

absolute demand, and the member of the Board who brought the subject before them and invoked their action upon it, was, like Mr. O'Neil, a member of the Methodist Episcopal denomination.

The Rev. Doctor's response to our enquiries, showed that he was clothed with no such legislative authority as we supposed, and that his only authority for visiting the Prison at hours that were not allowed to the Prison Chaplain appointed under the Act of 1837, Chapter 320, was the consent or more tacit acquiescence of all the Boards of Directors and all the Wardens, and all the Governors and visiting committees of the Legislature for some twenty or thirty years or more. His Reverence then said - "if there is any higher law, I should like to know it".

We beg leave to call your Excellency's attention to what we believe to be a "higher law". The Constitution or Charter of the Prison in which Dr. Wyatt thinks he can find authority for his Clerical Visits during business hours, must be the original Act concerning the Maryland Penitentiary passed in 1809, or the Act of 1837, Chapter 320, which superseded all others previously passed. Under the Act of 1809, Ministers of the Gospel, in connection with Grand Jurors and certain State officers, were permitted to visit the Penitentiary, as your Excellency will perceive by referring to the 48th Section thereof, but no power was conferred upon them to enter the Prison and direct its officers to bring to them any number of the Prisoners, to receive religious instruction at their hands during the hours that the law requires them to labor. Under the Act of 1837, the new office of Chaplain to the Prison was created, and the Directors authorized to "appoint the said Chaplain and all other officers, and to regulate and determine their respective salaries and duties." The duties of the Chaplain were, as your Excellency has already shown by referring to Article 8 of Section 25 of the Act of 1837, to "attend Chapel service every Sunday, and to avail himself of all proper times for giving the Convicts moral and religious and other instructions, and for this purpose may visit them in their cells on Sunday and before Nine o'clock at night, and in the Hospital". From this his Reverence will perceive that the regularly appointed and sworn Chaplain of the Prison under the act of 1837, was forbidden from disturbing any of the Prisoners when engaged at labor, and that his visits were restricted to the Sabbath day, to the sick in the Hospital, and to the Prisoners in their cells between the hour of lock-up and Nine in the evening, during week days. With such restrictions as these imposed upon a regular Chaplain of the Prison, who was sworn to observe its rules and regulations, we think that we can lift them up before the Rev. Dr. Wyatt, and say - "here is a higher law - a much higher law - than the authority he quotes for his extraordinary privilege."

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