

BLACK TOM AWARDS OPPOSED IN A SUIT

Hull and Morgenthau are Cited as Defendants by Zimmerman and Forshay Assets Realization

INJUNCTION IS ASKED

Plaintiff Demands Balance of German Special Deposit Fund to Defray Own Claims

Special to THE NEW YORK TIMES.
WASHINGTON, Oct. 31—Payment of the Black Tom and Kingsland sabotage claims awards announced yesterday by Justice Roberts, umpire of the Mixed Claims Commission, is opposed in a suit filed here today by the Zimmerman & Forshay Assets Realization Corporation of New York.

Secretary Hull and Secretary Morgenthau are cited as defendants by the corporation which seeks to enjoin the former from certifying and the latter from paying the sabotage claimants, and to obtain instead a decree directing the use of the balance of the German Special Deposit Account remaining in the United States Treasury to defray as completely as possible its own unsettled claims and those of other holders of commission awards.

On account of five awards aggregating \$1,175,918 the plaintiff reports receipt of \$884,048, leaving an unpaid balance of \$311,870, which, with interest, now amounts to an unpaid total of \$599,373.

Holders of Other Awards

Holders of other awards totaling more than \$150,000,000, it is claimed, also have unpaid balances in excess of \$85,000,000 on the principal amount of their claims and approximately \$28,000,000 in accrued interest, all of which are represented as prior claims on the \$24,000,000 remaining in the German Deposit Account, most of which will be consumed and monies properly payable diverted by payment of the sabotage claims to their injury and that of the plaintiff.

In support of its petition, the corporation argues that the sabotage claims were dismissed by the commission on Oct. 16 in a decision which was "final and binding" that reopening of the cases was illegal, and further proceedings, including yesterday's awards, are "null and void."

Holds Jurisdiction Ended

It is claimed by the corporation, as by the German Government in its protest to Secretary Hull through whom efforts were made to the last to quash the proceedings terminating in yesterday's awards, that even if the commission had jurisdiction to reopen fraud and collusion cases previously decided by it in favor of Germany, its jurisdiction was terminated or at least suspended by the retirement last Spring of the German commissioner, a contention which has been denied alike by the commission and by Secretary Hull.

With Secretary Hull and Secretary Morgenthau have been called upon by the court to answer the bill of complaint against them.

The summons was issued this afternoon and served by the United States marshal on the solicitors of the State and Treasury Departments as representatives of the two Cabinet officers.

No injunction or temporary restraining order was issued, and Secretary Hull and Secretary Morgenthau have sixty days within which to file their replies, which will be made on their behalf by the Attorney General through the Federal District Attorney for the District of Columbia and in the light of which subsequent action by the court will be determined.

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