

# WAR ENDED BY A BABY'S LAUGH.

Minnie's "Two Paps" Thought Better of It and Shook Hands in Court Before Judge O'Brien.

## THE COSTAS KEEP THEIR FOSTER CHILD.

But Minnie Will Stay One Week Out of Every Month with Her Real Papa, Whom She Now Calls "Walter," Her Step-Mamma, and Her Half-Brother and Sister, to "Get Acquainted"—A Fierce Legal Contest Is Thus Happily Averted.

There was a very tiny girl in the Court of Oyer and Terminer yesterday morning. As she sat in the great chair where they had placed her, her feet were a long, long distance from the floor, and her baby fingers could hardly reach round the top of the arm as she tried to settle herself more firmly. She had blue eyes, short yellow curls, which stood on end with interest in the proceedings about her, and she was radiant in a clean pleated and an exceedingly sunny smile.

She would have cheerfully answered you that she had two paps, "a new papa an' an old papa," and that the new papa was going to take her away from the old papa. She was not in the least disturbed by this prospect, for she was having a royal time. She had discovered that she could make her chair "squeak" by turning in it, and she acted upon this discovery with an enthusiasm which partly cleared the courtroom and brought drops of honey to the brow of the Judge. When this pursuit lost its charm she discovered a good-looking fat man who

smiled at her and played hide-and-seek with her behind his newspapers. At one exciting moment their heads bobbed up together and the little girl laughed—a clear, ringing, childish laugh that penetrated the very corners of the dusty old courtroom and brought sympathetic smiles to the lips of the few who had not forgotten how to laugh themselves.

### A TURNING POINT IN HER LIFE.

If Minnie Costa had been fifteen years old instead of five she would not have laughed yesterday morning. She would have realized that she was in a very serious position for a little girl, and that her presence in court and the presence of the two silent men who sat near her might be a turning point in her life from which all future good or evil might date. But being only five years old, she laughed—and it is probable that to laugh was the best thing she could have done under the circumstances. Her evident happiness and content must have moved the two men with her, for they began to talk, and as they talked it was evident that things were smoothing themselves out. The lawyers of both parties came and joined in the talk. Next a dark-eyed woman had something to say, and the result of it all was that a compromise was effected, and the parties left the courtroom before the case came up. All was forgiven, hands were grasped and shaken and the "new papa" did not take Minnie away from the "old papa" after all.

Minnie Costa's real father is Walter Foster, a young man who is employed as a conductor on the Third Avenue surface road. Foster married six years ago and Minnie was born just one year later. The next day the young mother died, and the husband

kept the baby to his aunt, Mrs. John M. Costa, of No. 255 West Fourth street. The little one was taken to Mrs. Costa's home, and has never since left it even for one night. She has been taught to call Mrs. Costa "mamma" and her husband "papa," and the couple, being childless, love her as their own.



MINNIE FOSTER.

In Foster's petition for the custody of the child he states that for a time he paid \$3 a week for Minnie's board, although the Costas declared at the time that they did not want the money and were more than willing to care for her themselves. After about a month Foster lost his situation and his payments necessarily ceased. As soon as he found work he again insisted upon paying for his child's board, but the Costa family refused to take the money and he admits that none has been paid since that time.

### HE CALLED HIM WALTER.

He may be visited the house frequently, however, and that he was called "Walter"

by his little daughter, who had not the slightest suspicion that he was her father. She liked him as a jolly young fellow who would toss her in the air and play with her without wearying, but she always believed herself to be "papa's" (Mr. Costa's) "best little girl."

Several years ago Foster married again, and now lives with his wife and two children at No. 338 East Sixty-sixth street. His marriage and the fact that he made no claim upon Minnie at that time encouraged the Costas to hope that he intended to leave the child in their care indefinitely. They grew more and more attached to her every day, and she became the very life and light of their home. She developed into a charming little girl, with the happiest disposition in the world. No amount of indulgence could spoil her, and no friends or playmates could ever turn her heart from the slender, brown-eyed woman she called mamma. The Costas, while not wealthy, are in very comfortable circumstances, and Minnie had everything to make a small girl's life seem worth living. She had dishes and toys galore, she had picture-books that rivalled the rainbow in hue, and she had a large and interesting family of dolls, which she had brought up in the way they should go. And when it was rumored that "Walter" was going to take her away, her chief care was for the welfare of papa, mamma and the dolls to be left behind her. There was not one thought of herself, or of where she would go or what was to become of her.

### THE NEW PAPA APPEARS.

As these charms and graces of Minnie unfolded themselves Walter began to indulge in vain regrets. It seemed unreal to him, and looking at it in his way one can understand why that this beautiful child

of his should regard him as almost a stranger; that she should call him "Walter" and Cost. "Papa;" that she should have no memory whatever of the dead mother who lies in Greenwood, and who gave up her life for the little one. It seemed to him that justice to the living and the dead required him to reclaim his own. And he did it.



WALTER C. FOSTER.

When he demanded the child from her foster parents they refused to give her up. Their position can also be understood by one who puts himself in their place. They had raised the child, had cared for her, had learned to love her as their own. They knew that they could do infinitely better by her in a worldly sense than the father, who was already supporting a wife, two children and himself on the salary of a street car conductor. It is said that they offered him \$1,000 to relinquish all claim to Minnie. Perhaps they did. And that he refused it. Perhaps he did. At all events, Foster ap-

peared to Judge O'Brien Tuesday morning in Special Term of the Supreme Court and obtained a writ of habeas corpus commanding the Costas to produce Minnie in the Court of Oyer and Terminer Wednesday morning. He also engaged George W. Wilson as attorney in the case.

### A BOMB-SHELL FOR THE COSTA FAMILY.

The effect of all this upon Mr. and Mrs. Costa is easily imagined. There was sadness at No. 255 West Fourth street. The cause of all the trouble was the only unmoved individual there. It did not annoy her in the least that people were at war over her, and she appeared in court Wednesday morning wearing the same smile with which she dazzled the Judge yesterday. But nothing was done on Wednesday. The attorney for the Costas got an adjournment until Friday and all parties had time for reflection.

There was a good deal of quiet scheming and planning done in the two days left to each side. The lawyers tried to compromise, but no compromise plan would go with Minnie's "two paps." It was claimed by an intimate of the Costa family that Foster had not even called to see his little girl for more than a year, and that when he did call on the last occasion he was intoxicated, that he was not a proper custodian for the child, and that he merely demanded her from a desire to make it unpleasant for the foster parents.

Foster's friends, on the other hand, declared that the Costas had not permitted him to see Minnie when he called, that their greatest desire was to bring her up in ignorance of her relation to him, and that their charges against him were made with the sole object of proving that he could not care for the little one.

So everybody was indignant, except Minnie herself. She went on in the even tenor of her way, and when the two paps and the mamma and the aunt and the neighbors came together in court yesterday morning she threw back her curly head and met the whole vexed question with her ringing, childish laugh.



JOHN M. COSTA.

There must have been something in that laugh that worried them all, for when they began to talk the matter over together it was not themselves they thought of, but the little girl. Her welfare was the important thing then, as it should have been all along. So the real father decided to leave her with the Costas upon condition that she might come to his home one week out of every month "to get acquainted."

Then Judge Van Brunt signed the withdrawal of the writ, and all left the courtroom together. The lawyers were satisfied, the fathers content, the foster-mother very happy, and the small girl's curls bobbed more than ever as she danced out into the sunlight clinging to the hands of her two "paps."