

DISTRICT COURT
THIRD JUDICIAL COURT
LINCOLN, NEBRASKA

Feb 20, 1922

Rudolph Umstead,
Eagle, Neb

My dear Rudolph: I must ask your pardon for my delay in answering your letter. The fact is I had not read Silas Warner for so long that I had almost entirely forgotten the details as to the relations of the different characters to each other. So I laid your letter aside until I could read the story again. I have been interrupted so much that I have just now finished it. Godfrey Cass was Eppie's father and, in the eyes of the law, even today, he would be entitled to the custody of Eppie, provided he was a fit person to have such custody, or had not, in some manner which the law would recognize as having that effect, relinquished or surrendered such right to another, and provided it was for the best interest of Eppie to be with her father rather than with Silas Warner, or with some one else.

Let us suppose that Sadfrey Cass + Silas lived here in
Laurens County; that Eppie lived with Silas and all the
other circumstances were just - as they are given in
the story. Suppose Sadfrey demanded possession or
custody of Eppie and Silas declined to give her up, now
if Sadfrey desired to go to law over the matter he
would probably apply to one of our district judges
for a writ of habeas corpus commanding Silas
to bring Eppie into Court and show to the Court why
he was holding Eppie away from her father.

Silas would bring Eppie into Court at the time
specified in the writ of habeas corpus, Sadfrey, Silas
would have their attorneys and Sadfrey would
produce his evidence that he was Eppie's father that he
desired her custody, and was prepared to care for her
and support and maintain her in a suitable manner
and in suitable environment. Silas would

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Then show that the girl came to him in infancy, that he had reared ~~for~~ her and cared for her, and loved her; that they had become attached to each other, that there was nothing in her surroundings, circumstances or method of bringing up that was improper, and that Godfrey had known all the while that she was his child yet never made the relationship known or asserted his right to the child until she was a young lady; that Eppie preferred to remain with Silas because she had always looked upon him as her father - at least the only one she had ever known, in order that she might repay, in his old age, the obligation she owed him. Upon such facts the court would, no doubt, return Eppie to Silas:

1. Because Godfrey had, in the fear of jeopardizing his own lone affair, kept the relationship secret and permitted the burden of the care of the child to fall upon Silas when the burden was the heavier, and had forfeited his claim as against the claim of Silas.

2. That he had permitted Eppie to become attached to
and to be placed under great obligation to Silas
3. That, on the whole, it would probably be
to the best interest of the girl to remain with
Silas.

From a materialistic stand point this last point
is open to question, but if Godfrey were the right
kind of father he would do the right thing by the girl
under any circumstances, and if he did not, this
would, I think, show that he was not fit to have her.
The right of a father to his minor children is only
theoretical and yields to ^{the} superior claims of the
State to see to it that the best interest of the child is
protected. In my juvenile court work I am
daily asserting and enforcing the interest of

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minor children as against the claims of parents
even to the extent of taking the children
from parents and placing them with
others, where I find that the interest of
such children demand such action.

I hope this letter is not entirely too
late to serve your purpose and
that it may be of some use to you.

Very truly yours,
W M Morning