

In the absence of the reasons upon which the decision of your Court, was based, I can not see why a Special Judge, appointed by the Judge of an adjoining Court, may not have the oath administered to him, in the manner prescribed by the Act of 1852 ch. 172, to wit, before the Clerk of the Circuit Court.

In the case of a Special Judge that sat in this County since the adoption of the new Constitution (Judge Brown being disqualified) Mr. Worthington, the Special Judge on that occasion viewed the oath was administered by the Clerk - the Court not being at the time in Session.

Very Respectfully,

Wm. H. S. J.

C. Watkins Sigon

Wm. H. Wallam Esq  
State Atty for Fairfax County  
Bel Air -

State of Maryland

Executive Department

Annapolis May 26<sup>th</sup> 1855

Sir,

In looking again at the Act of 1852 ch. 68, I find I have most strangely overlooked entirely the 5<sup>th</sup> section of the Act which prescribes the form of oath required to be taken by the Special Judge & provides that it be sworn to in open Court.

The decision of Judge Constable is therefore in strict accordance with the provisions of the Act & Mr. Worthington, the Special Judge, decided in my last letter must be mistaken, in relation to the manner in which he was qualified.

I see nothing however to prevent a person appointed Judge under this Act from taking the prescribed oath in open Court, in any Court in the State, that may be at the time in Session and this perhaps is the proper & only mode that can be resorted to in the present instance.

The Constitution has already provided a mode of appointment of Special Judge, for the contingency that has occurred in your County & in pursuance of this provision, the requisite Act of the Legislature has been passed. The only difficulty that exists, is in reference to the manner of administering the oath to the Judge thus appointed.

If the law is defective in this particular, the grievance can only be remedied by a future Act of Assembly.

Very Respectfully,

Wm. H. S. J.

C. Watkins Sigon

W. H. Wallam  
State Atty for Fairfax County  
Bel Air