EAGLE. MI - WEEKLY

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Mr. Justice Miller on a Uniform Bankrupt Law.

In North Carolina they have a retrospective homestead law, as we have in Virginia, and so are discussing in that State, as we are here, the question of the constitutionality of the amendatory bankrupt law, the Salisbury Watchman quotes the following extract from an opinion of Justice Miller, of the gupreme Court of the United States, to prove the constitutionality of the new law. He was president in the United States Circuit Court in Mising in the United States Circuit Court in Missouri some time ago-before the passage of the law in question-and in a bankrupt case which was then pending therein, he said:

The second question presented, and urged with earnestness, is the unconstitutionality of that part of section 14 of the bankrupt law making the homestead exemption.

"Congress shall have power to establish uniform laws on the subject of bankruptcies throughout the United States," is the language of the Constitution by which the grant is made, It is insisted that the 14th section, already cited, having adopted the exemption laws of the State in which the bankrupt is domiciled, these exemptions having no regard to uniformity, violates the constitutional provision authorizing uniform laws throughout the United States to be passed. It is obvious from the language employed that the uniformity bere referred to was a uniformity among ity here referred to was a uniformity among the States. If Congress saw cause to pass bankrupt laws under the grant of power referred to, the injunction is that they shall be uniform throughout the United States. So far as the distribution of bankrupts's assets the point under consideration - is concerned, the law is uniform. When viewed with reference to the State exemption laws, there is a uniformity which, on reflection, readily suggests itself. Though the States vary in the extent of their exemptions, yet what remains the bankrupt law distributes equally among the creditors. Nor does the bankrupt law in any way vary or change the rights of the parties. All contracts are made with reference to existing laws, and no creditor could recover more from his debtor under the State laws than the unexempted part of his assets, the very thing that is attained by the bankrupt law, which, therefore, is strictly uniform .- In re Beckerford, IV Bankrupt Register, pr ge 59.

This opinion, we repeat, was pronounced before the passage of the amendatory bankrupt law. By implication it condemns this law as unconstitutional. Mr. Justice MILLER argues that the law as it stood before was constitutional because it respected the State laws. "When viewed with reference to the "State exemption laws there is a uniformity "which, on reflection, readily suggests "itself." This uniformity, we take it, consisted in the fact that in every State the bear. rupt law exempted what the State exempted. This unformity no longer exists. The new bankrupt law overrides the law of Virginia as expounded by her highest judicial tribunal honor conferred upon me, and trust that your judgment of my fitness for the high poundertakes to exempt what those tribunals declared could not constitutionally be exempt-

ed by a State law. Mr. Justice MILLER continues:

"Nor does the bankrupt law in any way vary or change the rights of parties."

In this respect, as we have shown, the new law differs from the old one. The new law does vary and change the rights of the par ties. It deprives the creditor of rights which the two tribunals we have mentioned decided he had under the bankrupt law as it stood before last amended.

Again Mr. Justice MILLER says: "All contracts are made with reference to exasting (State) laws, and no creditor could recover more from his debtor under the State laws than the unexempted part of his assets -the very thing that is attained by the bankrupt law, which, therefore, is strictly uniform.'

Here, once more, Justice MILLER, by necessary implication, pronounces the new bankrupt law unconstitutional. First, he says that all contracts in the State were made with reference to existing State laws. This means that if the State law had been different when he was passing upon it from what it was when the contract involved in the case was made, he would have pronounced the State law unconstitutional. In other words, it means that he would countenance no retroactive State homestead laws. He adds:

"No creditor could recover more from his debtor under the State laws than the unexempted part of his assets-the very thing that is attained by the bankrupt law, which, theretore, is strictly uniform.

This language, applied to the new bankrupt law as it would work in Virginia, would read

"A creditor could recover from his debtor J Lidell, A Thompson, M D Morton. under the State laws the unexempted part of his assets. But under the new bankrupt law this thing is rot attained. That law tries to exempt what the State law, as expounded by her highest court, could not exempt, and is therefore not strictly uniform. Not being

uniform, it is unconstitutional." It seems to us that the Watchman has furnished an authority which is so clearly against its own side of the question that its opponents may accept that authority as conclusive of the question, and demand, upon that paper's own showing, a decision that the amendatory bankrupt law of 1873 is uncontitu-tional.—Riedmond Dispatch.

The election to fill the vacancies in the Legislature caused by the resignation of Messrs. Respass and Stilley, Senators from the 2d District, composed of the counties of Beaufort, Martin, Hyde, Dare, Washington and Tyrrell, and Messrs. Badger, of Wake county, and Morrison, of Lincoln county, members of the House of Representatives will be held on the first Thursday in August.

The Grand Lodge of Odd Fellows meets in Greensboro' next year.

FAYETTEVILLE. Vol. 1.

C., MAY 27, 1873. No. 72.

The Presbyterian General Assembly at Little Rock, Arkansa .:

FIRST AND SECOND DAY'S PROCEEDINGS.

[Abridged from Western Associated Press

Report.] LITTLE ROCK, ARE., May 16.—The General Assembly of the Presbyterian Church of the United States met in this city yesterday at 11 o'clock, and was opened with a sermon by Rev. T. R. Welch, Moderator of the last Assembly. The reverend gentleman took his text—"But ye shall receive power after that the Holy Ghost is come upon you, and ye shall be witnesses unto me both in Jerusalem and in all Judea and in Samaria, and unto the uttermost parts of the earth"-Acts 1-8. The speaker was listened to with undivided attention during the delivery of the sermon, and closed with a prayerful appeal: "May the blessed Comforter preside over all our deliberations and abide in all our hearts, as the Spirit of wisdom and understanding, the Spirit of counsel and might, the Spirit of knowledge and the fear of the

The following are the commissioners present from the Synods of Virginia and North

Synod of Virginia-J. D. Thomas, D. C. Dunn, C. N. Campbell, J. T. Rothrock, W. Brown, D. D., W. T. Price, J. Calhoun, D. Blain, W. D. Morton, F. N. Whaley, G. L. Leyburn, J. S. Sangster.

Synod of North Carolina-Neill McKay, D. D., A. D. McLean, J. C. Alexander, J. H. Welbourne, L. C. Vass, B. J. Hickson, A. F.

The Stated Clerk appounced that he had received information of the organization of the Presbytery of Tuscumbia by the Synod of Memphis, and that the commissioners

from said Presbytery had been enrolled. The Assembly then proceeded to the elec-

Rev. H. M. Smith, D. D., of the Presbytery of New Orleans; Rev. N. McKay, D. D. of the Presbytery of Fayetteville; Rev. F. H. Bowman, of the Presbytery of Memphis; Rev. James Park, of the Presbytery of Knoxville; and Rev. A. F. Dickson, of the Presby tery of Wilmington, were nominated.

The second ballot resulted in the choice of Dr. Smith by the following vote: Rev. M H Smith, 43; F. H. Bowman, 34.

Rev. Dr. Welch, on resigning his chair to his successor, said: "It gives me great pleasure to welcome you to the Moderator's chair, and also in the name of the people of nish. my charges to welcome you to our City of May God's blessing be upon you and the body over which you preside.

On taking the chair, Dr. Smith said: "I have, dear brothers, a deep sense of the honor conferred upon me, and trust that sition to which you have called me may prove more correct than my own. I shall rely upon your courtesy to aid me in the discharge of the duties which will devolve upon me." Rev. R. H. Smoot was then nominated and

elected temporary clerk. On the second day the following additional delegates from Virginia and North Caroli-

Rev. W. A. Wood and Elder J. S. Ramsay; Mecklenburg, Elder W. J. Leak; Greenbrier, Rev. J. H. Leps and Elder John Stnart; Lexington, Rev. William Pinkerton and Rev. Mr. Sproul; Roanoke, Elder William H. Hannah;

West Halover, Rev. J C Dinwiddie and Elder L. L. Holladay. The Moderator announced the following standing committees. On Rules and Overtures-T R Welch, D.

D., J H Martin, A R Banks, R K Smoot, I N Whaley, A B Hagan, W O N Perkins, L L Holladay, John S Benson. Judicial Committee-Samuel Williamson, F H Bounder, G A Russell, B L Baker, R M

Patton, W J Leake. Theological Seminaries-A F Dickson, D. Blain. R H Ried, James S White, Peter Gar-

rison, J Stroude, A B Booker. Sustentation-James Park, J W McLean, W L Nourse, J F Allen, J H Welbourne, E C Davidson, James H Leps, D C Dunn, J W

Foreign Missions-William Brown, D. D. W H Adams, George L Leyburn, R W Loughbridge, A D Leland, and Mr. Newton. Publication-J W Pugh, J C Dinwiddie, R

Morrison, Mr. Hardie, E Fay, D McFarland, Erwin Frazer. Education-Neill McKay, D. D, JL Martin, H H Banks, A P Smith, J D Thomas, A

Evangelical Labor- Vass, Kinnaird, Price Dinwiddie, Anderson, Henderson, and Cal-

Systematic Benevolence- McDonald, Campbell, Alder and Mitchell. Foreign Correspondence-Smoot, Somer-

ville, Penland, Moore, Seehon, Hicks and Sangster. Narrative-Bartlett, Cleveland, and Smith.

Sabbath Schools-Buest, Dickson, Keith, Patten, Georgo, Chester, and Cnandler. Leave of Absence-Montgomery and Som-

Devotional Exercises-Welch and Allen. Audicing Committee-Patton, Hardie, and Rothrock.

Synodical Records—Alabama, G L Ley-burn, W H Leland; Arkansas. H H Banks, Up to vesterday afternoon the contest J H Stroude; Georgia, J C Alexander, A J Lidell; Kentucky, E C Davidson, J K Spence; Memphis, F Dickson, L L Holladay, Missisippi, T D Cleaveland, N B Lewis; Nash-Smith; South Carolina, W L Nourse, W W probably be decided to-day, unless George; Texas, B L Baker, J G Forman; new candidates should present them-Virginia, W J Keith, E D Fay.

Dutch Synod of America, which met at Jer- amination will take place to-day, are contractors. Work will be resumed sey City, N. J., in June, 1872, delegating 8 to 11 A. M. and 3 to 6 P. M.—Wil. on Monday morning next,—Raleigh to this Assembly. He stated that Mr. Still Journal,

invited to the plat-Moderator, and in-

was present, and form, welcomed be troduced to the A The report of the tion was read by sociate secretary very lengthy, and labor. It was ful tics, &c. After the der for 11 o'clock report from the urch funds by the churches of Charlotte, N. C., was read and referred to a special committee.

Committee on Foreign Missions was read by Rev. Dr. Leighton Wilson, of Maysville, S. C. The report stated that the contributions were less this year than heretofore, contributions being received from eight hundred and interesting address, during which he

The tressurer's report of the Committee on Sustentation was read by Rev. Richard Mc-Ilvane.

The Board of Directors and Faculty of the Columbia Theological Seminary made a report, stating the number of students for the year just closed at fifty-six, eight having fin-ished their courses, The Board of Trustees of Union Theological Seminary, of Virginia, made their annual report to the effect that the institution was in a flourishing condition, and students were making satisfactory pro-

Rev. Mr. Oates, commissioner of the Associate Reformed Church of the South, was introduced to the Assembly by the Moderator and invited to join in the session of the Assembly.

The following gentlemen were appointed special committee in relation to the revision of the Book of Discipline! Revs. F H Bowman, W. V. Bartlett, J. L. Martin, L E Hixson, L. Holladay, A. Sproul, and Joseph Har-

WHAT TO DO IN CASE OF ACCIDENT.-Professor Wilder, of Cornell University, gives the following short rules for action in cases of accident, which will be found useful to remem-

For dust in the eyes, avoid rubbing; dash water in them; remove cinders, etc., with the round point of a lead percil. Remove water from the ear by tepid water;

never put a hard instrument in the ear. If any artery is cut, compress above the wound; if a vein is cut, compress below. If choked, get on all fours and cough.

For slight burns, dip the part in cold water; if the skin is the oyed, cover with var-Smother a fire with carpets, etc.; water will

Roses and to the hospitalities of our houses. often spread burning oil and increase the danger. Before passing through smoke take a long breath, and then stoop low; but if carbolic acid gas is suspected, walk erect. Suck poisoned wounds unless your mouth is sore. Enlarge the wound; or, better, cut

out the part without delay; hold the wounded part as long as can be borne to a hot coal or of bullion over imports was \$71,000- Vice Presidents. end of a cigar. In case of poisoning, excite vomiting by

tickling the throat, or by warm water and For acid poisons, give alkalies; for alkaline, poisons, give acids-white of egg is good in

most cases. In a case of opium poisoning, give strong coffee, and keep moving, If in water, float on the back, with the nose

and mouth projecting, For apoplexy, raise the head and body; for tainting, lay the person flat.

FOR THE EAGLE. Obituary.

MR. EDITOR :-

Many of the business men have heard with regret of the sudden death of Mr. Frank Bartholew, of Baltimore. His frequent visits to our town for the pleasant face and genial manners faetteville.

firm in Baltimore. The warm sympathy of many friends here is silently W. P. Dawson, Co. K, 52d N. C.; J. T. felt for his bereaved wife and children.

Mr. B. will be particularly remembered by a portion of the religious community here for generous contri A FRIEND. butions.

FOR THE NAVAL CADETSHIP. - The Board of Examiners, selected by Hon. A. M. Waddell, and consisting of K, 52d N. C.; A. B. F., Co. K, 47th N. Sheriff A. R. Black and Messrs. J. N C.; Capt. J. C. McCain, Co. I, 52 N. Hinton and G. W. Jewett were engaged C.; Wm. Lane, Co. K, 55th, N.C. yesterday in the examination of the candidates for the Naval Cadetship from this district. The applicants, thus far, are eight in number and are as follows: R. A. Meares, M. O. Bunn, A. J. Smith, James G. Bradley, George Penton, S. M. Buckman, F. T. Faison, and Charles Chesnutt. This latter is colored, a bright mulatto, hailing from Up to yesterday afternoon, the contest was very spirited, Masters Meares and Bradley and Chesnutt being the most proficient in the examination in the selves before the examination has The Clerk read a letter from the Reformed closed. The hours at which the ex-

ATLANTIC COAST RAILROAD,-This important scheme seems to be ennittee on Sustenta- gaging the earnest attention of the chard Mclivaine; as- people of the Eastern counties. An stentation. It was enthusiastic meeting, as we learn ed the whole field of from the Elizabeth City Carolinian, resting facts, statis-nt was read, the or-postponed, a special ttee of Sustentation below in the Elizabeth City Carolinian, was held in that place on Wednes-day last, which was addressed by Judge Albertson, Maj. H. A. Gillam, The twelfth annual executive report of the whom urged the importance of building the road. Col. J. S. Mapes, Chief Engineer of the Company, was also called upon and delivered a very stated that it had been decided to connect Norfolk and Charleston by way of Jacksonville and Wilmington, this being one of the three routes proposed. The survey is now going on and the people of that section seem to be pretty thoroughly aroused on the subject of constructing the road.

> STATE MEDICAL ASSOCIATION .- This Association convened in this place on Tuesday, 20th inst., and organized with Dr. Whithead, as President, and Dr. McKee, Secretary. The number of old members, as we learn, in attendance was full, and quite a number of new ones were admitted into the association. Much business of long as you adhere to your folly, and make interest to the Profession was transacted, which will apperr in the proceedings when published. Owing to of your neighbor. the inclemency of the westher, the attendance of outsiders was smaller than usual on such occasions.

The Convention adjourned Thursday morning to meet in Charlotte next year. Dr. W. A. B. Norcom, was elected President for the ensuing year; Dr. Jas. McKee, re-elected Secretary .- Statesville American.

OUR FOREIGN TRADE.—The report of the Washington Bureau of Statistics, in closing upon the record of the 000, leaving us in debt on trade account about twenty-three million dollars. The latter sum, however, was, doubtless made up by the nego tiation abroad of new American rail road loans, the sale of government bonds and other similar transactions The character of our foreign trade for the portion of 1873 indicates a healthier equality between the imports and exports, which, if observed to the close of the year, will spare us the ing 330 votes to 323 for his opponent. necessity of so heavily sending abroad, as heretofore, the precious metals.

last 15 years or more had made his Hollywood at Richmond, are the fol- M. Martel a test question. lowing North Carolinians: Andrew miliar to most of our citizens who will Fullinwider, Co. E, 34th N. C.; C. miss him as a welcome visitor to Fay- Ricks, Co. C, 43d N. C.; Lieutenant S. S. Robins, Co. J, 22d N. C.; P. M., Co. His loss will be severely felt by his G, N. C.; W. T. R., N. C.; Capt. A. C. Blackburn, Co. K, 52d N. C.; Sargeant S, Co. B, 47th N. C.; Lieut. Young, Co, K, 14th N. C.; E. C. Jarman, N. C; Lieut Razzel., Co. E. 11th N. C.; J. R. Tally, Co. E, 26th N. C.; T. M. Caffey, Co. F, 26th N. C.; W. Blaney, Co. B, 26th N. C.; B. Browton, 47th N. C.; H. G., Co. K, 47th N. C.; H. Davis, Co.

THE RUSSIAN MISSION goes begging. Judge Pierrepont has declined it with thanks, and ex Governor Jewell regrets that other engagements, &c. The President should look up some distinguished gentleman for this post to whom the compensation will be an object; for the climate of St. Petersburg has no attractions to the American who can indulge in the leisure of Newport or the pleasures of Paris.

THE STRIKE OVER .- A meeting of the ville, Robert Morrison, Charles Chester; English rudiments. The matter will mechanics at Metropolitan Hall last night accepted the offer of the contractors to commence the ten hour system after the 1st of August, which was the first proposition made by the Newe, 24th inst.

The street of the sales of the street of the sales of the

SEMI-MEEKLY

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One inch, one insertion.
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of the Weekly paper. We econo Man I

CORRESPONDENCE STATE AGRICULTURAL the ober taked a ter minus

North Carolina Wines

Lower beighborhood

New York, May 19th, 1873. Editor State Agricultural Journal Raleig DEAR SIE: -Our young man has bee day last, which was addressed by Judge Albertson, Maj. H. A. Gillam, Col. W. F. Martin, Dr. P. John, and Messrs. George D. Olds, W. B. Ferchee and Thos. B. Skinner, all of whom urged the importance of buildknown ten barrels sold, nor do I think twenty barrels could be sold at any price over fifty cents per gallon. If this price will pay you for your trouble, all well and good; if not, change your style of making, and note the re-

> Are you aware of the fact that no two barrels of your much praised Scuppernong wine

are alike? Every man has his own mode of manufacturing, which accords with his own peculiar taste, regardless of the fancies or wants of those he proposes making his customers. And until a given formula is adopted and adhered to, you had best make only so much wine as home consumption demands. All foreign wines may be readily distinguished one from another. From the cheapest to the most costly O. Porte, may be readily recognized, and connet be mistaken for Sherry, Charet or Madeira. Onite different with the Claret or Madeira. Quite different with the juice of our precious grapes, which should be converted into a wine to supercede those abominable foreign mixtures, brought here to

gull and poison our people. Those foreign wines will con wines from the Scuppernong, Clinton Cataw-ba, Fox and seedling—or woods grape—black-

Let me, in conclusion, impress on you the importance of uniformity. Have distinct brands and adhere to them; and if your neighbors who are making wine for sale, will not go by your directions, you must go by his.
By all means have all alike—that is, of the same

My interest in the Old North State, the place of my birth, must plead my excuse for such plain language. Your friend, Challing tal or bave 8, G. T.

France.

chi-coming that the try have recorded Parts, May 24, 1873 -The memyear 1872, shows that during that bers of the National Assembly conperiod the imports of foreign goods vened in session at Versailles in the exceeded the exports of domestic pro- afternoon to-day. There was a very duce to the extent of \$94,000,000, all numerous attendance. The Legislathe estimate being in specie. During tive Chamber proceeded to complete the same year the excess of exports its organization by the election of

THIERS' TRIUMPH.

There was an obstinate contest over the fourth Vice-Presidency, for which office M. Martel, the avowed supporter of President Theirs, was nominated by the Left. Two ballots were taken without result, none of the nominees having a majority.

On the third ballot M. Martel was elected by a majority of seven, receiv-

caused a profound sensation in the Chamber. Although close, the vote is a decided reverse for the powerful Among the 333 Confederates bu- conservative combination in the Asried at Gettysburg, to be reinterred at sembly, which made the election of

HOPE OF COMING VICTORY.

It is now believed that M. Thiers will have a majority of thirty in the vote on the interpolation, notwithstanding the coalition of the Bonapart ists, Legitimists and Orleanist members against him.

Both sides are making efforts to bring out all their strength, and pressing summons have been sent to all absent members to come to Varsail-

Among the speakers will be President Thiers, M. Casimir Perier, the Duke de Broglie and the Duke d'Audiffret Pasquier.

The Court House at Plymouth was entered by a burglar on the 16th, the iron safe of the Clerk broken open and money to the amount of about \$2,000 and a large lot of notes taken therefrom. The house was then fired and every book connected with the office of the Clerk was destroyed except a small minute Docket.

Having stood the best examination in the competition for the place, James P. Parker, son of Col. Frank M. Parker, of Ringwood, has received the Cadetship at the Naval Academy for the Second Congressional District:

Can a son be said to take after his father when the father leaves nothing to take? I am not somewol

The stock of the Wilmington Building Association sells at \$150 per share