

instance, I must decline making any appointment of special judge under the Act referred to

Very Respectfully  
Ch. W. Searles  
J. Matthew Sigon

W. H. Dallam  
State Atty.  
Bel Air  
Md.

Bel Air May 21<sup>st</sup> 1855

W. Searles

I should have stated in my letter of the 14<sup>th</sup> inst. that neither of the modes of appointment of Special Judge provided by the Constitution and Act of 1852 can be resorted to here at this time because it has been decided here that the oath must be taken by a Special Judge so appointed in open Court & as Judge Condit is unable to come here there can be no Court opened in which to qualify one. If your Excellency has the power under the Acts of 1787 & 1798 to issue Commission of Oyer & Terminer & give delivery, I presume the persons so Commissioned would come here entirely independent of an Circuit Court & not subject to the regulation respecting the qualification of Special Judge appointed as provided by the Constitution & Act of 1852

Very Respectfully  
W. H. Dallam

State Attorney for Harf. County

His Excellency  
J. Matthew Sigon.

State of Maryland  
Executive Department  
Annapolis May 24<sup>th</sup> 1855

Dear Sir:

The letter to you of the 15<sup>th</sup> inst. in relation to the appointment of Special Judge for the trial of certain criminal business in Harford County was written under the impression that the particular provision of the Act of 1852 touching the disqualification of a Circuit Judge, had account of Sect. 10 had escaped your notice.

I was not aware that there had been any decision of your Court upon the manner in which the Special Judge should be qualified.

Subsequent examination has confirmed me in the opinion then expressed, that the very contingency which has occurred in your County has been provided for by the Act referred to, & that I have no authority to make the appointment as requested. Upon this point I am sustained by the opinion of legal gentlemen here with whom I have conversed on the subject.