

Opinion of the Court.

UNITED STATES *v.* MORAN.

APPEAL FROM THE COURT OF CLAIMS.

No. 231. Argued March 1, 1923.—Decided March 12, 1923.

Decided on the authority of *United States v. Allen*, *ante*, 317.
56 Ct. Clms. 492, affirmed.

APPEAL from a judgment of the Court of Claims awarding a sum as additional pay to a master-at-arms in the Coast Guard.

Mr. Assistant to the Attorney General Seymour, with whom *Mr. Solicitor General Beck* was on the brief, for the United States.

Mr. George A. King, with whom *Mr. William B. King* and *Mr. George R. Shields* were on the brief, for appellee.

MR. JUSTICE MCKENNA delivered the opinion of the Court.

Action for \$600.00. Judgment for \$260.50. The case was submitted with *United States v. Allen*, just decided, *ante*, 317, depends upon the same statute and presents the question of the claim of a master at arms in the Coast Guard to receive pay at the rate allowed by the statute to a chief master at arms in the Navy; less all pay previously received in the lower grade.

Moran enlisted in the United States Revenue Cutter Service, the name of which has since been changed to the United States Coast Guard, as an ordinary seaman and attained the rank of master at arms, the duties of which corresponded in all respects to the duties of chief master at arms in the Navy.

Moran, therefore, since April 6, 1917, has been, and is, entitled to receive a rate of pay corresponding to that of a chief master at arms in the Navy. Had he been so paid, and as required by the Act of May 22, 1917, c. 20, 40 Stat. 84, he would have received during the entire period from August 1, 1917, when he was placed on active duty, to December 31, 1918, the sum of \$1,790.50. The pay received by him, however, was \$1,530.00, leaving a balance due of \$260.50. For this sum the Court of Claims gave judgment.

The findings of the court sustain its action, and on the authority of the *Allen Case* we affirm the judgment.

Affirmed.

EWEN *v.* AMERICAN FIDELITY COMPANY.

CERTIORARI TO THE CIRCUIT COURT OF APPEALS FOR THE
SECOND CIRCUIT.

No. 92. Argued March 1, 1923.—Decided March 12, 1923.

A surety company organized under Illinois Rev. Stats., 1917, c. 32, § 102*f*, *et seq.*, is thereby expressly made subject to the Act of April 18, 1872, governing corporations for pecuniary profit, and under § 12 of that act, its dissolution does not take away or impair any remedy given against the corporation for liabilities incurred previously to its dissolution. P. 324.

Held, therefore, that a New York attachment suit against an Illinois surety company did not fall by reason of the company's dissolution in proceedings in Illinois and lapse of time, claimed to have extinguished the corporation for all purposes.

271 Fed. 848, reversed.

CERTIORARI to a judgment of the Circuit Court of Appeals affirming a judgment for the respondent in an action brought against it as surety on an undertaking in attachment.

Mr. William R. Wilder, with whom *Mr. Henry E. Davis* and *Mr. John Ewen* were on the briefs, for petitioner.