

of official duty, on his part, the Board may be constrained by a painful sense of duty to discharge him from office.

*Resolved.* That after the Committee shall have discharged the duty assigned to them in the preceding resolution, and reported thereon, that their report, together with these resolutions, and the private communication from the Executive Committee, which has been received this day, shall be sealed up and marked, "*private papers of the President and Directors of the Maryland Penitentiary, left in the charge of the President of the Board, and subject to the call of the Board.*"—and the President is accordingly requested to take charge of the same

These resolutions having been unanimously adopted, and the first carried into effect, were sealed up with the report of the Executive Committee before mentioned, in an envelope, marked according to the second resolution, "*private papers,*" &c., and committed to the safe keeping of the President of the Board. Some time afterwards, when it was expected there would be a necessity for the Board to make a further disposition of the subject, the President sent the packet, seals unbroken, to the office of the Penitentiary, after the present Clerk was appointed—there is no doubt it was received there, but when required, it was not to be found. The President of the Board, however, is certain that it was never delivered to the party, (Mr McEvoy,) who, it appears, from the printed testimony, sent it to the Joint Committee. The undersigned Directors, who were present at the Board, (except Dr. Bond, as before mentioned,) solemnly declare, that the resolutions of the Board—the original draft of which is in the hands of the Director who drew them, were, as stated, that the report and resolutions should remain in the charge of the President, and not to be opened till required by the Board. Consequently, the declaration of Mr. McEvoy, that the report was placed in his own possession, we know to be untrue, if indeed, the very character of the transaction did not show it; for it must appear most improbable to every one, that the Directors should surrender to *the offending party*, a document, which it was so obviously their duty and design to hold over him as a restraint.

That the sealed packet, containing the report communicated to your Committee, by Mr. McEvoy, *was surreptitiously* obtained, there is no manner of doubt upon the minds of such of the undersigned Directors as were cognizant of the transaction alluded to. The manner of it, they could not prove, perhaps, before a strictly legal tribunal; but still, they are enabled from circumstances, to form a confident opinion in relation to it. The following extract of a communication from Mr. Chesney, Clerk of the Penitentiary, to the Board of Directors, dated 21st June, 1836, if it should not throw a strong light upon the subject, will at least, show a gross impropriety, approaching to moral turpitude, in the conduct of Dr. H. Willis Baxley. For, although a Director, he had no more right than