

Grand Jury.

JUDGE MOORE'S CHARGE.

Judge Moore, in commenting on the prison discipline of the State, said:— The philanthropist, Howard, has rendered his name immortal in his efforts in behalf of this unhappy class...

It will be observed that among other things the law requires that prisoners shall be furnished with fuel. This provision of the law is frequently disregarded—generally, I believe, through inadvertence.

In the district for which I was appointed judge, I visited the jails in person and required the County Commissioners to provide straw mattresses and blankets whenever needed; and during the recent extremely severe winter I had the exquisite pleasure of knowing that every prisoner in my district was comfortable.

The General Assembly at its recent session appointed a committee of Investigation on the management of the Penitentiary, consisting of Senators L. C. Latham and R. F. Lehman and of the House Messrs. W. G. B. Morris and T. D. Johnston.

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ounce of meat, about four spoonfuls of peas and a corn dodger. Alfred Paine, a convict, testified: "We are making out better since the Legislature met. We get a few more peases, but no more meat."

Erwin, on the guard, testified: "The sometimes had a change of clothing per week, but sometimes not. They complained a great deal for want of clothing and rations."

Wm. R. Johnson, above alluded to, further testified: "I was the character of the food both as to quantity and quality which was furnished the convicts while they were connected with the institution?"

A. The principal part of the time it was very scanty and not good; occasionally it answered and enough of it; the bread was always bad; the baker told Mr. Bledsoe it was because the corn was bad; two-thirds of the time the rations were not more than half sufficient; the fish used were frequently bad; a large quantity were so utterly bad that they were hauled off; I have frequently seen large quantities of provisions, especially bread, thrown away by the convicts because it was impossible to eat it, it stank so; I have complained and shown the rations to Mr. Bledsoe, especially the bread; he inquired the goods of the baker, and he decided to decide; the baker decided it was bad, and for the reason that the meal was ground from musty corn; Mr. Bledsoe asked the baker if he knew where it was ground, and the baker replied at his (Bledsoe's) mill; Mr. Bledsoe made no reply."

Q. How about the fish? A. Four times out of five the fish was spoiled.

Q. By committee. Did you ever hear the prisoners complain in the act of throwing away the provisions that they were doing so because of its unwholesomeness? A. I heard them say so frequently; they would often go to their work and complain of being sick, and would say that they could not work, and they were sent back to their cells and locked up.

Q. By Bledsoe. Were these men well or sick men? A. They appeared well, their complaint being that they were weak from hunger.

Q. Have you ever seen convicts working without shirts? A. Frequently. Sometimes they would have on a thick jacket. It was summer and when they got warm they would take off their jackets and be perfectly naked to their waists.

Q. Do you know of your own knowledge that any of the convicts could not work because they had no clothing? A. I do, but not how many. This was in October. In fact it was so all the time I was there.

Q. What rations of meat did the convicts usually get? A. Sometimes tolerably fair, but frequently very poor. Sometimes so little that the men would not eat it but keep it to show the overseers. The bread for breakfast was cooked overnight. I have frequently seen cracks in the bread in the morning that you could see a mouse quit in.

Q. How did you get on in the cell where Summey and myself were? I first took the cat up and put her down; then Summey took the cat up and said:—"Let's eat her. We shall starve, or about to starve. Summey then killed her with a gun, and we then skinned and ate the cat. We had to keep her a day and a half before we got a chance to cook it. We did it for the lack of something to eat. I have seen the day here that I could eat a piece of a dog."

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the government of the Institution.—That said Board shall have the power to appoint a Warden, who shall be a skilled engineer, and such subordinate officers, employees and guards as the said Board shall deem necessary. The duties of the Warden shall include the supervision of the erection of the Penitentiary as well as the general control therein, subject to the control of the Board." See Acts, 1870-71, chap. 197.1.

It is a principle of the common law, that whenever a public duty is imposed a failure to perform it is indictable. If the facts above testified to, existed, for the period of four months, it was the duty of the Directors to whom was committed "the government of the Institution," and of the Warden who by law had a general control over it, to have known them, and to have corrected them.

If their subordinates disobeyed them, they should have removed them and appointed others who were more faithful. Public policy will not permit them to plead ignorance or negligence as a criminal or corrupt knowledge. If the facts are true, as testified to before the Legislative Committee, then the Court charges you that the Board of Directors and the Warden are indictable.

It is further a crime to sell "unwholesome provisions." If, therefore, it should appear that any parties, knowingly, sold musty meal, spoiled fish or meat, and if the Steward had authority to purchase supplies and knowingly purchased "unwholesome provisions," he and they are likewise indictable. This is by far the most important subject that will be presented for your consideration during this Term.

The honor of the State is concerned. The reputation and health of your Capital are at stake; and it is a happy circumstance that hundreds of helpless prisoners are involved. Therefore, the Court recommends that, laying all other matters aside, you proceed at once to this investigation, for if it should occupy the whole of the term of the Court, the time will be most profitably employed.

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CIRCUIT COURT OF THE UNITED STATES.—District of North Carolina. United States vs. 48 boxes manufactured tobacco, 3,000 lbs. of leaf tobacco, 4 box screws, 1 Hydraulic Press, all appraised at \$588. The property was situated in the County of Johnston, and to all whom it may concern.—Libel of Information.

To John N. Charles, J. H. Peebles, and to all whom it may concern.—Greeting: Notice is hereby given, that the above mentioned property was seized by Isaac J. Young, collector of Internal Revenue for the fourth collection District of North Carolina, on the 24th day of November, 1871, as forfeited to the uses of the United States, for violation of the Internal Revenue Laws, and the same is labelled and prosecuted in the Circuit Court of the United States for condemnation for the causes in the said Libel of Information set forth; and that the said causes will stand for trial at the court room of said court at Raleigh, on the first Monday of June next, if that be a jurisdiction day, and if not at the next day of jurisdiction thereafter, when and where all persons are warned to appear to show cause why condemnation should not be decreed, and to intervene for their interest.

Given under my hand at office, in Raleigh, this 1st day of April, 1872. S. T. CARROW, U. S. Marshal.

CIRCUIT COURT OF THE UNITED STATES.—District of North Carolina. United States vs. 2 casks containing 20 gallons of whiskey, wagon, 1 horse and harness, all appraised at the sum of \$100, for which Ottaway Puryear executed his bond with Henry H. Wiley, collector of Internal Revenue for the 5th collection District of North Carolina on the 22d day of February, 1872, as forfeited to the uses of the United States, for violation of the Internal Revenue Laws, and the same is labelled and prosecuted in the Circuit Court of the United States for condemnation for the causes in the said Libel of Information set forth; and that the said causes will stand for trial at the court room of said court at Raleigh, on the first Monday of June next, if that be a jurisdiction day, and if not at the next day of jurisdiction thereafter, when and where all persons are warned to appear to show cause why condemnation should not be decreed, and to intervene for their interest.

Given under my hand at office, in Raleigh, this 1st day of April, 1872. S. T. CARROW, U. S. Marshal.

CIRCUIT COURT OF THE UNITED STATES.—District of North Carolina. United States vs. 92 boxes manufactured tobacco, 3,000 lbs. leaf tobacco, 1,100 lbs. lump tobacco, and the tobacco presses of the property of John N. Charles.—Libel of Information.

To John N. Charles, and to all whom it may concern.—Greeting: Notice is hereby given, that the above mentioned property was seized by Saml. H. Wiley, collector of Internal Revenue for the 6th collection District of North Carolina, on the 27th day of November, 1871, as forfeited to the uses of the United States, for violation of the Internal Revenue Laws, and the same is labelled and prosecuted in the Circuit Court of the United States for condemnation for the causes in the said Libel of Information set forth; and that the said causes will stand for trial at the court room of said court at Raleigh, on the first Monday of June next, if that be a jurisdiction day, and if not at the next day of jurisdiction thereafter, when and where all persons are warned to appear to show cause why condemnation should not be decreed, and to intervene for their interest.

Given under my hand at office, in Raleigh, this 1st day of April, 1872. S. T. CARROW, U. S. Marshal.

CIRCUIT COURT OF THE UNITED STATES.—District of North Carolina. United States vs. 6 boxes manufactured tobacco, 3,000 lbs. leaf tobacco, 1,100 lbs. lump tobacco, and the tobacco presses of the property of D. K. Ferguson.—Libel of Information.

To D. K. Ferguson, and to all whom it may concern.—Greeting: Notice is hereby given, that the above mentioned property was seized by the collector of Internal Revenue for the 5th collection District of North Carolina on the 5th day of March, 1872, as forfeited to the uses of the United States, for violation of the Internal Revenue Laws, and the same is labelled and prosecuted in the Circuit Court of the United States for condemnation for the causes in the said Libel of Information set forth; and that the said causes will stand for trial at the court room of said court at Raleigh, on the first Monday of June next, if that be a jurisdiction day, and if not at the next day of jurisdiction thereafter, when and where all persons are warned to appear to show cause why condemnation should not be decreed, and to intervene for their interest.

Given under my hand at office, in Raleigh, this 1st day of April, 1872. S. T. CARROW, U. S. Marshal.

CIRCUIT COURT OF THE UNITED STATES.—District of North Carolina. United States vs. 144 boxes manufactured tobacco, and against Philip N. Dalin and to all whom it may concern.—Libel of Information.

To Philip N. Dalin, Alexander Book, Geo. W. Gaither, and to all whom it may concern.—Greeting: Notice is hereby given, that the above mentioned property was seized by S. H. Wiley, collector of Internal Revenue for the 6th collection District of North Carolina, on the 15th day of March, 1872, as forfeited to the uses of the United States, for violation of the Internal Revenue Laws, and the same is labelled and prosecuted in the Circuit Court of the United States for condemnation for the causes in the said Libel of Information set forth; and that the said causes will stand for trial at the court room of said court at Raleigh, on the first Monday of June next, if that be a jurisdiction day, and if not at the next day of jurisdiction thereafter, when and where all persons are warned to appear to show cause why condemnation should not be decreed, and to intervene for their interest.

Given under my hand at office, in Raleigh, this 1st day of April, 1872. S. T. CARROW, U. S. Marshal.

CIRCUIT COURT OF THE UNITED STATES.—District of North Carolina. United States vs. one still and fixtures, the property of George Jackson, and the tract of 60 acres of land, more or less, on which said still and fixtures were situated, in the County of Orange.—Libel of Information.

To George Jackson, and to all whom it may concern.—Greeting: Notice is hereby given, that the above mentioned property was seized by Isaac J. Young, collector of Internal Revenue for the 4th collection District of North Carolina on the 12th day of September, 1872, as forfeited to the uses of the United States, for violation of the Internal Revenue Laws, and the same is labelled and prosecuted in the Circuit Court of the United States for condemnation for the causes in the said Libel of Information set forth; and that the said causes will stand for trial at the court room of said court at Raleigh, on the first Monday of June next, if that be a jurisdiction day, and if not at the next day of jurisdiction thereafter, when and where all persons are warned to appear to show cause why condemnation should not be decreed, and to intervene for their interest.

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CIRCUIT COURT OF THE UNITED STATES.—District of North Carolina. United States vs. one still and fixtures, the property of George Jackson, and the tract of 60 acres of land, more or less, on which said still and fixtures were situated, in the County of Orange.—Libel of Information.

To George Jackson, and to all whom it may concern.—Greeting: Notice is hereby given, that the above mentioned property was seized by Isaac J. Young, collector of Internal Revenue for the 4th collection District of North Carolina on the 12th day of September, 1872, as forfeited to the uses of the United States, for violation of the Internal Revenue Laws, and the same is labelled and prosecuted in the Circuit Court of the United States for condemnation for the causes in the said Libel of Information set forth; and that the said causes will stand for trial at the court room of said court at Raleigh, on the first Monday of June next, if that be a jurisdiction day, and if not at the next day of jurisdiction thereafter, when and where all persons are warned to appear to show cause why condemnation should not be decreed, and to intervene for their interest.

Given under my hand, at office, in Raleigh, this 1st day of April, 1872. S. T. CARROW, U. S. Marshal.

CIRCUIT COURT OF THE UNITED STATES.—District of North Carolina. United States vs. 314 boxes of manufactured tobacco, a hydraulic press and 6 press screws, and against A. M. Booe and his co-defendants, George W. Gaither.—Libel of Information.

To A. M. Booe, George W. Gaither and to all whom it may concern.—Greeting: Notice is hereby given, that the above mentioned property was seized by Saml. H. Wiley, collector of Internal Revenue for the 6th collection District of North Carolina, on the 26th day of January, 1872, as forfeited to the uses of the United States, for violation of the Internal Revenue Laws, and the same is labelled and prosecuted in the Circuit Court of the United States for condemnation for the causes in the said Libel of Information set forth; and that the said causes will stand for trial at the court room of said court at Raleigh, on the first Monday of June next, if that be a jurisdiction day, and if not at the next day of jurisdiction thereafter, when and where all persons are warned to appear to show cause why condemnation should not be decreed, and to intervene for their interest.

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CIRCUIT COURT OF THE UNITED STATES.—District of North Carolina. United States vs. two kegs containing 20 gallons of whiskey, property of Joseph C. Henders, and against John W. Henderson and to all whom it may concern.—Libel of Information.

To Joseph C. Hender, John W. Henderson and to all whom it may concern.—Greeting: Notice is hereby given, that the above mentioned property was seized by Saml. H. Wiley, collector of Internal Revenue for the 6th collection District of North Carolina, on the 15th day of March, 1872, as forfeited to the uses of the United States, for violation of the Internal Revenue Laws, and the same is labelled and prosecuted in the Circuit Court of the United States for condemnation for the causes in the said Libel of Information set forth; and that the said causes will stand for trial at the court room of said court at Raleigh, on the first Monday of June next, if that be a jurisdiction day, and if not at the next day of jurisdiction thereafter, when and where all persons are warned to appear to show cause why condemnation should not be decreed, and to intervene for their interest.

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CIRCUIT COURT OF THE UNITED STATES.—District of North Carolina. United States vs. 4 boxes of manufactured tobacco stored in two trunks, weighing 100 lbs., and against John W. Henderson, and to all whom it may concern.—Libel of Information.

To John W. Henderson, R. C. Love and to all whom it may concern.—Greeting: Notice is hereby given, that the above mentioned property was seized by the collector of Internal Revenue for the 6th collection District of North Carolina, on the 14th day of March, 1872, as forfeited to the uses of the United States, for violation of the Internal Revenue Laws, and the same is labelled and prosecuted in the Circuit Court of the United States for condemnation for the causes in the said Libel of Information set forth; and that the said causes will stand for trial at the court room of said court at Raleigh, on the first Monday of June next, if that be a jurisdiction day, and if not at the next day of jurisdiction thereafter, when and where all persons are warned to appear to show cause why condemnation should not be decreed, and to intervene for their interest.

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CIRCUIT COURT OF THE UNITED STATES.—District of North Carolina. United States vs. one still and fixtures, the property of George Jackson, and the tract of 60 acres of land, more or less, on which said still and fixtures were situated, in the County of Orange.—Libel of Information.

To George Jackson, and to all whom it may concern.—Greeting: Notice is hereby given, that the above mentioned property was seized by Isaac J. Young, collector of Internal Revenue for the 4th collection District of North Carolina on the 12th day of September, 1872, as forfeited to the uses of the United States, for violation of the Internal Revenue Laws, and the same is labelled and prosecuted in the Circuit Court of the United States for condemnation for the causes in the said Libel of Information set forth; and that the said causes will stand for trial at the court room of said court at Raleigh, on the first Monday of June next, if that be a jurisdiction day, and if not at the next day of jurisdiction thereafter, when and where all persons are warned to appear to show cause why condemnation should not be decreed, and to intervene for their interest.

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CIRCUIT COURT OF THE UNITED STATES.—District of North Carolina. United States vs. one still and fixtures, the property of George Jackson, and the tract of 60 acres of land, more or less, on which said still and fixtures were situated, in the County of Orange.—Libel of Information.

To George Jackson, and to all whom it may concern.—Greeting: Notice is hereby given, that the above mentioned property was seized by Isaac J. Young, collector of Internal Revenue for the 4th collection District of North Carolina on the 12th day of September, 1872, as forfeited to the uses of the United States, for violation of the Internal Revenue Laws, and the same is labelled and prosecuted in the Circuit Court of the United States for condemnation for the causes in the said Libel of Information set forth; and that the said causes will stand for trial at the court room of said court at Raleigh, on the first Monday of June next, if that be a jurisdiction day, and if not at the next day of jurisdiction thereafter, when and where all persons are warned to appear to show cause why condemnation should not be decreed, and to intervene for their interest.

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thereof insert "an appointment to fill such vacancy for the unexpired term, shall be made as may be prescribed by law."

Amend sections one and seven of the fifth article, by striking out the words "commissioners of the several counties" and in lieu thereof insert the words "county authorities established and authorized by law."

Amend section six of the fifth article by inserting after the word "inserted" the following: "and five commissioners" in said section; also add said section the following: "The General Assembly shall provide for the several counties of the State."

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