power granted by that section was sufficient to meet the exigencies provided for by the fifth section of the act of March 3, 1863, but be this as it may, the latter section did nothing more than to require the Postmaster-General, in case the business of a particular post-office was considerably increased, on account of the location of the national forces in its vicinity, to compensate the postmaster for the extra labor performed and the additional expenses incurred.

The section did not go further and prescribe rules to govern the action of the Postmaster-General, nor did it seek to interfere with the judicial discretion of that officer. Congress constituted him the sole judge to determine not only whether the exigencies in the case had arisen, but if they had, the manner and extent of the allowance, and it is not competent for court or jury to revise his decision, nor is it re-examinable anywhere else, as there is no provision in the law to that effect. It may be safely laid down as a general rule, says Story, Judge, "that where a particular authority is confided to a public officer to be exercised by him in his discretion, upon an examination of facts, of which he is made the appropriate judge, his decision upon these facts is, in the absence of any controlling provisions, absolutely conclusive as to the existence of those facts."*

JUDGMENT REVERSED, AND A VENIRE DE NOVO AWARDED.

MANN v. ROCK ISLAND BANK.

In this case the court expresses its dissatisfaction with appeals being made whose only effect is to throw upon *it* the burden of making minute investigations and analyses of evidence in controversies where the case turned in every point upon simple questions of fact, and where there is not a doubtful question of law involved in the entire record. And, declaring its conviction that the time of this court, due to other parties

* Allen *v.* Blunt, 3 Story, 745.

and to more important interests, should not be consumed in writing and delivering opinions which, if they attempted to go into examination of the facts to justify the decision of the court, would be equally tedious and useless, confines itself to announcing its judgment of affirmance without the exhibition through its delivered opinion of the mental processes and arguments by which it has reached its conclusion.

APPEAL from the Circuit Court for Wisconsin.

The Rock Island Bank filed a bill in chancery in the Circuit Court below against one Mann and his wife, setting forth in a full and minute way its history of certain irregular transactions by Mann, as agent and cashier of the bank, which he had been, at one time, though he had ceased to be so several years previous to the filing of the bill. The bill charged that Mann had defrauded the bank of $20,000, and that the money itself, or the property in which it had been invested, had been converted into certain real estate, the legal title of which then stood in the name of his wife, and it prayed for a decree against Mann for the $20,000, with interest, and against him and his wife, that the real estate might be subjected to the payment of the debt.

The defendants answered with similar fulness and minuteness, and issue was joined; the questions *involved being questions of pure fact without any question of law whatever.* Much testimony was taken, and a decree rendered that Mann was liable for the money, and that the real estate should be sold to pay it. This decree was carried into effect by a sale of the property, and about four years after the defendants prayed an appeal to this court. The case was accordingly brought here: the transcript of the record filling a volume of not far from two hundred closely-printed pages.

Mr. Thomas Wilson, for the appellant.

No counsel appeared for the bank; which apparently considered the appeal as made without hopes of reversal.

Mr. Justice MILLER delivered the opinion of the court.

As no counsel appeared in this court for the Rock Island Bank, we have been compelled to make a minute and care-

ful analysis of the whole record. It turns in every point upon simple questions of fact. There is not a doubtful question of law involved in the entire record. That this court should be compelled to undergo the labor of finding the truth in such a mass of testimony, a duty much more appropriate to a master, or to some other tribunal than this, and which in common-law cases is peculiarly the province of the jury, is itself a hindrance and obstruction to public justice by the delay which it interposes to the hearing of other cases. We do not feel that this burden should be further increased, and the time of this court, due to other parties and to more important interests, be consumed in writing and delivering opinions which, if they attempt to go into examination of the facts to justify the decision of the court, will be equally tedious and useless.

[The learned justice, without going, in the opinion delivered, into analysis or argument, then stated in a general form, and by way of result, the history of Mann's transactions while cashier and agent of the bank, as the court considered that the same appeared on the evidence; adding that it seemed pretty clear to this court that a certain $20,000 of which Mann had defrauded the bank did become real estate, which was now held in the name of his wife, and announcing in conclusion that as the decree of the court below was founded upon that same view of the case, it was affirmed.]

DECREE ACCORDINGLY.

HENDERSON'S TOBACCO.

1. Although a former statute is impliedly repealed by a subsequent one plainly repugnant to it, or so far as the later statute's making new provisions is plainly intended for a substitute for the earlier one, yet a repeal is not to be implied where the powers or directions under the later acts are such as may well subsist together with those under the earlier.
2. *Held*, on an application of this principle, that the act of July 20, 1868,