

RED CLOUD CHIEF

A. C. HOSMER, Proprietor.

RED CLOUD. - - - NEBRASKA.

THE FARMER'S DAUGHTER.

"Who is this, with her pretty face,
And silken curly hair,
Half child, half woman, full of joy,
Without a seeming care?"
She is, my friend, (oh, blessed lot!)
A farmer's daughter, fair!
Her small brown hands are shapely ones,
Trim are her little feet,
That trip a-down the meadow path,
Or through the village street;
And when she sings at morn or eve,
Her song is very sweet.
She seems so like a tender plant,
Grown hardy in the sun,
Her woman's graces coming in
So softly, one by one.
The white her eyes, still like a child's,
Are brimming o'er with fun.
What would the old gray farm-house do
Without this daughter dear—
Her merry songs, her loving heart,
Her happy words of cheer,
This rosy-bud in her rural home,
Expanding every year!
Rich are you, little country lass,
In more than yellow gold:
Your father's acres spread abroad,
But yours is wealth untold—
Beauty and nature's grace scarce found
In cities new or old.
Your blue eyes scan the mountain tops
And take in valleys rare:
You'll never lose your sweet content
In after years of care.
Heaven bless you in your happy home,
O, farmer's daughter, fair!
Mrs. W. Kilder, in N. Y. Ledger.

KANE VS. ABELL.

The Happy Ending of a Suit for Damages.

Law is very uncertain—especially in a wooded country. Sometimes a suit is lost in one court and gained in another. The great case of Kane versus Abell, Adam for plaintiff, Eve for defendant, is an illustration. Nor did it happen in the Garden of Eden, as might be supposed from the sound of the names, but in Mountain County, which the inhabitants suppose to be a much finer place than the other.

Down in Mountain County, settled by Irish mainly from Ulster, with a sprinkling from Connaught, the original manners and customs of the settlers are not only maintained by their descendants, but the Gaelic spirit of clanishness exists in full force. The old families—Kane, Abell, Adams, the Millens and the Abells. But their Highland-Keltic habits, filtered through the Irish sieve, were preserved in their vigor. Between the two leading families, the Kanes and the Abells, there had been a bitter feud from the beginning. As the rest of the people were connected in one way or other, they took their sides, and, as they said, "staid by the k'xion." Pretty far they carried it, too. One fellow, who was puffing the Kanes, was asked what connection he was. "Wall, said he, "not so very close, but Clarke Abell, he gin me a bull-pup." If a Kane married with an Abell, or vice versa, the woman in the case was adopted in her husband's family, but cut off from her own. But a single quarrel, and a simple incident changed the current of affairs, and brought about a truce which may be considered a *peu postule*.

As the eldest son in a straight line from the original Patrick, who had come to this country from Ireland, and had settled here under a land grant of a thousand acres, Peter Kane was the recognized head of the family. He was a good looking, childless widower, thirty-two years of age, very well to do, and looked up to by his tribe, with whom his word was potent. He was a famous bear-hunter, and kept up a stock of worthless for any other purpose. Clarke Abell, who held a similar position among the Abells, was over sixty years old, tall, athletic and as straight as a run-barrel. He did not look a day over fifty, with his iron gray hair, and smooth face where the wrinkles had concentrated about the corner of the eyes. These two, though living within three miles of each other—their possessions joining—rarely spoke when they met, and then in monosyllables, eking out the conversation by gesture.

It happened that Kane had seen bear signs on Frosty morning in November, and laid off on the dogs. Bruin heard the baying afar off, and taking time by the forelock, made his way over a gap and then down a dry branch hollow. "In avoiding Skyla, he fell upon Charlybids," and so on; for old Abell happened to be in his field, his rifle, a constant companion, with him, when he saw the bear doing some tall walking in his direction. He shot the brute, and with the assistance of his sons, had skinned him when Kane's dogs, followed by Kane, came up. A demand was made for the bear, which was denied. There was no fighting the matter there—three to one was too great odds, so Kane and his dogs went about their business. But the matter rankled. A well-known pettifogger of the section, John Adam, heard of it and offered his services. The end of it was that Kane brought suit before a country justice of the peace, and after various misadventures the case was heard. It was an action in *detinue*, and judgment was given for thirty-five dollars. Abell secured the services of Cecil Eve, a bright young lawyer lately admitted to the bar, and the case was removed to the County Court held by four justices. Adam was not a regular practitioner, but the County Court was a sort of free-and-easy tribunal, with a roll of its own, and Adam was licensed by custom. He brought suit for damages, for that he the party aforesaid had detained the bear.

It was some months after the event when the County Court entered on its half-yearly session. In the meanwhile a little incident occurred, of the Romeo and Juliet pattern, which complicated matters. Abell's only unmarried daughter was a good-looking young woman of twenty-two, and like her kindfolks, "staid that Peto Kane like pine." But one day she chanced to visit a neighbor at some distance, and on her return met with a wandering four-year-old buck. It was at the season of the year, when the animal, usually so timid, is both bold and aggressive. He charged at Kitty, who dexterously dodged behind a tulip-tree—popular they miscall it there—and so evaded the thrust of his antlers. But he was persistent and kept her so constantly shifting her position that she became exhausted. She was just about to drop, which would have insured her death, when the crack of a rifle and the dropping of the buck, dead, saved her. The next moment she heard the voice of Peter Kane:

"No, thank you, Mr. Kane, but powerful skeert."
No wonder that the service rendered should make Kitty regard Peter with favor, and give him romantic interest in the pretty girl whose timely presence had preserved from cruel death. Ignoring the buck, Peter walked on with Kitty, escorting her to within sight of her father's house, and then returning to a dwelling, which, in spite of his dogs and his hired people, seemed more lonely than ever.

"They met by chance, the usual way," again and again, and the old story, ever old and ever new, was told and listened to. Peter neglected the suit he had brought in one court, to prosecute a suit in another, and when the great case of Kane versus Abell came up before the County Court, Kane was absent bent on a final verdict in another suit, one of more importance, with a jury of one biased in his favor.

The name of this cause, the importance of the points involved, and the antagonism of the parties, brought a large concourse to the county town. The day of the trial no living being could be seen; every one was in the court-house. But horses there were every where, tethered to posts, pickets, porch-posts and the swinging limbs of trees—horses of all kinds from the humble clay-bank farm drudge to the mettled and blooded roaster, and with a variety of saddles and bridles, not all saddled, however, which was wonderful to see. A deal of the country had been furnished in the morning, but not on the charms of corn just could keep the mountaineers outside of the court-house, which was filled with a dense mass of auditors.

The criminal business was first disposed of. The calendar had but two cases, one a "Trespass, Assault and Battery," and the other the stealing of some fowls by Silas Washington, a notorious colored offender. The T. A. B. was disposed of by a confession of judgment and a light fine, and after an hour's trial, the scion of the Washington family got three months imprisonment in the county jail. Then came the civil calendar, and the case of Kane versus Abell was called.

It was a battle between the clans, and the movements were watched with keen interest by the spectators, made up of those connected in some way with the parties litigant. The opening speech for plaintiff by Adam, delivered in the vernacular, was admirable. It dwelt upon the atrocity of detaining the bear from its lawful possessor, the gross violation of hunting customs, and the fact that slaying the bear was almost as great a crime as the slaying of a man. The facts were proven, by the admission of the defendant. There were no witnesses for the defense. Eve claimed the right under the circumstances to the closing speech, but the worshipful court—the justices are worshipful, not honorable—compelled with Adam's demand to "rule agin him," and Eve took an exception which the court would not allow. The magistrates happened to be blood connections of the Kanes.

Eve spoke eloquently and even grandiloquently. He had received a collegiate education, and he aired his classics for the edification of the court and jury, and astonished the mountaineers with flowing Latin and sonorous Greek. He held that there could be no property in an animal which was *in fero natura*, as there would be in one domesticated; that the wild animal, having been killed while trespassing on the domain, its carcass had become the property of the owner of the fee; that it had broken into the close of Abell—"sucked his claws into his trousers," as one of the jurors explained afterward—and was properly held for damages; that being in a state of nature, property in him only vested by the fact at the time of his killing; and that Kane had no right in either hide, hair, hoof or head of the bear. To support this he quoted Blackstone, with some side references to Grotius, Puffendorf, Vattel and others, and cited a case from Johnson's Reports, which, in his opinion, covered the case. Then he wound up by an appeal to the jury to stand by their altars and their fires, the green graves of their forefathers, the constitution and laws of the commonwealth, and find for the defendant.

It was admitted that the young counselor had made a great effort, and his overwhelming nature and authority, Latin, Greek and logic, seemed to impress the jury as it did the auditors. The Abell side was jubilant, and the Kane side correspondingly depressed. But it made no impression upon Adam. That practiced and serene counselor rose to the level of the occasion. His speech, written out in full from copious notes taken by a young member of the bar, was as follows: "Eve, please yer wurshups, Gentlemen of the Jury, I ain't gwine to waste the time by makin' long noations. The court, as it did the auditors. The Abell side was jubilant, and the Kane side correspondingly depressed. But it made no impression upon Adam. That practiced and serene counselor rose to the level of the occasion. 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