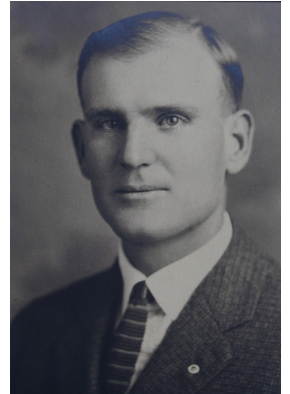


## **The Luck of the Draw**

Michael Davis, October 2021

My grandfather, Ernest Leroy Davis, was Sheriff of Morrill County, Nebraska, from 1922 through 1930, during the Prohibition era. While sheriff, he caught and arrested embezzlers, moonshiners, car thieves, cattle rustlers, and many other outlaws. But his toughest adversary turned out to be a jack drawn from a deck of cards, as we will hear later.

Morrill County is located in the Panhandle of western Nebraska, and Bridgeport is the county seat (see the map on the next page). Sheriff Davis's activities were reported in the *Bridgeport News-Blade*, the *Alliance News*, and occasionally in the *Omaha World-Herald*, published on the opposite end of the state. Here are a few examples of stories about Sheriff Davis's activities:



(*Bridgeport News-Blade*, 14 February 1929)

### **SHERIFFS TAKE BIG STILL AND QUANTITY OF MASH**

Assisted by Sheriff E. L. Davis and Deputy Sheriff Roy Clark, Scotts Bluff County authorities Tuesday afternoon arrested Henry Fenning, farmer living about eight miles northwest of Bayard in Scotts Bluff County, on the charge of owning and operating a still. Fifteen gallons of moonshine whiskey and 75 gallons of mash were found. It was a 40-gallon still.

(*Omaha World-Herald*, 22 September 1930)

### **Uplifting County Fairs**

Skin games and dirty shows are taboo at the Morrill County Fair and Sheriff Davis and Deputy Clark found it necessary this week to close down several of the concessions and hula-hula shows. The latter was reported to have been quite rank and did not last very long.

After serving as Morrill County Sheriff for eight years, Sheriff Davis came up for re-election in 1930. He ran against A. M. Webb, Police Chief of the town of Bayard, fifteen miles from Bridgeport. Mr. Webb had many supporters in Bayard, and the election was extremely close. As the *Bridgeport News-Blade* reported on 6 November 1930:

### **TREMENDOUS INTEREST IN ELECTION IS SHOWN BY THE VOTERS OF THE COUNTY AND MANY CLOSE CONTESTS ARE RESULT**

#### **Webb is Leading Davis For Sheriff**

...

The race for the office of sheriff was perhaps the hardest, closest and most spectacular ever battled out in Morrill County and the end is not yet. With returns from every precinct in the county in and accounted for, A. M. Webb, democrat of Bayard, is in the lead eight votes but there are in the clerk's office 23 mail votes bearing on the contest. The votes will be tallied Friday when the official count of the vote is made. At the final tally on 7 November 1930, it was determined that each candidate had received exactly the same number of votes. Sheriff Davis claimed that there were irregularities in the election that caused many votes for him not to be counted, and he refused to accept the results. For example, he pointed out that the polls in Bridgeport were closed two hours earlier than the polls in Bayard, giving an unfair advantage to Mr. Webb, who was from Bayard.

According to a state law that had never previously been applied, a tied election was to be decided by drawing cards from a pack of playing cards. Because he disputed the results of the election, Sheriff Davis



*Nebraska and some of the cities and towns mentioned in the story*

refused to participate in the drawing, so the drawing took place without his being present. According to the Bridgeport News-Blade of 27 November 1930, "... County Clerk Cavett, after being blindfolded, drew for both men from a pack of playing cards, drawing an eight for Davis and a jack for Webb, whereupon the election certificate was ordered given to Mr. Webb."

Mr. Davis lost the draw, but he wasn't quite willing to give up yet. He believed the election victory was unfairly taken from him and filed a lawsuit to overturn the results. He produced witnesses who claimed that they would have voted for him if the polls in Bridgeport hadn't closed early. The judge wasn't swayed by the witnesses and disqualified them. Mr. Davis eventually lost in court but decided not to appeal the decision. On January 22, more than two months after the election, Mr. Webb finally took over as sheriff.

So Sheriff Davis was finally defeated by a jack drawn from a deck of cards. But he didn't stay down for long. A week after his opponent was declared the winner of the race for Morrill County Sheriff, he accepted a position with the Nebraska Stock Growers Association as an investigator of reports of stolen cattle.

As a private investigator with the Nebraska Stock Growers Association, Mr. Davis continued his law enforcement activities even though he was no longer sheriff. The following excerpt from an article in the *Alliance News* on 23 August 1932 shows his typical activities:

#### **ARRESTS IN COW THEFT**

##### **Four to Be Brought Here to Receive Sentences**

Four Sioux County men are candidates for district court sentencing here [Alliance, Nebraska] following admissions at Harrison that three of them were connected with the theft and butchering of a heifer and the other was an accessory after the fact.

...

The heifer was stolen on August 4 from the ranch of William Fanning, 12 miles north of Morrill in Sioux County. E. M. (sic) Davis, special agent of the Nebraska Stockgrowers Association, and Sheriff Sid Williams of Sioux County arrested the quartet last week. The four confessed and said they would plead guilty.

It wasn't in the cards for Mr. Davis to remain sheriff, but he continued catching outlaws for many more years.