

Opinion of the Court.

DISTRICT OF COLUMBIA *v.* HALL.

APPEAL FROM THE COURT OF CLAIMS.

No. 619. Submitted January 4, 1897. — Decided February 15, 1897.

District of Columbia v. Johnson, 165 U. S. 330, approved and followed.

THE case is stated in the opinion.

Mr. Assistant Attorney General Dodge and *Mr. Special Assistant Attorney Howard* for appellant.*Mr. Edwin Forrest* for appellee.

MR. JUSTICE PECKHAM delivered the opinion of the court.

This is another of the same character of actions as those above disposed of. Hall was one of the contractors for doing work of the same nature, and filed his petition under the act of 1880 in December of that year. In that petition he alleged that he had done certain work and that he was paid for his work, under his contract, by certain certificates which were worth only fifty per cent of their face value, and which he consented to receive only at that rate, and he asked for judgment for the other fifty per cent of his contract price. He failed in the primary object of that suit, but he did recover on some other ground a small judgment of about one thousand dollars, which was entered June 1, 1885. Subsequently, and in pursuance of the act of 1895, he applied for a new trial for the purpose of claiming the "board rates" compensation for the work done by him at contract prices, under circumstances mentioned in the foregoing cases. The Court of Claims gave judgment in his favor for that difference between the two rates, and found that under the true intent and meaning of the acts of 1895 and 1880 the sum for which it gave judgment "became due and payable on the 1st of January, 1877," which was the date when the plaintiff had completed his work under the contract. 31 C. Cl. 376.

Opinion of the Court.

For the reasons mentioned in the foregoing cases, the judgment of the Court of Claims in this case must also be

Reversed, and the cause remanded for further proceedings not inconsistent with that opinion.

DISTRICT OF COLUMBIA v. DICKSON.

APPEAL FROM THE COURT OF CLAIMS.

No. 620. Submitted January 4, 1897. — Decided February 15, 1897.

District of Columbia v. Johnson, 165 U. S. 330, approved and again followed.

THE case is stated in the opinion.

Mr. Assistant Attorney General Dodge and *Mr. Special Assistant Attorney Howard* for appellant.

Mr. V. B. Edwards for appellee.

MR. JUSTICE PECKHAM delivered the opinion of the court.

In this case, which is of the same general nature as the foregoing cases, the petitioner, who was the assignee of one of the contractors, filed his original petition in the Court of Claims December 15, 1880. The case, after being heard, was submitted to that court on the 26th of May, 1882, and was by it dismissed on the 29th of May, 1882. On the 6th of April, 1895, the judgment was vacated and a new trial granted by virtue of the act of February 13, 1895. 31 C. Cl. 399.

The difference between the contract price and the board rate price was claimed, and Dickson, as assignee, was allowed to recover \$1386.30 for such difference, belonging to him by virtue of the assignment, and which sum the court held to have "been due and payable June 2, 1873, within the meaning and intent of the act of February 13, 1895, and the act of June 16, 1880."