

act, entitled "An act making alterations in the Treasury and War Departments," passed the eighth day of May, seventeen hundred and ninety-two; the second section of the act, entitled, "An act to alter and amend the several acts for the establishment and regulation of the Treasury, War, and Navy, Departments," passed the sixteenth day of July, seventeen hundred and ninety-eight; and the seventh section of the act, entitled "An act to provide for the prompt settlement of public accounts," passed the third day of March, eighteen hundred and seventeen, be, and hereby are, repealed, from and after the thirtieth day of June, eighteen hundred and twenty-two.

SEC. 2. *And be it further enacted*, That on the day and year last aforesaid, all moneys which may remain in the hands of the treasurer of the United States, as agent of the War and Navy Departments, shall, under the direction of the secretaries of those departments, respectively, be repaid into the treasury, and carried to the credit of the proper department upon the books of the treasury.

SEC. 3. *And be it further enacted*, That all moneys appropriated for the use of the War and Navy Departments, shall, from and after the day and year last aforesaid, be drawn from the treasury, by warrants of the Secretary of the Treasury, upon the requisitions of the secretaries of those departments, respectively, countersigned by the second comptroller of the treasury, and registered by the proper auditor.

SEC. 4. *And be it further enacted*, That so much of the said act of the third day of March, eighteen hundred and seventeen, as is repugnant to the foregoing provisions, be, and is hereby, repealed, from and after the thirtieth day of June, eighteen hundred and twenty-two.

APPROVED, May 7, 1822.

of May 8, 1792, ch. 37.

Second section of act of July 16, 1793, ch. 85:

And seventh section of act of March 3, 1817, ch. 45, repealed after June 30, 1822.

All moneys remaining in the hands of the treasurer as agent of the War and Navy Departments, to be repaid into the treasury.

All moneys for the use of the War and Navy Departments, to be drawn by warrant of the Secretary of the Treasury, &c.

So much of the act of March 3, 1817, ch. 45, as is repugnant, &c., repealed.

STATUTE I.

May 7, 1822.

CHAP. XCI.—*An Act fixing the compensation of the commissioner of the public buildings. (a)*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That instead of the salary of two thousand dollars, heretofore allowed by law to the commissioner of the public buildings, there shall henceforth be allowed to the said commissioner a salary of one thousand five hundred dollars a year, to be paid quarterly, out of any moneys in the treasury not otherwise appropriated.

SEC. 2. *And be it further enacted*, That the said commissioner shall

The salary of the commissioner of the public buildings, to be hereafter 1500 dollars per annum to be paid quarterly, &c.

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for the President, unless their duties were regarded as executive, in which judgment and discretion were to be exercised. *Decatur v. Paulding*, Secretary of the Navy, 14 Peters, 497.

If a suit should come before the Supreme Court of the United States, which involved the construction of any of the laws imposing duties on the heads of the executive departments, the court would not certainly be bound to adopt the construction given by the head of a department; and if they supposed the decision to be wrong, they would, of course, so pronounce their judgment. But the judgment of the court upon the construction of a law, must be given in a case in which they have jurisdiction, and in which it is their duty to interpret the act of Congress, in order to ascertain the rights of the parties in the cause before them. The court could not entertain an appeal from the decision of one of the secretaries, nor revise his judgment in any case where the law authorized him to exercise his discretion or judgment. Nor can it, by mandamus, act directly upon the officer, or guide and control his judgment or discretion in the matters committed to his care, in the ordinary discharge of his official duties. The interference of the court with the performance of the ordinary duties of the executive departments of the government, would be productive of nothing but mischief; and this power was never intended to be given to them. *Ibid.*

(a) By the act of May 2, 1828, "An act making appropriations for the public buildings, and for other purposes," passed May 2, 1828, ch. 45, sec. 3, the commissioner of public buildings is required to reside near the Capitol; and by the third section of the act making appropriations for public buildings, passed March 3, 1829, ch. 51, the commissioner is required to report annually to Congress the manner in which all appropriations for the public buildings and grounds have been expended.

By the act of 1843, ch. 75, an act to fix the compensation of the commissioner of public buildings, the compensation of the commissioner was fixed at two thousand dollars per annum, and no portion of the appropriation for public buildings and grounds to be applied to the payment of clerks, unless the same be expressly provided for in the act.

sioner to give bond with one or more sureties.

Proviso.

The 3d section of act of April 29, 1816, ch. 150, fixing the salary of the commissioner at 2000 dollars, repealed.

give bond, with one or more sufficient sureties, in such sum and form as the President of the United States shall direct, for the faithful discharge of the duties of his office; *Provided*, That there shall not be placed in his hand, at any one time, a sum exceeding the penalty of the bond.

SEC. 3. *And be it further enacted*, That the third section of the act, entitled "An act making an appropriation for enclosing and improving the public square near the Capitol, and to abolish the office of commissioners of the public buildings, and of superintendent, and for the appointment of one commissioner for the public buildings," approved the twenty-ninth day of April, A. D. one thousand eight hundred and sixteen, which said section fixed the salary of the said commissioner at two thousand dollars, be, and the same is hereby, repealed.

APPROVED, May 7, 1822.

#### STATUTE I.

May 7, 1822.

CHAP. XCIII.—*An Act to provide for annuities to the Ottawas, Pattawatimas, Kickapoos, Choctaws, Kaskaskias, to Mushalatubbee, and to carry into effect the treaty of Saginaw.*

Sums appropriated for carrying into effect the treaty of Chicago, of Aug. 29, 1821.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, for carrying into effect a treaty concluded at Chicago, on the twenty-ninth day of August, one thousand eight hundred and twenty-one, the following sums to be paid out of any moneys in the treasury not otherwise appropriated, be, and the same are hereby, appropriated, for the payment of the annuity stipulated in said treaty, to be paid to the following Indian tribes: that is to say: to the Ottawas, a permanent annuity of one thousand dollars, annually; to the said tribe of Indians, one thousand five hundred dollars annually, for ten years, in support of a blacksmith, teacher, and a person to instruct the Ottawas in agriculture, and for the purchase of cattle and farming utensils. To the Pattawatimas, five thousand dollars annually, for twenty years, and a further sum of one thousand dollars to the said tribe of Indians, stipulated in said treaty, to be applied by the President, annually, in support of a blacksmith and teacher for them. To the Kickapoo tribe of Indians, two thousand dollars annually, for fifteen years, stipulated to be paid to the said tribe by the treaty concluded at Edwardsville, in the state of Illinois, on the thirtieth of July, one thousand eight hundred and nineteen, and to continue so appropriated so long as the said treaties shall be in force.

To the Ottawas.

For carrying into effect certain stipulations contained in the treaty of the sixteenth November, one thousand eight hundred and five, with the Choctaw nation, and for the annual gratuity to said nation, allowed under previous treaties, for which no appropriation has heretofore been made, annually, two thousand four hundred dollars.

To the Pattawatimas.

For the annuity to Mushalatubbee, provided for in the treaty concluded with the Choctaw nation, October eighteenth, one thousand eight hundred and twenty, and to carry into effect the stipulation of said treaty, relative to light horse, annually, seven hundred and fifty dollars.

To the Kickapoos.

For annuity secured to the Kaskaskias tribe by the treaty of the thirtieth August, one thousand eight hundred and three, for which no appropriation has heretofore been made, annually, five hundred dollars.

To the Choctaws.

Annuity to Mushalatubbee, &c.

Annuity to the Kaskaskias.

The treaty of Saginaw, relative to employment of a blacksmith, &c.

For carrying into effect the stipulation contained in the treaty concluded at Saginaw, twenty-fourth September, one thousand eight hundred and nineteen, relative to the employment of a blacksmith, and persons to aid in agriculture, &c. &c. and for which no appropriation has heretofore been made, the annual sum of two thousand dollars.

APPROVED, May 7, 1822.