### The News and Observer, Wednesday, March 27, 1805.

## SUPREME COURT DECISIONS: MARDI-GRAS IN PARIS

HOW SHROVE TUESDAY WAS CELEBRATED BY THE FRENCH PEOPLE.

#### ART STUDENT IN THE GAY CITY.

Colored Ribbons and Streamers Adorn the Buildings and Streets and Con-Pauper Become Equals and Pelt

Mardi Gras has come and gone: One can only regret that it comes but once a the clerk to proceed with it in accord year and to many of us Americans, never again in this gay city. The name means fat Tuesday, and Carnival is literally Carni vale, farewell to meat. As good Roman Catholics are supposed to abstain G. from meat and from all worldly pleasures during Lent, this is their last oppor tunity for forty days to indu'ge.

For three days there have been signs of the coming storm of pleasu e in the occasional throwing of handfulls of con fetti by the frequenters of the boulevards

Confetti is now made of paper cut by machines into disks about the third of an inch in diameter. They are in every color mixed with white.

The crowd became more dense as we approached the grand boulevards. ders were everywhere crying "Co fetti, confetti, un sou le verre" one ceut a glass. This is at the rate of one cent a pist. Filling our overcoat pockets, and each buying a paper duster or *balais*, the fun began. The crowd had much the appearance of playing at snow-ball. The range is closer and each disk separates when thrown, covering the victim with a many-colored shower. The best throws are those which fill our opponent's mouth.

Young and old, rich and poor, high and low, are all on a perfect equality The beggar may pelt the princess with out fear of offence. Each one has become a child. Big grey headed children some of them are. Good-natured child dien all are. During the whole celebra tion, I saw not one display of temper. nor a single person intoxicated. The po lice nave nothing to do but to smile and to take the confetti out of their eyes They all seemed blind drunk with pure unailoved pleasu e.

The exercise is better than dancing be- of my beloved son W W Francks" and cause it is in the open air; it is better at the date of the will W. W Francks. than foot ball because no bones are the bro het of E S Francks and the broken, and it is as good as boxing as a plaintiff in this ac ion, and the children lesson in keeping one's temper On the of W. W Francks were living; Held, that grand boulevarus all traffic is stopped, the construction to be given to such and for several miles there is a sea of heads. The air is filled with confetti. It is thrown on the street and it rains from ral life, and after his death to his issue, the windows It covers the ground two should be leave any surviving him but or three inches deep and one feels as if should he not leave issue then I give and treading on snow Paper ribbons ar d vise the same to the children of my thrown from the windows until the trees beloved son W. W. Francks ' and the fronts of buildings are a mass of color. It looks like the snow in au im mense kaleidoscops. And at last, as it to make it ten fold more beauting the whole street is flooded with golden light from the setting sun. It all seems unreal We are in an enchanted city. These are not people, they are fairies -"Voila Mon si-ur!" My mouth is filled with confitti and the compared to explore the south confitti and I com- oack to earth sputtering and agencies. clutching every feature in my tace. Filled with a just desire for revenge, 1 fire back a volley of Contetti aid b d sons, property, privileges and subjects pronniciation—"Madam ise'le que vius within the corporate limits, which are etes charmante " At 8 p. m., more than a hundred American students march out four abreast to celebrate in a body. We sing patriotic songs and prove so entertaining that so in there are about five hun dred Frenchmen tagging on At times, the crowd is so great that we force our way through by forming a wedge. Woe to the pretty glrl who approaches too near the line She is caught, kissed, and quickly passed down the line She is fortunate if she escape with less than a dozen kisses. On we go down St. a dozen kisses. On we go down St malicious prosecution, it appeared that Michel. across the Seine, up Boulevard the only evidence on which t e plaintiff Sebastopol into the great street called the Grand Boulevard. Every few blacks it tiff was assignee of a certain certificate changes its name-Boulevards St Martin, of stock which one L testified he had S. Peunis, B ane N avelle, Pois onnie e, assigned to one S on the false repre en Montmartre, Italiens, Capucius and the Mateleine. In the Place de l'Opera we name was not mentioned and he did not form an immensa ring A beautiful know at the time that he was transfer American girl and her escort are caught ing the stock to plaintiff though it so inside. They try to escape, but the ring appeared on the back o' certificate; Held, is whirling too rapidly. The champion 1. Such evidence did not justify a dancer takes his place in the centre and warrant for f rgery being sued out the young lady is released with a kiss for against plaintiff America. Returning over the same route, we arrive at the Bullier, a cele- stituted on the advice of counsel was brated dancing hall near Boulevard only e idence to rebut the presumption Mont Parnasse It is midnight and the of malice. ball is just closing. We stand at the door and watch the masqueraders as malice, which might be inferred from the they come out. The costumes are very want of probable cause, was rebuted by pretty and interesting, specially to us as the other evidence should have been left art students. There are but twenty vet- to the jury. Error. erans of our band left. The others have Armstrong, Cator & Co. (appellant) vs. dropped off along the route. We dis-band to seek our lodgings, sorer, but wiser men. W. G. RANDALL.

A Digest of the Opinions Handed Down During the Past Week

Reported by Perrin Bushee, Esq., of the Raleigh Bar.

Bruce & Cook et al vs C. W. Crabtree (oppeal by J. L. Hartsfield, assignee.) From Lenoir county. Opinion by Furches, J.

1. In an appeal from a proceeding supplemental to execution before the clerk of the court, it was not error in fire. fetti Covers the Ground -- Prince and the judge below to hold that it was competent for the plaintiff to examine the assignee of the defendant and ascertain Each Other Without Fear of Of- the facts concerning the administration fense -- Pretty Girls and Stolen Kisses of his trust, and what sum, if any, re---Meaning of the Word Mardi-Gras. mained in his hands due and belouging to the defendant, after the discharge of the trust, and to remand, the cause to ance with such opinion.

2. Such order was an interlocutory one from which no appeal lies to this court.

Appeal dismissed. G. W. Taylor, administrator, (appel lant) vs. Addie O Smith, from Greene county. Opinion by Avery, J Where two sisters, the plaintiff's in testate, and the defendant, "agreed with each other that should either of them die before the other without a livng heir, the survivor should have" the note in which both were payees, and each had undivided interest; Held,

1 The words ' living heir" here means

2 The equitable rights to such inter-sts could be lawfully exchanged, the one in consideration of the other.

3. The Act of 1784 (Code, Section 1326) abolishi g survivorship, when the joint tenancy would otherwise have been reated by law, does not operate to pro tibit persons from entering into written outracts as to land or verbal agreements s to personalty, such as to make the fature rights of the parties depend upon the fact of survivorship.

4 The finding that one of the sisters ferwards gave her interest in the note to the other, is not inconsistent with the contract as to the right of each in case of survival. No error.

W W. Francks (appellant) vs T. C. Whitaker et al, from Jones county. Optimion by Montgomery, J.

Where in a will the following words app ared: "I give and devise (real es tate) to my beloved son E S. Francks, during his natural life, and after his death to his lawful heir or heirs, should ae having any surviving him, then I give and devise the same to the children words is: "I give and devise to my be

loved son E. S Francks, during his natu-

No . rror. Judgment affirmed.

State vs W. E W rth et al (appellants). from Now Hanover county Opinion by Avery, J.

The Constitution, Art. V section 3, authorizes the legislature to tax trades, professions, franchises and incomes, which power may be delegated by statute to counties and towns as governmental

2. The Code, section 3800, empowers cities and towns to levy taxes on all per liable to taxa ion for State and county

purpos 8

been in the warehouse over two months, which fast plaintiff knew; that the freight had been paid on the same and he had not been requested to remove them; that no charge was made for storage; that the night operator for the defendant company slept in a room in the warehouse but had nothing whatever to do with the freight; that said operator was a man of intemperate habits and that he was drunk and absent from the warehouse at the time of the There was in addition conflicting evidence on the part of the plaintiff's witnesses as to whether the fire originated in the room where the operator slept or in the other end of the warehouse: also as to the sobriety and presence of the operator at the fire; Held. 1. At the time of the fire the defen

dant was not liable as a common carrier but only for the want of ordinary care as a warehouseman.

2. The plaintiff was required to prove the negligence as part of his case. 3 It was not error for the judge below

to hold that the evidence was insufficient to justify the jury in rendering a verdict for the plaint ff.

4 It is no longer necessary to submit a case to the jury because some evidence has been introduced by the party having the burden of proof unless the evidence be of such a character that it would warrant the jury to proceed in finding a verdict for the party introducing it. Judgment affirmed.

W. S Forbes vs R H McGaire (appellant), from Granville county. Opinion by Faircloth, C J.

This was an action before a Justice of the Peace for \$ 95 33 due by account, at which defendant was present and admitted the debt. Judgment was entered and detendant appealed. Afterwards. upon notice, defendant moved before the justice to set aside judgment which motion was refused upon the ground that the appeal was pending in the superior Court. Defendant appealed At the term of the Superior Court de fendant moved to dismiss and quash which motion was denied and a trial de novo upon the original appeal ordered. When the cause came on regularly to be heard upon de'endant's appeal, defend ant moved to dismiss for want of juris d ction in the Ju-tice of the Peace and for leave to plead to the jurisdiction. which motion was denied and judgment rendered for the plaintiff: He d,

1 Leave to plead at the trial term was discretionary with the Judge and his discretion is not reviewable by this C urt

2 The order of the Court below was simply a continuance of the whole mat ter and was no adjudication of the rights of either party.

3 While the action was pending in the Superior Court, it was not in the power of the Justice of the Peace to make any order in the matter.

4 As no plea was entered anywhere and there appears no want of jurisdiction from the record, judgment must be affirmed. No error. Mary E. Cowan et al vs. John T. Lay-

burn (appellant), from Pender county Opinion by Faircloth, C. J. Where the only exceptions were to the tv

competency of the evidence of one T. C. who testified: "I carried food there to her." meaning the intestate; and C. C. tes ified that "I went to carry her supplies. She was sickly. I was there every day. She had no food except what we carried. She was bad off for clothes" Held, that in such evidence there is no "conversation" or "transacsuch as is inhibited by section tion" 580 of the Code. Affirmed.

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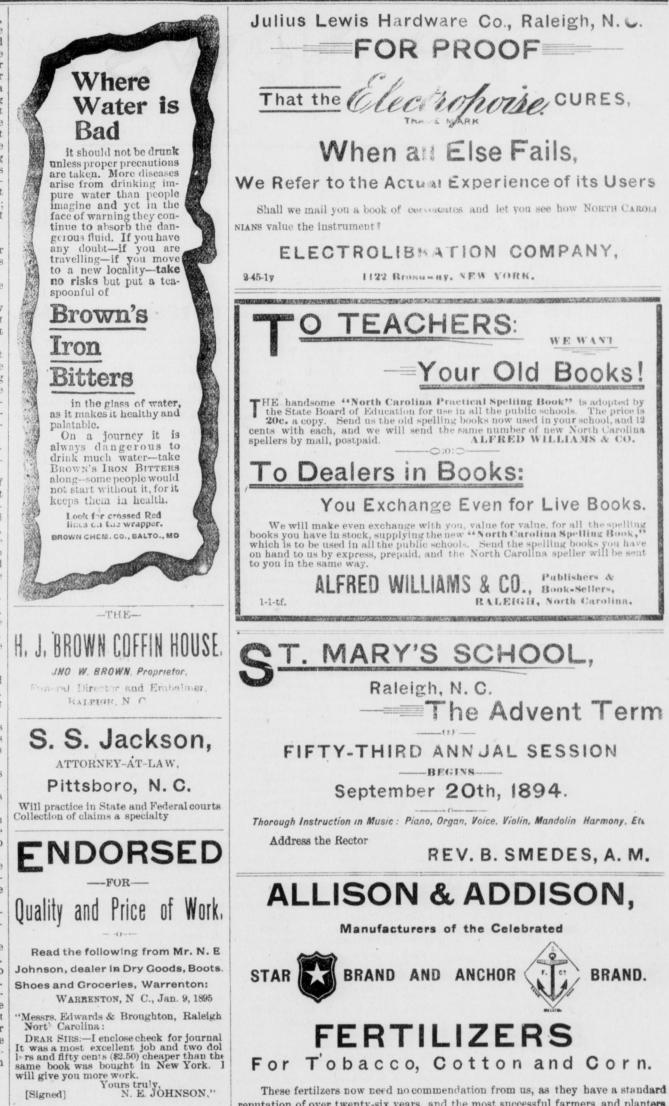
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3 The acts of 1876-'77, chapter 192. section 9, confers such authority upon the plaintiff corporation and an oldi nance levying a tax "for storage, manu facture or sale of ice at wholesale, with privilege of retailing, \$66 per annum" is not unconstitutional N . error

county Opinion b Clark, J.

In an action to recover damages for was arrested for forgery was that plainations of said S, and that plaintiff's

2 That criminal proceeding was in

O W. Carr, trustee from Guilford county. Opinion by Montgomery, J Wherein an assignment made by the partners of the partnership property, there was a clause which secured certain d-bts due to creditors of the individua's composing the partnership; Held, that the objection that such assig ment de d was void as being fraudulent on its face, is entirely without merit. With the assect of the partners any one of them 's free to dispost of the company's effects for his individual use and a creditor cannot intervene to prevent the application. Judgment affirmed.

E. F. Young (appellant) vs. Wilmington & Weldon Railroad Company, from Harnett county. Opinion by Faircloth, C. J

Where in an action for damages for the destruction of certain goods and perchaudise which were burned in the

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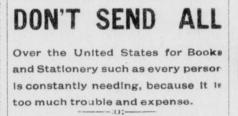
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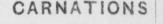
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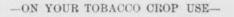
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