

BLACK TOM DAMAGE SET AT 50 MILLION AGAINST GERMANY

Mixed Claims Commission
Announces Awards for
Munition Explosions

REICH ENVOY PROTESTS

But Hull Upholds Roberts in
Decision—\$24,000,000 in
Treasury Account

Special to THE NEW YORK TIMES.

WASHINGTON, Oct. 30—Over the protest of the German Government, which sought in vain through the State Department to prevent final action, the German Mixed Claims Commission announced awards today totaling almost \$50,000,000 in the Black Tom and Kingsland sabotage cases which were decided in favor of the American claimants June 15, after more than fifteen years of litigation.

The awards were in final settlement of 153 claims having a total capital value of \$21,157,227; amounting, with interest at 5 per cent to Jan. 1, 1929, to \$31,490,546, and with interest to Oct. 1, 1939, to \$49,991,242.

The claimants, and awards, were as follows:

Lehigh Valley Railroad, \$9,900,322; agency of the Canadian Car and Foundry Company, \$5,871,105; Kingsland Underwriters, \$1,311,023; Black Tom Underwriters, \$2,095,667; Bethlehem Steel Company, \$1,866,491, and the Delaware & Lackawanna Railway Company, \$32,676.

As originally filed, the claims totaled \$22,480,560, and today's awards represent a reduction in their preparation and presentation amounting in all to \$1,332,332.

\$24,000,000 Waits in Treasury

Available for payment there remains in the German deposit account in the United States Treasury, awaiting these final awards, about \$24,000,000.

It has been reported here that a few claimants who have received large capital and some interest payments on their awards previously rendered may seek to enjoin the Treasury from paying any part of these final sabotage claims, in the interest of settlement in full of their own, but no such suits were filed today.

Following announcement of the awards by the umpire, Justice Owen J. Roberts, Associate Justice of the Supreme Court, a letter from Secretary Hull, enclosing copies of the German protest, and his reply, were presented by Christopher B. Garnett, the American commissioner, and made a part of the record, without comment.

Declining to discuss the "complaints and protests" reviewed in the German note, or to intervene in the work of the commission over which the State Department has no jurisdiction, Mr. Hull made his own

and this government's position clear.

Hull Criticizes Protest

His note read:

"I have entire confidence in the ability and integrity of the umpire and the commissioner appointed by the United States, despite your severe, and, I believe, entirely unwarranted criticisms, and I am constrained to invite your attention to the fact that the remarkable action of the commissioner appointed by Germany was apparently designed to frustrate or postpone indefinitely the work of the commission at a time when, after years of labor on the particular cases involved, it was expected that its functions would be brought to conclusion."

Mr. Hull's letter, written Oct. 18, was in reply to a thirty-four page protest made on behalf of the government by Thomsen, German chargé d'affaires, under date of Oct. 3.

In his letter Herr Thomsen renewed the "emphatic representations" made in previous communications, including charges of "bias" on the part of Justice Roberts, which, it is now contended, was the cause of the withdrawal of Dr. Victor Huecking, the German commissioner, on the eve of conclusion of the cases, and challenging the authority of the "rump" commission to proceed without him to their decision and conclusion.

German Calls Umpire Unfair

The German commissioner, according to his government, "made use of the right of withdrawal when during the course of the deliberations it became more and more evident to him that the American umpire was most strongly biased in favor of the American private parties concerned and against Germany."

Herr Thomsen contended that the June 15 decision was rendered by the umpire "in disregard and violation of essential provisions of the statute of the commission, essential agreements between the German Government and the United States Government, essential rules of procedure and binding decisions of the full commission, the observance of which would have been the absolute duty of the American umpire," and accordingly that "any awards" of the rump commission are void, to the knowledge of the Secretary of the Treasury of the United States, and "can never form the basis of a financial obligation of Germany."

Tributes to Robert W. Bonyngs of New York, the American agent who died Sept. 22, were paid at the opening of today's session by Justice Roberts, Judge Gannett and H. H. Martin, acting agent.

Rfa 1152.1/39