

sworn into office, but made my bond actually responsible prior to the late Comptroller's having complied with the requirements of the above act, or of becoming legally entitled to enter upon his office. It is true that a part of the time, extending from the 18th to the 24th of the month, the Comptroller was absent from the city; but, it is also true, that prior to my requesting of him that a warrant might be issued for the amount of salary drawn on the 1st July last, I filed in his office a certificate signed by the acting Secretary of State, showing that I had upon the 18th February, 1852, taken the oath, made the declaration of my belief in the Christian religion, and entered into bond as prescribed by the Constitution and laws, as Treasurer. His warrant, without any request, further than what is stated above, from me, upon his own calculation of the amount due, based upon this certificate, was issued by him, and by his Clerk handed to me in my office. This certificate is now on file in the Comptroller's office. I have nothing further to say on this head.

The late Comptroller says that "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, and that warrants in their favor, corresponding with warrant No. 160, were paid by the Treasurer without objection." No warrant has been paid by me which recognised the right of any Judge, Circuit or Appellate, to receive salary from the day of his election. No such warrant was ever, that I am aware of, presented for payment to me. Certainly none such are to be found in this office. Warrants in their favor drawn "on account of salary" were presented and paid with an expressed intention and determination that when the several amounts appropriated to such Judges were exhausted, no further payments would be made unless authorised by further law. Acting in accordance with this, when the appropriations referred to were exhausted or the warrants exceeded the amount appropriated, I refused to pay. The result of which is that some seven warrants of the Comptroller upon me, in behalf of the Judges, have been returned to the Banker unpaid.

The Judges of the Court of Appeals, so far as I can learn, have set up no claim to salary from the day of their election. Certain it is, that the drafts drawn on me by them, and the warrants issued by the late Comptroller, date no further back than the day of their qualification, or the day upon which they severally took the oath of office and made the declaration of belief as required by the Bill of Rights and the Constitution. It is true that warrants in favor of two of the said Judges remain unpaid; the reason of which is that in the appropriation bill no provision was made for payment of salary to them for the month of December, 1851.

Regretting that I have found it necessary to address this com-