

by each of us, and issued, I think, sometime in May, 1852. The warrant was for the payment of my salary, estimated from the day of election, and, as originally drawn, specified the dates from and to which it was payable. At the instance of the Treasurer, that warrant was destroyed, and No. 160, above referred to, was issued in the form suggested by himself, as most agreeable to him. As a further evidence that he did not entertain the opinion that salaries were payable only from the time when the officer "actually entered on the discharge of his official duties," it is proper to state that a warrant was issued sometime in July for the payment of his own salary, estimating it from the eighteenth day of February, whereas he "actually entered on the discharge of his official duties," on the twenty-fourth of that month. No objection was made to this warrant, and I have yet to learn that he declined its payment.

The Judges of the Circuit Courts, elected in 1851, and who had not before been upon the bench, all claimed that they were entitled to be paid from the day of election. Warrants, corresponding with No. 160, were, at different periods of the year, issued for the payment of their salaries, estimated from the day of election. These warrants were paid by the Treasurer without objection, and never was I informed of a change in his views until a warrant, drawn for the payment of my salary in the form which he himself originally suggested, was, on the fifteenth of April, refused by him. The reason assigned for his refusal to pay, as I was informed by Mr. Duvall by whom it was presented, was, that the sum appropriated for the payment of the Comptroller's salary was not applicable to any other than the current year, but at the same time avowing his willingness to pay from the first of January. Finding that I should probably be forced to apply to the courts for the purpose of asserting my just rights, and designing to test the question which had been mooted as to the necessity of a legislative appropriation to authorise the payment of a salary fixed by the Constitution, as well as the question which referred to the period from which the payment was to commence. I caused another warrant to issue, modified by a reference to the Constitution as the authority for its payment. This latter warrant, (the former having been cancelled,) was presented and refused, the Treasurer declining to assign a reason therefor. Under the above state of facts, I applied for the mandamus which has led to the Treasurer's communication to the two Houses of the Legislature. I should not have addressed you on this subject did I not deem it due to myself, the Legislature and the public, that the whole history of the matter at issue should be under-