

Mr Mallett

1. A meeting was held on Friday October 20th 1939 as the result of the invitation contained in Judge Moore's letter of October 19th to H.E. before there were present Judge Moore, Mr Hackworth, Mr English (?) and a gentleman who was either the American agent or in his office; from the Embassy Mr Mallett and Mr Foster.
2. After the promise contained in the S.D.'s letter of April 11th 1929 had been alluded to, a general discussion followed as to the procedure that could be adopted to bring the English companies case before the Commission. Among the S.D.'s representatives pointed out that the withdrawal of the German commissioners made it impossible to present any new claims - The American insurance claims were going to be decided next week in the absence of the German commissioners but they had been presented when the tribunal was properly constituted. There was no machinery to present the English insurance claims to a truncated

tribunal. For instance the umpire could only be brought in, if the American commissioner disagreed with the German commissioner. As there was no German, there was nobody to disagree with. Even if in the case of the present American claims the decision next week will be followed by litigation by the other claimants on the funds who will argue that the decision is invalid in the absence of the German.

3. As to the merits Judge Moore was sympathetic though he said that it seemed to him that the British companies could never have presented their claims successfully to the Commission since if they claimed in their own name they had no locus standi as non American nationals, and if they sued in the name of the assured they would have been met with the answer that the assured had suffered no damage since they had been ~~fully~~ compensated by insurance.

4. Judge Moore said that a letter would be written to H.E. dealing with the reconsideration of the claims, which it was clear would partly rely on the withdrawal of the German commissioner.

Let us wait Mr. Moore's letter before replying to G.O. J. Foster
20.5.39.
Vash
20/10