

Claims: Black Tom 1152/47/39

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OFFICE OF THE COUNSELOR



*Off. thanking and resubmit for report to 70. Aug 28/39*

DEPARTMENT OF STATE  
WASHINGTON

October 26, 1939



My dear Lord Lothian:

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With further reference to your letter of October 14 I write to inform you that in pursuance of our arrangement the matter of the claims of British insurance companies before the Mixed Claims Commission, United States and Germany, was the subject of a conference in my office on Friday, October 20, between members of your staff and officials of this Department.

The Agreement of August 10, 1923 between the United States and Germany provides for the consideration of claims by two national Commissioners in the first instance. As you know, the Commissioner appointed by Germany resigned in March of this year and the German Government has not appointed a successor. Under the present circumstances there would appear to be no possibility of obtaining a ruling by the Commission in relation to the claims

His Excellency

The Right Honorable

The Marquess of Lothian, C.H.,

British Ambassador.

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claims of British insurers. Consequently it does not appear that any useful purpose would be served by a re-examination of the matter at this time.

I may point out, moreover, that on more than one occasion subsequent to the Department's note of April 11, 1929 to Sir Esmé Howard the Department, in pursuance of petitions of attorneys for the interested companies, re-examined the question of presenting these claims to the Commission and declined to depart from its original position.

With reference to your suggestion that in the event of a final decision adverse to Germany in the claims presented in behalf of American claimants arising out of the "Black Tom" explosions, the payment of awards to such American claimants be deferred pending a reconsideration of the British insurance company claims, I may observe that the "Settlement of War Claims Act of 1928", approved March 10, 1928, would seem to require the Secretary of the Treasury to pay such awards within the limitations, and in the order of priority, prescribed by the Act.

Very sincerely yours,

*R. Walton Moore*