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Article Title: A Fallen Victim to “the Liquor Curse”: The Life and Tragic Death of Samuel D Cox

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Article Summary: The 1906 murder of a well-known newspaperman and temperance advocate may have been a factor in the adoption of restrictions on saloons and alcohol consumption in Nebraska.

Cataloging Information:

Names: Samuel D Cox, Will Owen Jones, Herbert M Bushnell, Al G Fairbrother, C V “Con” Gallagher, George W Fairfield, Ernest S “Stern” Kennison, Andrew G Wolfenbarger, Laura S Thompson Cox

Nebraska Place Names: Lincoln, Minatare

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Keywords: *History of the City of Lincoln, Nebraska*; prohibition; amendment; irrigation; saloon restriction law; Samuel D Cox; Herbert M Bushnell; George W Fairfield; Ernest S “Stern” Kennison

Photographs / Images: main street of Minatare in 1907; Herbert M Bushnell; Lincoln, looking northwest from the state capitol in 1889; masthead of the *Lincoln Daily Call*; Al G Fairbrother; C B Purdy tending an irrigation ditch near Minatare; inset headlines reporting Cox’s death (*Sunday State Journal*, December 30, 1906); article speculating about why Ernest S Kennison murdered Cox (*Nebraska State Journal*, December 31, 1906); Governor Ashton C Shallenberger

A FALLEN VICTIM TO

The Life & Tragic Death of Samuel D. Cox

When Samuel D. Cox was shot to death on the street in Minatare on a late December afternoon in 1906, his murder sparked a flurry of indignation in state newspaper and temperance circles.

A VETERAN JOURNALIST WHO HAD PLIED his craft on the *Nebraska State Journal*, the *Lincoln Daily* and *Weekly Call*, and the *Minatare Sentinel*, Cox was well known in both eastern and western Nebraska, where he also enjoyed a reputation as an irrigation booster and community builder. However, his strident lifelong opposition to alcohol and saloons had gained him enemies and was probably the cause of his death. At least that was the opinion among Cox's colleagues in the prohibition movement, who pictured him as one of many "who had fallen victims to the liquor curse."¹

Cox, born at Jacksonville, Illinois, grew up in Humboldt, Nebraska, and was graduated from the University of Nebraska in 1880. After graduation he taught school for a short time before taking a job in March of 1881 with the *Courier*, a Republican newspaper at Central City. Several years later he returned to Lincoln and went to work for the *Nebraska State Journal*.²

Cox was one of several ambitious university students or recent graduates hired by the *Journal* in the early 1880s. Henry Allen Brainerd, unofficial Nebraska newspaper historian and a contemporary of Cox, believed him to be one of the "young men employed on the *Journal*. . . . classed as the very best newspaper men of that day." Cox's successor as city editor in 1886, Will Owen Jones, believed Cox was lured away from the paper by the prospect of quick profits in Lincoln's booming real estate market of the mid-1880s. The boom crested about 1887 but while it lasted, "everybody talked real estate and dreamed about fortunes being made in deals." Advertisements in local newspapers boosted new areas of the city, along with the improvements such additions required.³

However, Cox did not allow his growing real estate interests in Lincoln and farther west to prevent him from pursuing other projects. He was a member of the Lincoln Board of Education in 1889. Interested in local history, he served as secretary of the Historical and Political Science Association at the University of Nebraska. In a January 12, 1886, letter to George E. Howard, secretary of the Nebraska State Historical Society, Cox wrote of his hope that "there shall exist between the two organizations a hearty sympathy and co-operation which shall prove to be of great mutual advantage." Cox was a longtime member of the State Historical Society and served on its publication committee.⁴

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“THE LIQUOR CURSE”

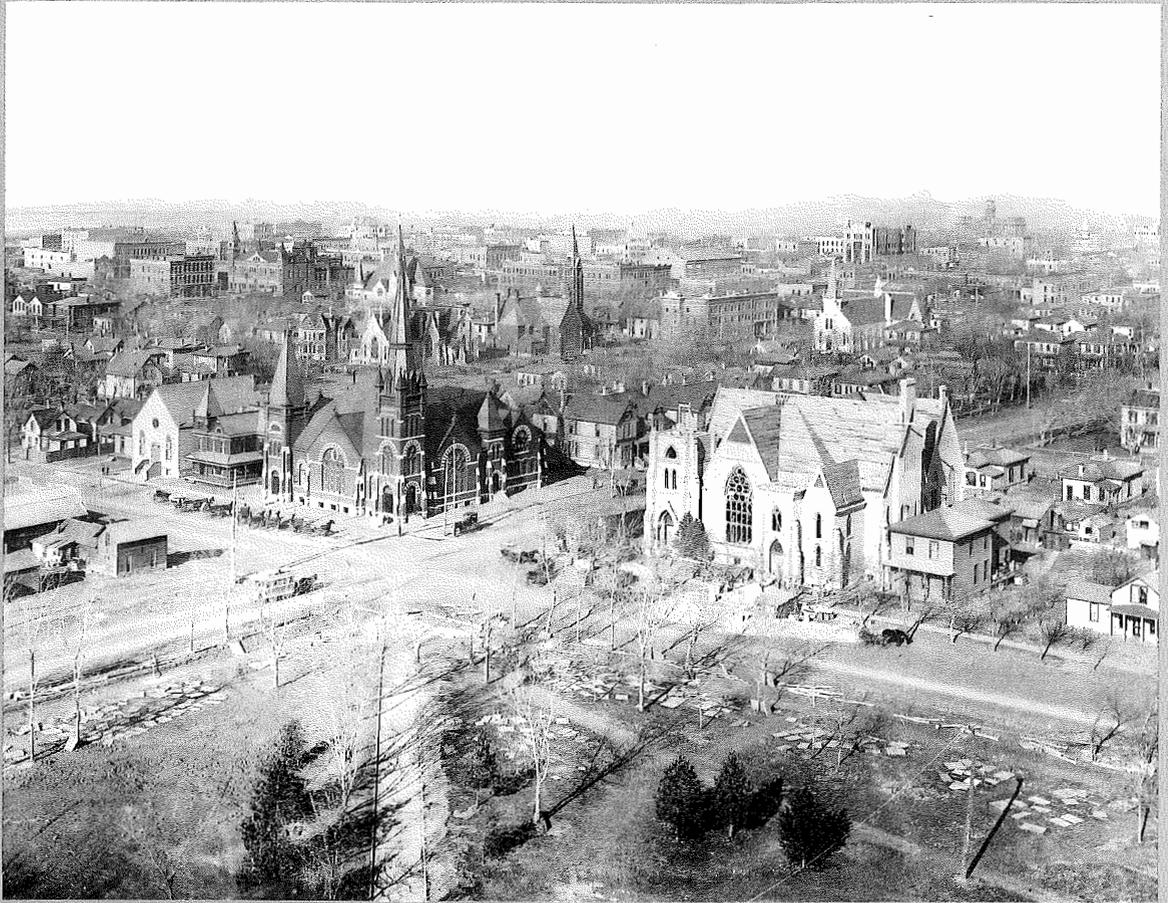
BY PATRICIA C. GASTER



The main street of Minatare, photographed in 1907, soon after Samuel D. Cox was murdered.
NSHS RG2528-4-01



Herbert M. Bushnell was president of the Call Publishing Company in 1888. Although his associate, Samuel D. Cox, was well known across Nebraska at the time of his death, no photograph of Cox has been discovered.
NSHS RG2411-784b



With *Journal* newsman Arthur B. Hayes, Cox in 1887 and 1888 compiled *History of the City of Lincoln, Nebraska*, published by the State Journal Company in 1889. Explaining what might have seemed a brash attempt to record the history of a city only a few decades after its founding, Cox and Hayes in the preface stated that “they felt that it was a work which should be performed while it was still possible to get the facts from those who are personally cognizant of them.”⁵

Active in social affairs as well, Cox was one of Lincoln’s best-known and most popular young men. Will Owen Jones remembered him in 1927 as the “beau ideal of the press crowd of the early days.” Jones said, “ Handsome, clean, upstanding, able, Sam Cox always seemed one of the most notable figures in Nebraska journalism.” Cox was also a veteran bachelor who surprised his friends by his marriage in June 1891 to Laura S. Thompson. The wedding took place in her home state of Indiana at Evansville.⁶

In July 1888 Cox and two others, Herbert M. Bushnell and Al G. Fairbrother, began publication of the *Lincoln Daily* and *Weekly Call*, the former *Daily State Democrat*, purchased from J. D.

Lincoln, looking northwest from the state capitol in 1889, the same year Samuel D. Cox and Arthur B. Hayes published their *History of the City of Lincoln, Nebraska*. NSHS RG2158-043

Calhoun. Bushnell was president, and Fairbrother was managing editor. Both were experienced journalists. Bushnell, whose career dated from 1876 in Plattsmouth, was president of the Nebraska Press Association in 1887, 1888, and 1889. Fairbrother was a member of a pioneering Nebraska newspaper family in Nemaha, Brownville, and Tecumseh. Cox, already Lincoln correspondent for the *Omaha Herald*, at first served as secretary, treasurer, and business manager for the *Call*. He wrote for the editorial page after Fairbrother left about a year later.⁷

The new paper competed with some twenty-six other periodicals then being published in Lincoln. Cox listed and discussed them in his *History*, even such ephemeral publications as the *Proscenium*, put out by Funke’s Opera House, and the *Home News*, “a little folio in the interests of the Home for the Friendless.” Within a year the *Call* had added an illustrious name to its talent pool, that of humorist Walt Mason (like several other *Call* staffers, a

THE LINCOLN DAILY CALL

By The Call Publishing Co.

former *State Journal* employee). The July 4, 1889, issue announced that Mason would write a column for the *Call* and become a member of the editorial staff.⁸

By June of 1890, the *Call* was being delivered by carrier in a number of towns outside Lincoln. Readers in Seward, David City, Staplehurst, Bellevue, Milford, Ulysses, Greenwood, Waverly, and Ashland had the daily farm market reports and Lincoln news by 6 p.m. The *Call* advertised itself as the "only afternoon paper in the state outside of Omaha which receives the Associated Press dispatches. . . . and the only one in the city [Lincoln] receiving the service of the Pictorial Associated press, which furnishes the sketches and portraits of eminent persons whose names are connected with news of the day."⁹

The former Democratic paper, now Republican, was "independent, anti-monopoly, fearless, outspoken," and a thorn in the side of the *State Journal*, Lincoln's most prominent Republican newspaper. The *Call* under Cox and his associates became known for aggressive tactics and abrasive editorials that sometimes provoked their targets, such as Governor John M. Thayer, to fits of anger. Will Owen Jones in 1928 remembered the *Call* as the "infant terrible of Nebraska journalism, perhaps the most interesting and irresponsible daily ever published in the state."¹⁰

One of the *Call's* favorite targets was the liquor industry. A wave of temperance feeling during the late 1880s (promoted by societies, churches, and the national Prohibition Party) culminated in the submission of a state prohibition amendment to a popular vote in Nebraska in 1890. Democrats opposed the amendment, and the Farmers' Alliance tried to sidestep it. The Republican Party in 1890 was split on the issue. A majority of its members were dry, but there was an active wet element within the party. The *State Journal*, believing that Nebraska was not ready for prohibition, opposed the proposed legislation, but the *Call* favored it, advertising itself as "the leading 'for the Amendment' paper in the state."¹¹

In Omaha an active campaign raged between the anti-amendment local press (especially Edward Rosewater and the *Omaha Bee*) and the pro-amendment *Lincoln Call*, *The Voice* (a New York prohibition paper), and the *Omaha Leader*. Cox was in Omaha on election day, November 4, 1890, where more than ten thousand copies of the *Call* (as well as many of *The Voice*) were being held at the Omaha federal building and post office by former postmaster C. V. "Con" Gallagher and

new postmaster appointee T. S. Clarkson. The *Call* charged that Gallagher had political motives for refusing to allow distribution of the newspapers and denounced him as a "hireling of the saloons" and a "government outlaw." The paper blasted an "Omaha Conspiracy" of saloonkeepers and their political tools (such as Gallagher and Omaha mayor Richard C. Cushing) that spared no effort to defeat the amendment.¹²

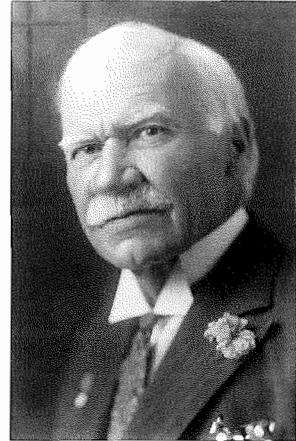
The rest of the citizens of Omaha fared little better in Cox's reports. They were assumed to be anti-prohibition and labeled scoundrels and criminals. Amendment supporters charged that intimidation and actual violence occurred at a number of Omaha polling places on election day. Cox accused Omaha police of failing to keep order—of being "in league with the thugs." Among those arrested was prohibitionist William E. (later "Pussyfoot") Johnson, who helped publish a small pro-amendment paper in Omaha called the *Daily Bumble Bee* for only a week prior to the election.¹³

Despite all the effort and invective Cox and his friends could muster, the amendment drive failed. The statewide vote on prohibition was 82,292 for the amendment and 111,728 against it. In Douglas County the vote was 1,555 for and 23,918 against. Charles E. Bentley, chairman of the Prohibition State Central Committee, after the election praised the *Call* as "the only daily in Lincoln and Omaha that championed our cause firmly and effectively to the close."¹⁴

An 1891 letter from Cox to the University of Nebraska student newspaper, *The Hesperian*, illuminates his personal and professional goals during his turbulent years on the *Call*. "As to the guiding principle of my work," Cox said,

I may summarize it as an effort to promote the general movement of society toward a satisfactory plane of equality by leveling up morally and leveling up and down financially; an effort which involves the persistent encouragement of worthy influences, the fearless puncturing of pretending frauds and the vigorous espousal of the social and political reforms which are tending toward a broader and deeper humanity.¹⁵

Cox also complained in 1891 of the difficulty of combining journalism as a profession with journalism as a business. This became increasingly difficult as the drought-squeezed economy in Nebraska combined with a national business panic in 1893 to cause a decline in revenue at the *Call*.



Al G. Fairbrother, a long-time Nebraska journalist, was managing editor of the *Lincoln Call* in 1888. NSHS SFN90952

The hiring of J. C. Seacrest to manage the circulation resulted in a satisfying increase in the number of subscriptions—but many new subscribers couldn't pay for their papers. In 1894, to avoid further financial difficulty, Bushnell and Cox sold the paper to W. Morton Smith and L. L. H. Austin.¹⁶

Cox, suffering from health problems and work-related stress, and with no employment in Lincoln, relocated to Minatare in Scotts Bluff County in 1895. The town had been founded in 1887 by George W. Fairfield, a government surveyor. Cox had invested for years in western Nebraska land and in the new irrigation projects that would make it agriculturally profitable. He invested in the Minatare Irrigation Ditch Company, organized in 1887 by the same Fairfield who had founded Minatare. Despite many obstacles, especially the lack of funds, the ditch was completed in August 1888.¹⁷

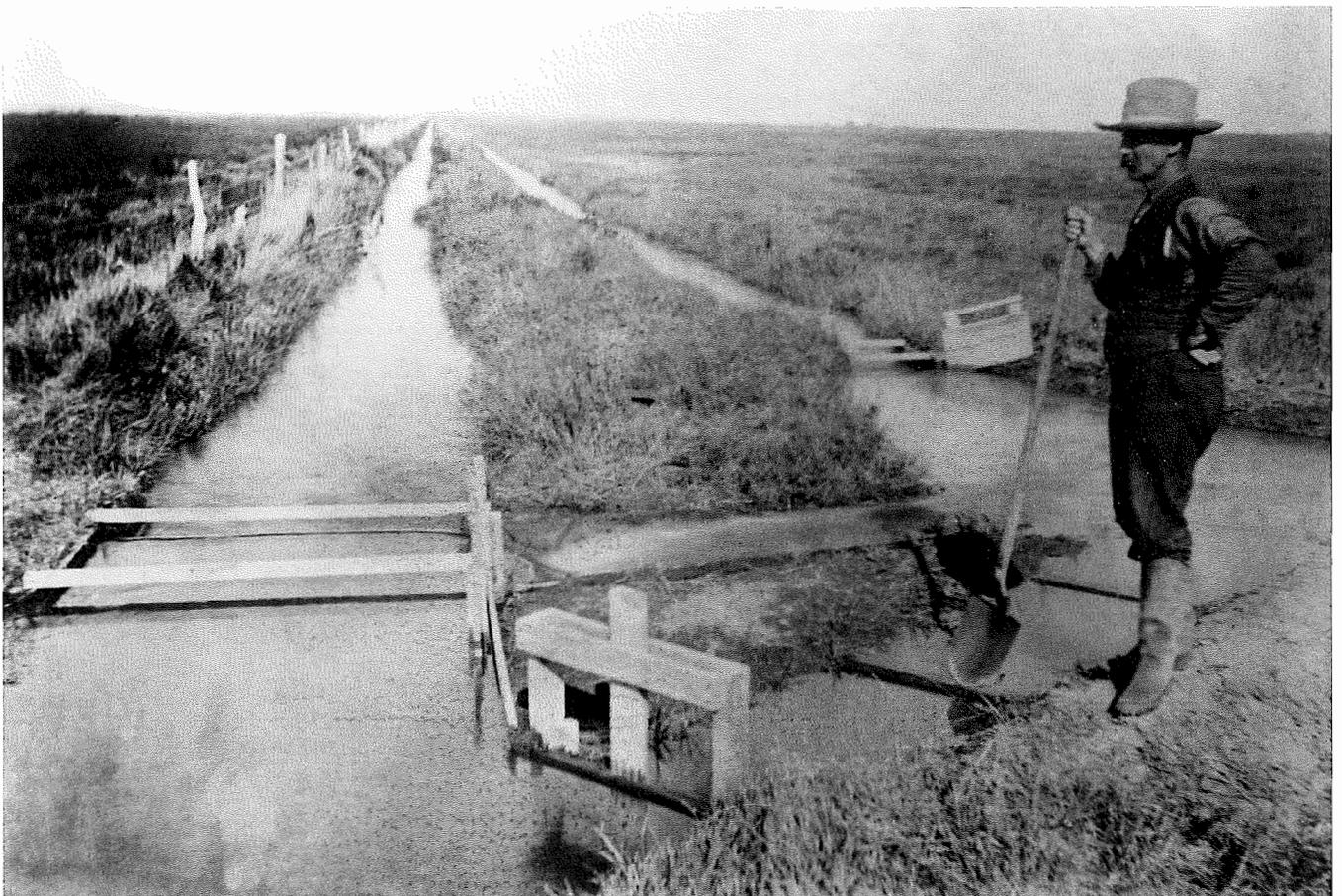
The idea of building ditches to conduct water to cropland spread like wildfire in Nebraska from 1890 to 1895. Irrigation booster William E. Smythe wrote a series of articles on irrigation for the *Omaha Bee* in January and February of 1891 that made that subject the foremost issue in the state. In

February 1891 the first state irrigation convention was held in Lincoln, and Cox attended as a member of the Lancaster County delegation. The Nebraska State Irrigation Association grew out of convention proceedings.¹⁸

Western Nebraska homesteaders were becoming aware that successful farming there required irrigation. Notices were posted, surveys were made on area streams, and ditches were constructed. By 1898 it was estimated that the irrigated acreage in western Nebraska was about thirty thousand acres. Scotts Bluff County, a leading irrigation county, more than doubled in population between 1890 (1,188) and 1900 (2,552).¹⁹ Optimism over the agricultural prospects for western Nebraska soared. The *Daily Call* editorialized in February of 1891:

It is a matter of common knowledge that there is never a year in which the rainfall in Nebraska is not sufficient to make good crops. All that is necessary is to decide means to retain and utilize the moisture. Irrigation is always successful.²⁰

Samuel D. Cox was a strong promoter of irrigation in western Nebraska. Here C. B. Purdy tends an irrigation ditch near Minatare. NSHS RG2074-1-15



SAM D. COX SHOT

Improving his health and keeping an eye on his various business interests, however, did not absorb all of Cox's energy. He secured an appointment as postmaster at Minatare, and in 1895 began publishing the *Minatare Sentinel*. "While Mr. Cox," the *State Journal* observed, "was not a typical newspaper man he had a great deal of love for the work, and found it impossible to keep out of it." The *Sentinel* also helped to advertise Cox's new hometown, a village of about one hundred people, and to boost local land values.²¹

Cox's new interests and activities related chiefly to the economic and agricultural development of the North Platte valley. He studied the area's native grasses, on several occasions sending samples to Prof. Charles E. Bessey at the University of Nebraska for identification and suggestions on their uses and control.²² He was a frequent visitor to Lincoln, especially during legislative sessions when laws favorable to irrigation were introduced. At the time of his death he was secretary of the North Platte Valley Water Users Association. According to the *State Journal*

Cox was . . . manager of the only grain elevator in the Platte valley, secretary of the beet growers' association, and a prominent ranchman and raiser of high grade livestock, besides an important factor in the development of Minatare and the Platte valley.

The same article noted, "He was understood by his friends to be on the road to a competency, if not wealth."²³

A promising future—a new start in western Nebraska after more than a decade in Lincoln—seemed assured. Cox must have been optimistic as he watched his investments grow and visited the land office at Alliance in early December of 1906 to make final proof on his homestead filing.²⁴ But his plans came to an abrupt end just a few weeks later on Saturday afternoon, December 29. Cox, unarmed, was shot to death by Ernest S. "Stern" Kennison, a local hotelkeeper, on a downtown Minatare street.

According to contemporary newspaper accounts of the brief encounter between the two, Cox and several others were inside a drugstore listening to a phonograph when Kennison opened the door, told Cox that he wished to speak to him, and asked him to step outside. Cox did so and walked up the street with Kennison. No one else heard their conversation.

A few minutes later someone left the drugstore and observed the two men fighting. Cox appeared to be on the defensive, trying to parry Kennison's

blows. Kennison then pulled a revolver from his pocket. Cox grabbed the gun in both hands and deflected the first shot, but a second shattered his elbow, leaving him at the mercy of his attacker. Kennison then

threw one arm around his victim's neck and shoved the revolver down between the throat and shirt, pulled the trigger for the third time and the deed was done. Mr. Cox fell to the sidewalk and expired instantly while the murderer coolly put his gun in his pocket and walked away.²⁵

SAM D. COX SHOT

**WELL KNOWN NEWSPAPER MAN
KILLED AT MINATARE**

SCUFFLE WITH HOTEL MAN

**MET ON SIDEWALK WHERE THE
FIGHT TOOK PLACE.**

HIS SLAYER WILL NOT TALK

**TWO STORIES TOLD ABOUT CAUSE
OF SHOOTING.**

**E. S. Kennison Killed Him After a
Few Words and a Scuffle, Fir-
ing Three Shots—Death
Soon Followed.**

The *Sunday State Journal* on December 30, 1906, reported Cox's death.

Several other accounts mention that Cox said that he was gone or beyond help before dying. An autopsy conducted by the Scotts Bluff County coroner, Fred D. Wolt, later indicated that the bullet that resulted in death had entered the victim's neck above the left collarbone, then

passed downward and inward to a point near the third vertebra of the spinal column.²⁶

Kennison, about thirty-eight years of age at the time of the shooting, was the manager of the Enterprise Hotel in Minatare and a former Deuel County sheriff.

Elected in November 1899, he served less than a year as sheriff before he was forced to resign because of his problems with liquor. Several accounts of the shooting reported that just prior to it, Kennison was drinking and playing cards with friends and had remarked in disgust after losing several hands that he was "going up the street and lick the first man he didn't like." That Kennison, known as a heavy drinker, should have disliked Cox (said to have no bad habits of any kind and who opposed drinking not only because of religious scruples, but because it was "weakening") is not difficult to understand.²⁷

After shooting Cox, Kennison walked back to the Enterprise Hotel (soon surrounded by angry men who prevented him from leaving) and waited for Deputy Sheriff Claude Westervelt to arrive from Gering, the county seat, to take him into custody. (After the murder, one of the first official actions of the Minatare city council, on which Cox had served as clerk, was to arrange for a city marshal.) A more extensive account of the shooting that emerged at Kennison's first trial for murder in the spring of 1907 portrayed him after the incident as being without remorse. One witness testified "to the jocularly with which Kennison received the information that Cox was dead, a few minutes after he had left him lying on the sidewalk."²⁸

Several of Cox's friends later noted his habit of taking strong public stands on contemporary issues and personalities, a habit that gained him enemies throughout his career despite his mild personal demeanor. His 1891 commitment to "the

persistent encouragement of worthy influences, the fearless puncturing of pretending frauds and the vigorous espousal of . . . social and political reforms" was as strong in Minatare as it had earlier been in Lincoln. Cox had particularly intense feelings about the liquor question. At the time of the shooting he opposed the granting of any liquor licenses in Minatare, although there was a movement afoot (supported by Kennison) to open a saloon there.²⁹

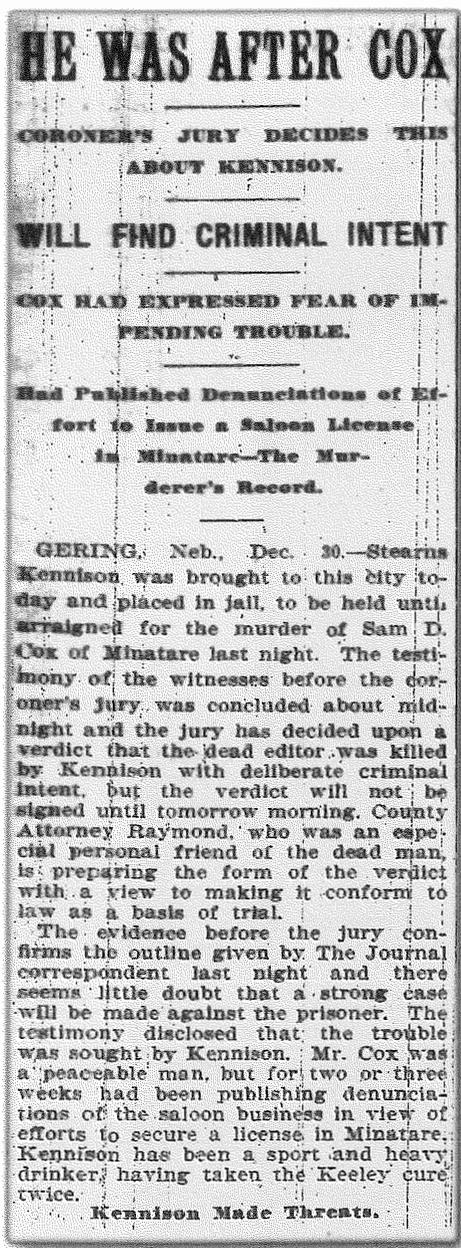
Kennison, a heavy drinker who was said to have taken the Keeley cure twice, apparently became enraged at Cox's "dry" stance, reflected in editorials in the *Sentinel* published shortly before the fatal encounter between the two men. John M. Cotton, in 1906 the editor of the *Ainsworth Star-Journal* and a former employee with Cox on the *State Journal* at Lincoln in the early 1880s, wrote bluntly: "The murderer was angry because Mr. Cox had recently written some very strong articles denouncing the saloons or public drinking resorts." Kennison was reported to have visited the *Sentinel* office on at least one occasion prior to the shooting and invited Cox to "come out on the street for the purpose of being licked."³⁰

The shooting at Minatare leaped into Nebraska newspaper headlines. The Platte valley was reported to be "much agitated." Even in Central City, which Cox had left twenty-five years before, the newspaper notice of his death recalled his early days on the *Central City Courier* and reported him to be well liked and remembered.³¹

Cox's death was felt almost as much in Lincoln as it was in western Nebraska. The *Nebraska State Journal* noted, "The friends of Mr. Cox are numerous and their feeling of grief was intensified by indignation over the criminal waste of such a valuable life."³² Although he had been in Minatare for more than a decade, Cox was still considered so much a part of Lincoln's history that Andrew J. Sawyer's 1916 history of Lincoln and Lancaster County included Cox's murder in a list of important county events.

A Lincoln interview of Herbert M. Bushnell, Cox's former colleague on the *Daily* and *Weekly Call*, resulted in a glowing testimonial to Cox's achievements and character. Bushnell conceded that Cox had been "vigorous in expressing himself with his pen," but said he had never engaged in personal arguments. Bushnell concluded by expressing the prevalent opinion that Cox had been killed because of his public stand on the liquor question.³³

Cox's old friend in newspaper, prohibition, and



An article in the December 31, 1906, issue of the *Nebraska State Journal* speculated on why Ernest Kennison murdered Cox.

irrigation circles, attorney Andrew G. Wolfenbarger, the day after Cox's death introduced a memorial resolution during a Red Ribbon temperance meeting at the Oliver Theater in Lincoln. During the meeting 376 people signed an abstinence pledge. Wolfenbarger attributed Kennison's motive for murder to anti-prohibition feelings and vividly pictured Cox as one of many victims of "the liquor curse."³⁴

Many Nebraska newspapers agreed. The *Bridgeport Blade* titled its account of the crime "Shot by a Drunken Gambler." The *Chappell Register*, under the headline "Do You See the Moral?" recounted the downward course of Kennison's life from his forced resignation as sheriff of Deuel County until Cox's death. J. W. Johnson urged Lincoln newspapermen to use the Cox murder to "stir the people and the legislature into action" and urged the enactment of an anti-saloon amendment to the state constitution. The *Nebraska State Journal* on October 19, 1907, analyzed the remarkable growth of temperance sentiment in the state and concluded that several recent high-profile crimes, including the Cox murder, were factors."³⁵

Despite the emotional impact of his death, Cox left few visible reminders of his life and achievements in Nebraska. He was survived only by his father, two married sisters (one of whom lived in Florida), and by his wife, who sent Cox's body to Evansville in her home state of Indiana for burial after funeral services in Minatare. The train bearing the body stopped briefly in Lincoln, where it was met by Cox's eighty-two-year-old father from Humboldt, a sister, and a delegation of newspapermen, many from the *Nebraska State Journal*, Cox's former employer. Other Lincoln friends and a group of Cox's former University of Nebraska classmates joined the group at the train, where Laura Cox received their condolences.³⁶

The *Mitchell Index*, in its account of the tragedy and aftermath, noted that Mrs. Cox, a music teacher, was expected to wind up her husband's legal affairs in Minatare. She sold the *Minatare Sentinel* to Lincoln buyers in the spring of 1907 and disposed of the 160-acre Cox homestead adjoining Minatare on the west in 1910.³⁷

Cox's slayer, E. S. Kennison, was first imprisoned in the Scotts Bluff County jail at Gering, but after his preliminary hearing, was moved to the Lancaster County jail in Lincoln, which local authorities thought a more secure location. At his first trial for murder in district court in Scotts Bluff County in the spring of 1907, Kennison testified that he had killed Cox in self-defense—he had



In 1909, little more than two years after Cox's death, Nebraska Governor Ashton C. Shallenberger signed a statewide saloon restriction bill. Known as the "daylight saloon law," the law limited the hours that alcoholic beverages could be sold. NSHS RG2411-4984

intended only to cancel his hotel's advertising in the *Sentinel* and settle his account when Cox rushed him—a point disputed by eyewitnesses. Another point raised during the trial—whether Kennison was drunk at the time of the shooting—was not clearly established. Kennison was seen drinking just prior to the incident, but witnesses testified that he had appeared to be sober, and the accused had clear recollections of his actions and

movements throughout the day.³⁸

The jury took about seven hours to reach a verdict of guilty of murder in the second degree, and Kennison was sentenced to twenty-four years in the state penitentiary. An appeal to the Nebraska Supreme Court resulted in February 1908 in a finding by that tribunal that several errors had been made by the trial court in giving instructions to the jury. The case was remanded to Scotts Bluff County for a new trial.³⁹

The second trial, held in Kimball County under a change of venue, resulted in May in a similar conviction for second-degree murder and a penitentiary sentence of twenty-three years—one year fewer than the original sentence.⁴⁰ Kennison appealed again to the Nebraska Supreme Court, but the decision of the lower court was affirmed in February of 1909, and he was ordered to serve the sentence. Subsequent applications for a pardon in 1910 and a commutation of sentence in 1912 were unsuccessful. He was discharged (with time allowed for good behavior) from the penitentiary in September of 1922 and returned to western Nebraska. He died near Oshkosh in 1931.⁴¹

Cox's death in late 1906 had caused an outpouring of public indignation, not only among his friends in the anti-liquor camp, but among those who saw his murder as a throwback to frontier lawlessness—an outrage that could hardly be imagined "in this day and age of the world and among a civilized community." Kennison's first murder trial in Scotts Bluff County attracted a large crowd and (with the daily presence of both Mrs. Kennison and Mrs. Cox) furnished ample pathos for the spectators. Laura Cox's testimony was particularly emotional. The same issue of the *Gering Courier* that covered the first trial also announced of village elections held the previous Tuesday, "Every Town in County Goes Dry."⁴²

The Cox murder remained before the public as Kennison's second trial in Kimball County and the resulting appeal ground on through 1908 into the spring of 1909. Even after the case was closed, prohibition advocates publicized it to further their goals. A. B. Wood, in 1906 editor of the *Gering Courier*, recalled in 1945 of the events at Minatare, "For years thereafter the murder of Sam D. Cox was a prohibition classic used in propaganda and argument all over the state and nation." Will Owen Jones of the *Nebraska State Journal* believed the incident "had much to do with turning Nebraska into the dry column later on." (A statewide saloon restriction law was enacted in 1909, and a prohibition amendment to the state constitution was

adopted in 1916 and went into effect the next year.)⁴³

Gradually, however, memory of the tragedy faded. Samuel D. Cox may be remembered today less for his violent death than for his association with the memorable *Lincoln Call* and for his coauthorship of *History of the City of Lincoln, Nebraska*.

Inevitably the sudden death in mid-life of an able and prominent man or woman raises the question of unfulfilled possibilities—of what might have been. Prof. Harry K. Wolfe in a memorial to Cox published in a University of Nebraska alumni publication in 1907, lamented Cox's failure to obtain wider recognition when young because of "circumstances which forced him at once into bread winning when intellectual products in his environment were not marketable." Because of his pursuit of a business rather than an academic career, he said, Cox lost the opportunity to grow in other ways.⁴⁴ Perhaps the most regrettable circumstance about Cox's tragic death in Minatare is that it occurred just as he was succeeding in new ventures in a new part of the state. ☐

NOTES

¹*Nebraska State Journal*, Dec. 31, 1906.

²*Sunday State Journal*, Dec. 30, 1906; *Gering Courier*, Jan. 4, 1907; *Central City Courier*, Mar. 24, 1881; A. T. Andreas, *History of the State of Nebraska* (Chicago: The Western Historical Co., 1881), 1116, 1323; H. K. Wolfe, "In Memory," *The University Journal* 4 (1907): 48–49; *The Hesperian* (Lincoln), June 10, 1891.

³Will Owen Jones, "A Nebraska Newspaper with Sixty Years of History," *Sunday State Journal*, July 24, 1927; booklet published June 25, 1906, "to celebrate the close of twenty years of service by Mr. Jones," Charles H. Gere Papers, RG3472, Nebraska State Historical Society (hereafter NSHS); "Recall Old Times," Henry Allen Brainerd Papers, RG3161, NSHS; Harry T. Dobbins, "How Newspapers Were Made in the Early Days of Nebraska," *Sunday State Journal*, July 24, 1927.

⁴Samuel D. Cox, "Historical and Political Science Association of the University of Nebraska," *Transactions and Reports of the Nebraska State Historical Society* (Lincoln: State Journal Printing Co., 1887), 313, 314–15; A. B. Hayes and Sam D. Cox, *History of the City of Lincoln, Nebraska* (Lincoln: State Journal Co., 1889), 232; *Proceedings and Collections of the Nebraska State Historical Society* (Lincoln: 1892), 221, 225, 230; *ibid.* (Lincoln: 1907), 305.

⁵Hayes and Cox, *History of Lincoln*, preface; *Sunday State Journal*, Dec. 30, 1906. Hayes left Lincoln about the time the book was published and thereafter had a distinguished legal and judicial career, chiefly in Washington, D.C. *Lincoln Star*, Oct. 5, 1942.

⁶Jones, "A Nebraska Newspaper"; *Nebraska State Journal*, June 18, 1891.

⁷*Nebraska State Journal*, June 16, 1888; Richard DeBrown, "A History of Daily Newspaper Publication in Lincoln" (University of Nebraska, 1938), 7–8; Arthur J. Riedesel, *The Story of the Nebraska Press Association, 1873–1973* (Lincoln: Nebraska Press Association, 1973), 50; "Death of H. M. Bushnell," *Nebraska*

History 3 (April–June 1920): 3; “Miscellaneous Writings,” Brainerd Papers; Hayes and Cox, *History of Lincoln*, 328; *Sunday Morning Call*, Dec. 11, 1888; *Lincoln Daily Call*, Sept. 19, 1888, June 30, 1891; *Omaha Daily Herald*, June 16, 1888.

⁸Hayes and Cox, *History of Lincoln*, 324–34; *Sunday Morning Call*, July 14, 1889.

⁹*Lincoln Daily Call*, June 19, 1890, Mar. 1, 1892.

¹⁰Lloyd Shaw, *Lincoln Early History* (Lincoln State Journal Co., n.d.), 39–40. See the *Daily Call*, Oct. 25, 1888, for one of many diatribes against the “poor old Journal.” *The Nebraska Has-Been*, Feb. 11, 1928, in Al Fairbrother MSS, NSHS.

¹¹Jones, “A Nebraska Newspaper”; *Sunday Morning Call*, June 15 and 22, 1890; *Lincoln Daily Call*, July 19, 1890.

¹²Robert E. Wenger, “The Anti-saloon League in Nebraska Politics, 1898–1910,” *Nebraska History* 52 (Fall 1971): 268; *Sunday Morning Call*, Nov. 2, 1890; *Lincoln Daily Call*, Oct. 28, Nov. 4, 1890.

¹³Ernest Hurst Cherrington, ed., *Standard Encyclopedia of the Alcohol Problem* (Westerville, Ohio: 1928), 1410, 1874; *Sunday Morning Call*, Nov. 2, 1890; *Lincoln Daily Call*, Nov. 4 and 5, 1890. For an Omaha view of the prohibition battle of 1890 see James W. Savage and John T. Bell, *History of the City of Omaha, Nebraska, and South Omaha* (New York and Chicago: Munsell and Co., 1894), 178–86; *Daily Bumble Bee* (Omaha), Oct. 30, Nov. 1 and 3, 1890.

¹⁴J. Sterling Morton and Albert Watkins, eds., *Illustrated History of Nebraska* (Lincoln: Western Publishing and Engraving Co., 1913), 3C: 230–31; *The New Republic* (Lincoln), Nov. 20, 1890. Bentley was the presidential candidate of the silver wing of the national Prohibition Party in 1896.

¹⁵*The Hesperian* (Lincoln), June 10, 1891.

¹⁶*Ibid.*; Wayne A. Alvord, “The Nebraska State Journal, 1867–1904” (University of Nebraska, 1934), 18; DeBrown, “A History of Daily Newspaper Publication,” 8; “A Rough Sketch of the Publisher,” *Nebraska State Journal*, July 24, 1927.

¹⁷*Gering Courier*, Jan. 4, 1907; D. Faye Lamb, “History of Minatare Started in 1887,” in *Gering Courier*, Aug. 27, 1987; Minatare Irrigation Canal Papers, 1887–96, RG4293 (microfilm), NSHS; Sam S. Kepfield, “El Dorado on the Platte: The Development of Agricultural Irrigation and Water Law in Nebraska, 1860–1895,” *Nebraska History* 75 (Fall 1994): 234; Jane Graff, ed., *Nebraska, Our Towns . . . The Panhandle* (Dallas: Taylor Publishing Co., 1988), 97; A. B. Wood, *Pioneer Tales of the North Platte Valley and Nebraska Panhandle* (Gering: Courier Press, 1938), 73.

¹⁸Martin E. Carlson, “William Smythe: Irrigation Crusader,” *Journal of the West* 7 (January 1968): 41–47; “The Advocates of Ditches,” *Omaha Daily Bee*, Feb. 12, 1891.

¹⁹R. H. Willis, “Irrigation in Nebraska,” *Irrigation in Nebraska, Historical and Informational Articles* (Lincoln: Department of Roads and Irrigation, 1950–51), 9; James C. Olson, *History of Nebraska* (Lincoln: University of Nebraska Press, 1966), 313.

²⁰*Lincoln Daily Call*, Feb. 6, 1891.

²¹*Nebraska State Journal*, Mar. 27, 1896, *Sunday State Journal*, Dec. 30, 1906.

²²Samuel D. Cox to Charles E. Bessey, June 1, 1902, July 15, 1903, July 18, 1905, Charles E. Bessey Papers, 1865–1915, Archives and Special Collections, University of Nebraska-Lincoln.

²³*Sunday State Journal*, Dec. 30, 1906; *Bridgeport Blade*, Jan. 4, 1907; *Gering Courier*, Jan. 4, 1907.

²⁴*Gering Courier*, Dec. 14, 1906.

²⁵*Banner County News* (Harrisburg), Jan. 4, 1907. The *Gering Courier* stated in its Jan. 4, 1907, coverage of the murder that it had “been solicited not to give the details too fully on account

of its bearing upon the trial of the case.” It published a more detailed account on April 5, 1907, after testimony in Kennison’s first murder trial. A brief account by the Scotts Bluff County sheriff, James P. Westervelt, appeared in the *Nebraska State Journal*, Jan. 30, 1907.

²⁶*Chappell Register*, Jan. 3, 1907; *Western Nebraska Observer* (Kimball), Jan. 3, 1907; *Gering Courier*, Jan. 4, 1907; *Nebraska State Journal*, Dec. 31, 1906.

²⁷*Chappell Register*, Nov. 9, 1899, Sept. 20, 1900, Jan. 3, 1907; *Sunday State Journal*, Dec. 30, 1906; *Gering Courier*, Jan. 4, 1907; *Omaha Sunday Bee*, Dec. 30, 1906; *Lincoln Daily Star*, Dec. 31, 1906.

²⁸*Gering Courier*, Jan. 4 and 11, Apr. 5, 1907; *Nebraska State Journal*, Apr. 2, 1907.

²⁹*Sunday State Journal*, Dec. 30, 1906; *Gering Courier*, Jan. 4, Apr. 5, 1907; A. B. Wood, *Fifty Years of Yesterdays* (Gering: Courier Press, 1945), 149; *The Hesperian* (Lincoln), June 10, 1891.

³⁰*Sunday State Journal*, Dec. 30, 1906; *Nebraska State Journal*, Dec. 31, 1906; *Gering Courier*, Apr. 5, 1907; *Ainsworth Star-Journal*, Jan. 4, 1907. An *Omaha Daily News* claim (Dec. 30, 1906) that the quarrel was over a “board bill” seems a surmise by the article’s author based on the murderer’s occupation.

³¹*Sunday State Journal*, Dec. 30, 1906; *Nebraska State Journal*, Dec. 31, 1906; *Central City Nonpareil*, Jan. 3, 1907.

³²*Nebraska State Journal*, Dec. 31, 1906.

³³*Sunday State Journal*, Dec. 30, 1906.

³⁴*Nebraska State Journal*, Dec. 31, 1906. *The Nebraska Irrigation Annual* (Lincoln: A. G. Wolfenbarger, 1897), 29, identifies Wolfenbarger as president of the Nebraska Irrigation Association in 1897 and includes an advertisement for “Wolfenbarger and [T. F. A.] Williams, Irrigation Lawyers.” Wolfenbarger joined the Prohibition Party in 1880 and thereafter was prominent in its state and national affairs.

³⁵*Bridgeport Blade*, Jan. 4, 1907; *Chappell Register*, Jan. 3, 1907; *Nebraska State Journal*, Jan. 1, Oct. 19, 1907 (reprint in *The Nebraska Issue* (Lincoln), October 1907).

³⁶*Mitchell Index*, Jan. 4, 1907; *Nebraska State Journal*, Dec. 31, 1906, Jan. 1, 1907.

³⁷*Gering Courier*, Apr. 19, 1907; *Mitchell Index*, Jan. 4, 1907; *Minatare Free Press*, Mar. 11, 1910.

³⁸*Gering Courier*, Jan. 4, Mar. 29, Apr. 5, Oct. 25, 1907, Feb. 12, 1909; *Nebraska State Journal*, Jan. 30, 1907. Kennison’s testimony on the stand was “considerably tangled up.” He denied killing Cox, but also said that he had shot Cox in self-defense. *Gering Courier*, Apr. 5, 1907.

³⁹*Gering Courier*, Apr. 5, Oct. 25, 1907, Feb. 28, 1908, Feb. 12, 1909.

⁴⁰*Ibid.*, Oct. 25, 1907, Feb. 28, May 15 and 22, 1908, Feb. 12, 1909; *Scottsbluff Republican*, Jan. 24, Feb. 28, Mar. 20, 1908; *Minatare Free Press*, May 14 and 21, 1908.

⁴¹Wood, *Fifty Years of Yesterdays*, 149; *Gering Courier*, July 31, 1908, Feb. 12, 1909, Oct. 20, 1922; *Nebraska State Journal*, Dec. 29 and 31, 1910; *Lincoln Daily News*, Aug. 14, 1915; Descriptive Record of Inmates, Nebraska State Penitentiary and State Reformatory, RG 86, Records of the Nebraska Department of Correctional Services (microfilm), NSHS. Kennison died January 1, 1931, *Garden County News* (Oshkosh), Jan. 8, 1931.

⁴²*Banner County News* (Harrisburg), Jan. 4, 1907; *Nebraska State Journal*, Apr. 2, 1907; *Gering Courier*, Apr. 5, 1907.

⁴³Jones, “A Nebraska Newspaper”; *Sunday State Journal*, July 24, 1927; Wood, *Fifty Years of Yesterdays*, 150. Wood, like Cox, was an enthusiastic booster of irrigation in the Panhandle.

⁴⁴Wolfe, “In Memory.”