
Naggar, Kulu
Punjab

Sir,

Reference is made to your telegram of February 24, 1937 regarding a commission issued out of the United States Board of Tax Appeals to take your testimony. The Commission has been received today and as written it requires that the testimony be taken by me at Calcutta at 10 a.m. on March 15th 1937. There is no option and unless a new Commission is to be issued it will be necessary for you to come to Calcutta.

No mention has been made of the arrangement for the payment of the consular fee incident to taking this testimony and I presume that you will be prepared to pay it.

Very truly yours,

(signed) Rufus H. Lane, Jr.

American Consul .

COPY

File No. 804.5 RHL/fj

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

Department of State

American Consulate General

Calcutta, March 4, 1937

Professor Nicholas Roerich
Naggar, Kulu,
Punjab

Sir:

Reference is made to my telegram and letter of yesterday regarding the Commission issued by the Board of Tax Appeals to take your deposition. A telegram was received this morning which reads as follows:

"American Consul Calcutta

Board Tax Appeals ordered Roerich deposition taken before Consul Karachi send papers Karachi - Plaut and Davis"

I have just telegraphed you as follows:

"Roerich Naggar (Kulu Punjab)

Telegram from your attorneys requests send Commission Karachi

Letter follows - Lane American Consul

The Commission which is now in my possession, is directed specifically to "The United States of America Consul of Calcutta, India" and requires that the testimony be taken at Calcutta at 10.00 o'clock a.m. on March 15. The usual procedure requires that no one but the person named can act on a Commission to take testimony, and the terms of the Commission itself contain no authority for changing either the Commissioner or the place stated.

The certificate which must be filled out by the Commissioner reads as follows:

"I.....the person named in the foregoing order to take depositions, hereby certify....."

It is obviously impossible for anyone but the person named to fill out this certificate and any variation from the prescribed form may result in voiding the deposition.

Presumably Messrs Plaut and Davis have arranged for the Commission to be taken by the American Consul at Karachi in spite of the apparent irregularity of this procedure. The normal procedure would be for a new Commission to be issued naming the American Consul or Vice Consul at Karachi as the Commissioner, and designating Karachi as the place where the testimony is to be taken. By naming both the Consul and Vice-Consul it is possible for either to act as Commissioner, in case one of them happens to be unavailable on the particular day upon which the testimony is to be taken. If only one officer is named and that officer is not at his post, the testimony cannot be taken.

In forwarding the Commission to Karachi, it must be understood that all responsibility for possible difficulties is assumed by you and your attorneys, and neither this office nor the Consulate in Karachi can give you any assurance that the Commission will be accepted by the Board of Tax Appeals. I would strongly suggest that you communicate with your attorneys before you go to the expense of having the deposition taken

at Karachi on the present Commission.

The procedure of the Board of Tax Appeals may vary from that followed by most courts and, as mentioned above, it is presumed from their telegram that your attorneys have arranged for the acceptance of the present Commission when executed by a person not named therein. As the entire procedure is being effected on behalf of you and your attorneys, I am following their instructions in regard thereto and am forwarding it to the American Consul or officer in charge at Karachi. It would be well for you to obtain from your attorneys specific instructions as to the wording they desire to have followed in lieu of the prescribed form which I have quoted above.

Very truly yours,

(signed) Rufus H. Lane, Jr.

American Consul.

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TELEGRAM

Received Naggar 9-MAR-37 9 a.m.

From Karachi 8-MAR-37 15h 15m

NICHOLAS ROERICH NAGGAR

Commission specially stipulates 10 am March 15 also designates Consul
at Calcutta to take deposition Stop If Plaut and Davis have no objection
to postponement and change of commission to Vice Consul Karachi this
office agreeable to delay. suggested at your responsibility

Riggs American Vice Consul

TELEGRAM

Sent from Naggar 9-MAR-37

RIGGS AMERICAN CONSULATE KARACHI

Thanks your wire Stop Because illness glad postponement agreeable
Stop Cabling Newyork attorneys requesting change accordingly

Roerich

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TELEGRAM

Sent from Naggar 9-MAR-37 20w

To LANE AMCONSUL CALCUTTA

Thanks your letters Stop Cabling Newyork attorneys accordingly Stop
Please communicate your telegraphic expenses for reimbursement

Roerich

CABLE LC

Sent from Naggar 10-MAR-37 8.30 a.m.

to OLDBERTLAW NEWYORK

Urgently cable date postponement Stop Riggs Viceconsul Karachi
agreeable postponement request you change commission his name

Roerich

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From THE SUBPOSTMASTER NAGGAR

Received Naggar, 11-MAR-37 2 p.m.

"Telegram #1, handed on the 10-3-37 at 8h30m could not be delivered wide Newyork T/Nil, the address Oldbertlaw being unregistered " .

Paid Service Advice was issued Naggar 11-MAR-37 at 2.30 that the addressee of both cables sent from here on March 2nd and March 10th to Oldbertlaw is "PLAUT DAVIS 76 BEAVER STREET NEWYORK" and the following XF cable was sent at the same time:

PLAUT DAVIS

76 BEAVER STREET NEWYORK

Two cables addressed OLDBERTLAW second tenth March unanswered Cable reply urgently -

Roerich