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Article Summary: On August 26, 1958, the owners of The Lone Oak Building six miles west of Lincoln, were found dead of carbon monoxide poisoning. This is the story of their deaths and the ensuing legal battles of the families of the deceased, Thomas M Bentley and Nola Bailey.

Cataloging Information:

Names: Clara Wimes, Theodore (Tom) Bentley, William Walker, Nola Bailey, E Earl Bailey, Zilah M Powell, Goldia Scarberry Bentley, Lulu Goldia, Lucille Goldia, Louise Goldia, Charles (Chester) Fancher, Inez Fancher, Henry Van Aelst, Leona Van Aelst, Zilah N Powell, William J Powell, Wendell Sweet, Max Kier, Sheriff Karnopp, Littrell and Patz, Judge Paul White, Brian Littrell, Chauncey Barney, Ralph Brooks, Mrs Hope Bailey, County Attorney Scheele

Keywords: The Lone Oak, The Elms, The One Oak, El Ranchito, Van Sickle Glass and Paint Company, J M Yost Lumber Company, dance-hall permit

Photographs / Images: Lone Oak Famous for Fine Foods ad; The Lone Oak menu which won the Duncan Hines recommendation; Lone Oak neon sign with inset photo of Clara Wimes; Lone Oak Lincoln, Nebraska glass; hand-written real estate conveyance; Lone Oak yellow pages ad, 1953; Grand Opening One Oak, 1958, ad listing new name and Frank Ferrara, Owner-Manger, after death of previous owners, *Lincoln Evening Journal*; Lancaster County Commissioners minutes excerpt showing Bentley's interest in the Lone Oak reduced to the copyrighted name; Nebraska Supreme Court Case File 34751 cover; El Ranchito Restaurant & Cantina yellow pages advertisement, 1985

TRAGEDY

AT THE LONE OAK

BY JOHN CARTER

On August 26, 1958, Clara Wimes arrived for work at the Lone Oak restaurant about five miles west of Lincoln about 7:30 a.m., as usual. By 9:30 her employer, the usually punctual Nola Bailey, had yet to appear, and Clara was growing worried.

SHE WALKED OVER TO THE TWO-BEDROOM cottage at the eastern edge of the parking lot where Bailey and Theodore (Tom) Bentley lived. Peering through the front door window she saw Bailey lying motionless on the bathroom floor. She ran to find her father, William Walker, a maintenance man for the Lone Oak. They pounded on the door hoping to arouse Bentley. When that failed, they called the police.¹

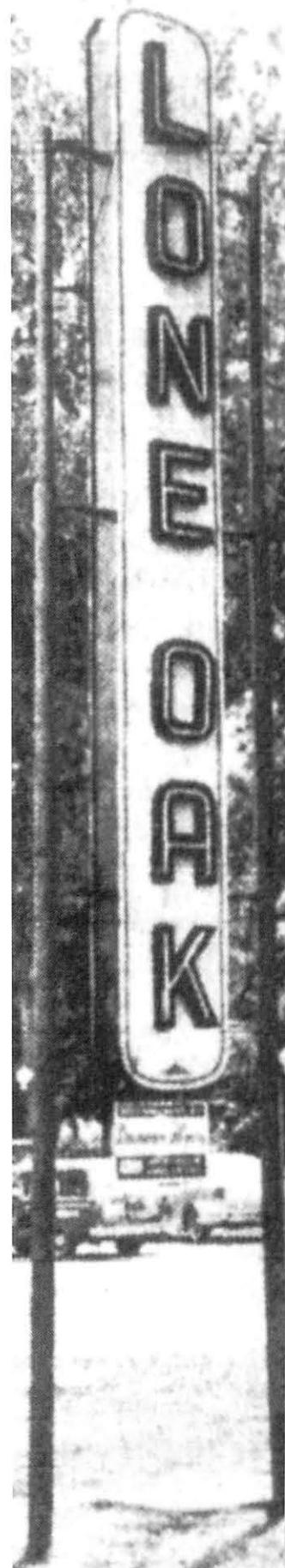
Lancaster County sheriff's officers and the Nebraska State Patrol responded quickly. When the officers arrived, reported the *Lincoln Star*, they found the house locked and all the windows closed. They broke out the glass and forced the door, and according to the *Lincoln Evening Journal*, were greeted with the distinct aroma of natural gas.

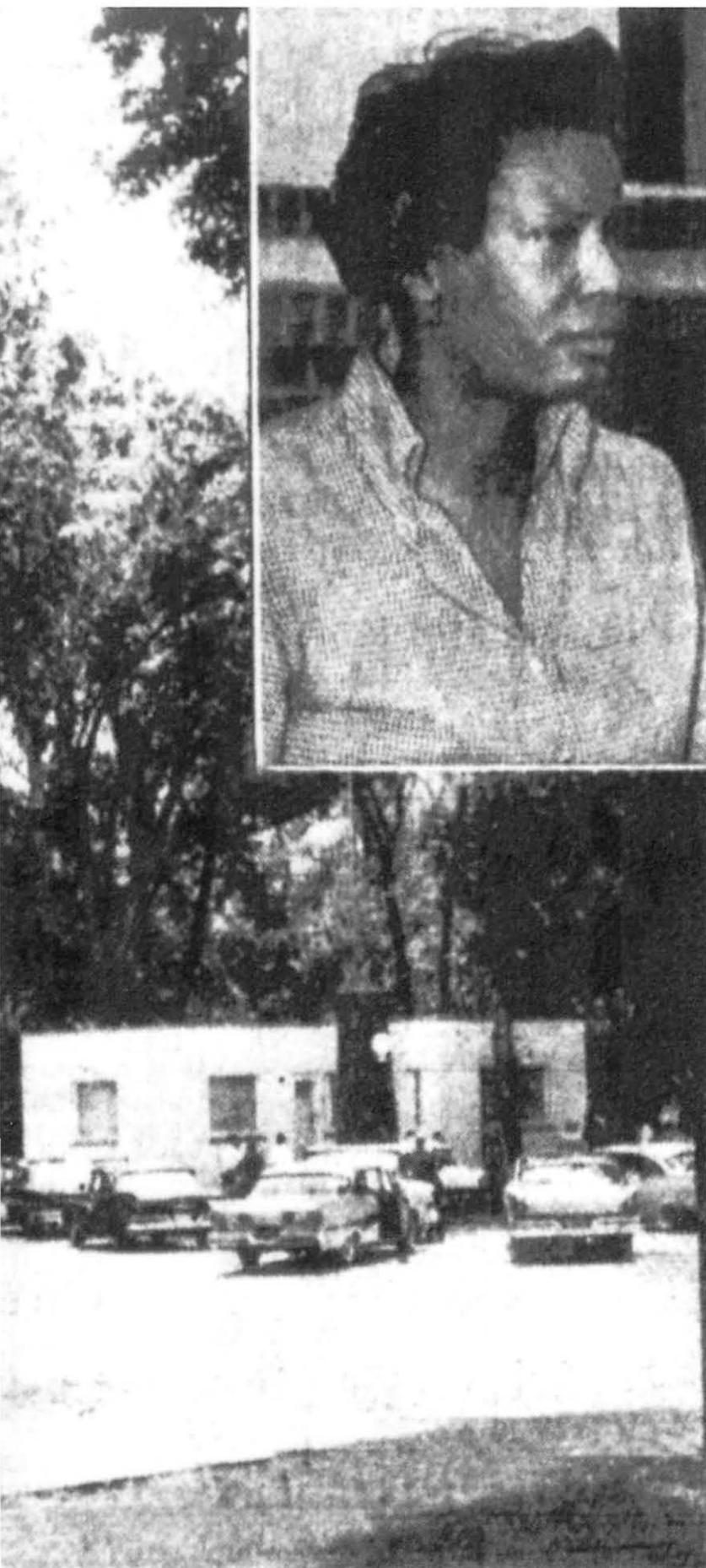
They found sixty-three-year-old Nola Bailey, clad in her nightgown, dead on the bathroom floor, apparently having gone there from her

bedroom in the north end of the cottage. They found Bentley's body in bed in the other bedroom.

Bailey and Bentley, though residing together, were not married, and both had children from past marriages. Lancaster County Sheriff Merle Karnopp, in his capacity as coroner, took the personal effects of each decedent into his custody. Autopsies revealed that the cause of death was carbon monoxide poisoning, and Lancaster County Attorney Elmer Scheele determined the deaths to be accidental.²

Within two weeks, Bailey's son and daughter, E. Earl Bailey and Zilah M. Powell, had engaged legal counsel and filed a claim not only to the personal property recovered in the cottage, but for legal title to the Lone Oak as well. The records from the legal proceedings that followed reveal a relationship between Bailey and Bentley every bit as idiosyncratic as the Lone Oak building itself.





On August 27, 1958, the asphyxiation of Nola Bailey and Tom Bentley was front page news. The *Lincoln Evening Journal's* photo included an inset of Clara Wimes, who discovered the tragedy. Digitally enhanced and restored from microfilm.

The story begins in 1930 in Girard, Ohio, where Tom Bentley lived with his wife, Goldia, and their four daughters, Lulu, Lucille, Louise, and Lucy. On May 30, 1933, he abruptly left his family and moved to Lincoln, Nebraska.³

The Lone Oak restaurant occupied three different buildings. Its first home was in the town of Emerald directly west of the West O Street location, and it first appears in the Lincoln telephone directory of July 1935. From about that time, Bentley was head chef, and Bailey managed the dining room, their *modus operandi* for the next twenty-five years.⁴

Bentley seems to have founded the business, but the evidence is not clear, and it is possible that he had been an employee who took it over. What is clear is that by 1936 he was in control and had acquired (or tried to acquire) the property east of Emerald on which the baled hay building would be built eight or nine years later.

In 1933, the year Bentley arrived in Lincoln, the owners of the West O Street property, Charles and Inez Fancher, were embroiled in a divorce that forced the sale of the land. On May 21, 1936, Chester Fancher (by then remarried) and his ex-wife contracted to sell Bentley a parcel of the 620-foot West O Street frontage. In 1938 the Lone Oak moved to the site. The move suggests that the restaurant was doing well, a suggestion apparently confirmed by the appearance of Bentley's estranged wife, accompanied by one of their daughters, who attempted to get money from him.⁵

But Bentley's entrepreneurial appetite appears to have extended beyond his financial abilities. It was, after all, the era of the Great Depression. From the time he acquired the property in 1936 until 1938, records show that

Dinners

Open . . .

TUESDAY THROUGH FRIDAY

6 P. M. to 1 A. M.

SATURDAY

6 P. M. to 3 A. M.

SUNDAY

6 P. M. to 12 M.

IMPORTANT

There is, at all times a 20% Federal Amusement Tax added to your party's bill IF any of your party dances.

Broiled T-Bone Steak	- - - - -	\$3.00
Broiled Top Sirloin	- - - - -	\$2.75
Broiled Lone Oak Club	- - - - -	\$2.25
Broiled Bottom Sirloin	- - - - -	\$2.00
Broiled Boston Sirloin	- - - - -	\$1.75
Broiled New York Club	- - - - -	\$2.00
New England Fried Chicken	- - - - -	\$2.00

	Salad	
	Curly Q's	
Tea	Coffee	Milk
	Dessert	

SALADS

Combination	- - - - -	25c
Cottage Cheese	- - - - -	25c
Sliced Tomato	- - - - -	25c
Head Lettuce	- - - - -	25c
Shrimp Cocktail	- - - - -	50c
Olives Assorted	- - - - -	50c

DRINKS

7 Up	- - - - -	25c
Coco Cola	- - - - -	25c
Ginger Ale	- - - - -	25c
Sparkle Water	- - - - -	25c
Squirt	- - - - -	25c

THE BEST IS
 THE LONE OAK
 NEVER GOOD ENOUGH

Although the menu listed only seven dinner entrées—six of them beef—the Lone Oak's quality was high enough to win the coveted Duncan Hines recommendation. The amusement tax noted on panel one, was a federal "cabaret" tax imposed to help pay off World War II debts. NSHS 94171

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Bentley paid the real estate and business taxes on the Lone Oak. In 1939 partners appear in the record. Henry and Leona Van Aelst began paying the real estate taxes while Bentley paid only the business property taxes.⁶

At that point the real estate transactions for the West O Street property got messy. Apparently Bentley was unable complete his land contract payments to the Fanchers, who then sold the property to the Van Aelsts.⁷

In June 1941, the Van Aelsts executed a warrantee deed to the property to Zilah N. Powell, daughter of Nola Bailey, and her husband William J. Powell, but the deed was not filed and Bentley continued to pay the business taxes. That year, Bailey and Bentley filed their tax returns as partners, and continued to do so until 1946.⁸ As a partner, Nola Bailey became aggressively involved in the business's finances, taking out mortgages to expand the real estate holdings and perhaps to make other capital improvements.⁹

In 1944 the Lone Oak burned down, and when it did, everything changed.¹⁰ In April 1945, nearly five years after the warranty deed transferring the property to Bailey's daughter and son-in-law was executed, it was finally filed. In June Zilah and William Powell deeded their holdings to Nola Bailey. That month Bailey and Bentley borrowed

ten thousand dollars from the Nebraska Central Building and Loan Association, from which they paid the Powells four thousand dollars. Bailey kept three thousand dollars and Bentley was paid fifteen hundred dollars. A payment of \$1,031.34 to the Van Sickle Glass and Paint Company settled an outstanding account, and in July 1945, the J. M. Yost Lumber Company recorded a mortgage signed by both Bailey and Bentley. That probably took care of the real estate purchase and some construction costs for the new baled-straw building.¹¹

In 1947 Bailey's tax return reports the Lone Oak buildings and equipment, while Bentley's return refers only to operation of the restaurant, including food service and a dance hall.¹² In 1946, Bentley had applied for and received dance-hall permits from the Lancaster County Board of Commissioners, and they remained in his name until his death.¹³

On October 1, 1949, Nola Bailey informed her accountant that she had purchased Tom Bentley's interest in the Lone Oak,¹⁴ and two days later Bentley signed a hand written document that reads:

For and in consideration of (\$1.00) one dollar and the complete cancellation of a debt contracted between myself as debtor, and Nola Bailey as creditor, I hereby sell and convey to her my entire ownership and claim

of and on the *business* [emphasis added] of the Lone Oak, operating as a restaurant and located 5 1/2 miles west of Lincoln, Nebraska, on U.S. Hwy. #6;—Excepting:—That the Nebraska State Copyright of the name “Lone Oak”, which is registered in my name, shall remain my exclusive property.¹⁵

In April 1952, Bentley documented Bailey’s sole ownership of the real estate by filing an affidavit stating that he claimed

“no right, title or interest in and to Lot 27 (formerly part of Lot 21) Township 10 North, Range 5, East of the Sixth P.M., Lancaster County, Nebraska, or to the building or improvements thereon, and that the same is owned by Nola Bailey.”¹⁶

Beginning with the quarter ending September 30, 1953, Bailey reported income tax and social security withholdings for Bentley, a clear indication that he had metamorphosed from an owner into an employee, not withstanding the fact that he continued to apply for and receive the dance hall permit in his name. All of this would be of little interest were it not for the odd twist of events that followed.

On July 1, 1955, Bentley’s estranged wife drafted a document reading in part:

“WHEREAS the parties have not lived together as husband and wife for several years and it is their opinion they will not at any future [sic] time, and are desirous [sic] of releasing each other of any or/and of all claims rights or title to any or all of their inheritances, holding either in their personal of Re al [sic] Property, and also of any claim or demand that either might have upon the other past present or future now and forever [sic].”

She signed the note, had it notarized, and sent it to Bentley.¹⁷

In August 1958 the discovery of the lifeless bodies of Nola Bailey and Theodore Bentley was front-page news. Her funeral was held on Friday, August 29; Tom Bentley’s was the next day.

The Lone Oak was a popular and successful business, with an estimated worth of about \$70,000 (about \$480,000 in 2006 dollars).¹⁸ It didn’t take long for warfare to break out between the two sets of heirs.

E. Earl Bailey and his brother-in-law, William Powell, moved into the cottage where Nola Bailey and Tom Bentley had died. They were soon joined there by three of Bentley’s daughters, Lucille, Louise, and Lulu.¹⁹

It is likely that relations in the cottage were not particularly cordial, and Bentley’s daughters left Lincoln on Friday, September 5. They hired a private investigator, a former FBI agent, Wendell Sweet.²⁰ Earl Bailey had earlier hired Max Kier, an aggressive Lincoln attorney, and on Monday, September 8, he filed a lawsuit against Sheriff Karnopp seeking to regain custody of all of the materials taken by the sheriff as part of his investigation. Bentley’s estranged wife, his daughters, and their husbands hired the firm of Littrell and Patz as their counsel and prepared for a battle royal in the court of district judge Paul White.²¹

In mid December the private investigator reported his findings to Brian Littrell who advised his clients that they didn’t have a case. He was probably right, but the Bentley’s were not pleased with the news.²² The Bentley heirs, defendants in the case, were convinced that Tom Bentley was Nola Bailey’s full partner, and voiced strong disagreement with their lawyer. In response Littrell resigned, leaving the Bentleys without representation for the trial, scheduled December 17.

Their investigator, Wendell Sweet, approached two other law firms, but both were unenthusiastic about the case.²³ At 7:30 P.M. on Monday, December

By 1953 the Lone Oak yellow pages ad included seafood. Increasingly elaborate advertising and the expanding menu choices suggest the restaurant was prospering, but other evidence indicates that co-owner Tom Bentley was not.

“Known for good steaks, fried chicken, crisp combination salad, steaming hot French bread with plenty of butter.”

*Duncan Hines on the Lone Oak
Adventures in Good Eating, 1948*

15, Lincoln attorney Chauncey Barney took a panicked long distance phone call at his home from Sweet, who pressed him to take the case. He agreed, but had conflicting duties.²⁴

In November the Republican Party had challenged a very close election that had placed Democrat Ralph Brooks in the governor's office. Barney was serving as a hearing officer for that challenge, which promised to keep him tied up through most of the month of December.²⁵

Barney filed a series of motions for a continuance of the Bailey-Bentley matter, complaining that he lacked time for adequate preparation. Kier strenuously objected, pointing out that the defendants had competent counsel whose advice they chose to reject, and that their investigator had been working on the case for a long time. Kier prevailed.²⁶

At the first hearing, on December 17, Brian Littrell formally withdrew as counsel for the defendants and Barney stepped in. Subsequent hearings were scheduled for December 29 and 30, 1958, and January 7-9 and 21-23, 1959.²⁷



Private Collection

October, 3, 1949.
For and in consideration of (\$1.00) one dollar and the complete cancellation of a debt contracted between myself as debtor, and Nola Bailey as creditor, I hereby sell and convey to her my entire ownership and claim of and on the business of the Lone Oak, operating as a restaurant and located 5 1/2 miles west of Lincoln, Nebraska, on U.S. Hwy. #6; -Excepting:- That the Nebraska State Copyright of the name "Lone Oak", which is registered in my name, shall remain my exclusive property.

P. M. Bentley
witness.
Fayette C. Ingith

Barney strove to show that Bentley and Bailey were indeed partners, and through the rat's nest of Lone Oak records tried to demonstrate that Bentley had retained a continuing interest in the business. It was an uphill battle. The real estate and tax records showed clearly that Bailey was in adverse possession of the Lone Oak for at least ten years, meeting the statutory requirement of ownership. Moreover, the handwritten transfer and later affidavit that Bentley had filed were difficult to dismiss. The final nail in the Bentley heirs' evidentiary coffin was the notarized disclaimer Goldia Bentley had signed in 1955.

On January 16 Barney had the Van Aelsts deposed in Grand Rapids, Michigan, and he hung his hat on their testimony. Kier, the plaintiff's lawyer, loudly objected, arguing that to be valid, such depositions had to be taken before a trial began, and these were inadmissible since the trial had begun on December 29. Judge White reserved his decision on the objection and took the case as soon as the attorneys had filed their briefs.

White's decision came on July 10, 1959, in favor of the Baileys. In it he declared the Van Aelst depositions inadmissible, and further noted that even had they been admissible, the evidence they provided would not have changed the outcome of the case. Anticipating the decision, Barney filed a

request for a new trial the same day, noting thirty points upon which he claimed the court had erred, including the court's unwillingness to grant the requested continuances, and particularly the rendering of the Van Aelst testimony inadmissible. On September 24 Judge White denied the request for a new trial.²⁸

Again anticipating the result, Barney filed a desperate

A hand-written real estate conveyance, used as evidence in the legal battle between Tom Bentley and Nola Bailey's heirs, shows Bentley's intention to settle a debt by transferring his interest in the Lone Oak to Bailey. Office of the Clerk of the District Court, Lancaster County, Nebraska, case 207-24, *Bailey v. Karnopp*. Digitally enhanced and restored from microfilm.

Following read:

July 11, 1947

The Honorable Board of County Commissioners
Court House
Lincoln, Nebraska

Gentlemen:

I, Thomas M. Bentley, P. O. Box 305, Lincoln Nebraska hereby apply to your honorable board for renewal of my license to operate a dance hall at my dining room known as "Lone Oak," located on the South Side of O. Street, five and a half miles west of the City of Lincoln.

In consideration of your granting to me this dance hall license, I hereby agree to abide to all the rules and regulations established by the Board of County Commissioners and will not either directly or indirectly be interested in the sale of intoxicating liquor in on or about said premises.

Respectfully submitted,

THOMAS M. BENTLEY

Moved by Russell Brehm, seconded by Ira L. Vorhies, that the application of Thomas M. Bentley for a renewal of his dance hall license at "Lone Oak" be approved. On call, all voted aye. Carried.

Eventually Bentley's interest in the Lone Oak was reduced to ownership of the copyrighted name, but the dance hall permit continued to be issued in his name. This application is recorded in the minutes of the Lancaster County Commissioners, July 15, 1947. NSHS RG0207. Digitally enhanced and restored from microfilm.

appeal to the state supreme court the same day. It was heard during the January term of 1960, with the court affirming the decision of the district court and extinguishing any hope the Bentley family might still have harbored.²⁹

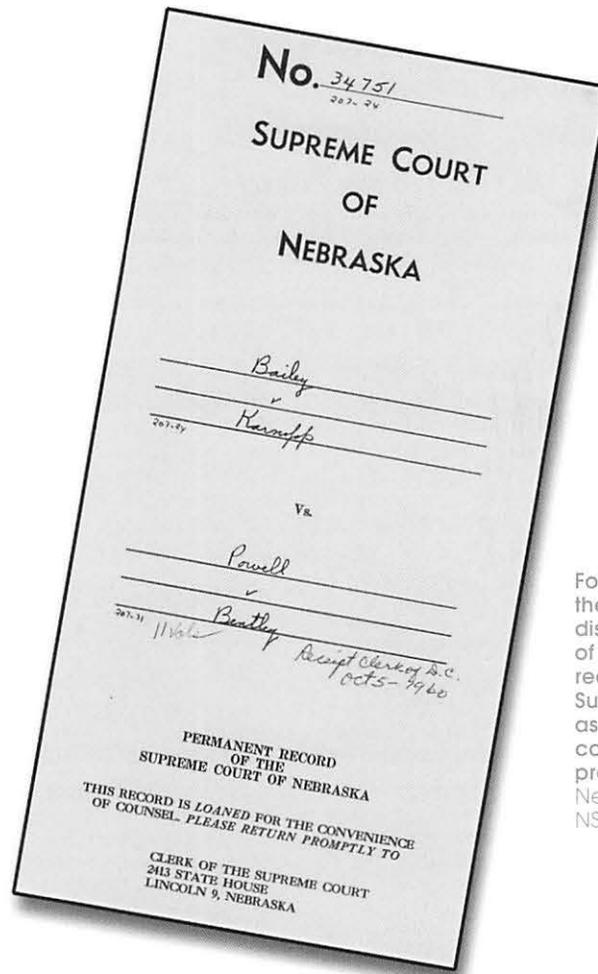
The decision of the high court laid the legal issues to rest, but did not resolve everything. The record makes it reasonably clear that although the transactions were far from tidy, Nola Bailey owned the business and the property at the time of her death. But other questions emerge from the abundant record left in the wake of the lawsuit and from news reports.

Why did Bentley become an employee after having been a partner? The evidence suggests that after it opened in the baled hay building the business did well. It supported several employees, and Bentley, himself an employee, was well paid.³⁰

Advertisements in Lincoln telephone directories provide interesting evidence of the Lone Oak's growing success. In the early 1930s Lincoln restaurants are listed in the yellow pages as line entries, with the name, location and phone number only. In 1938 a few placed display ads. In 1942 the display ads began to include illustrations.

With the opening of the new building the Lone Oak took out its first display ad. The quarter-page ad was not only large, but also carried the coveted "recommended by Duncan Hines" endorsement, one of only a few Lincoln restaurants to have it.³¹

Since the business apparently was successful, the obvious conclusion is that Tom Bentley's money problems were unrelated to the business or his earnings. He was unable to complete the



Following the deaths of the original owners, the dispute over possession of the Lone Oak eventually reached the Nebraska Supreme Court, where, as they had in lower courts, Nola Bailey's heirs prevailed. Case File 34751, Nebraska Supreme Court. NSHS RG0069.

land contract purchase of the real estate from the Fanchers in 1936. When he moved the business to West O Street in 1938, the property had a mechanic's lien against it.³²

Bailey; the strange affidavit he filed unequivocally declaring that he had no ownership or interest in the property. The most likely and most obvious motivation would be to protect the property from a creditor.

The strangest document of all is the notarized statement from Goldia Scarberry Bentley declaring that she and Tom Bentley had no interest in each other's finances. She signed it, he did not. The implication is that she was concerned about being caught in his financial straits, not the other way around. That he did not sign it reinforces the implication.

That leads to questions about the personal relationship between Bentley and Bailey. Why did Bentley come to Nebraska, of all places, and what was his connection with Nola Bailey? Her obituary offers a tidbit of information that might offer an explanation. Among the survivors listed is a sister, Mrs. Hope Bentley. Is it possible that Nola Bailey's sister was married to Tom Bentley's brother?³³

Why didn't Bentley simply divorce his estranged wife and marry Nola Bailey? One answer could be that theirs was no more than a platonic business relationship. A more likely reason can be inferred from testimony given at the trial.

The defense called a witness who had worked at the Lone Oak since the fall of 1956 and testified that in June or July 1958 a new waitress offhandedly referred to Tom as Nola's husband. "Didn't have such a thing," snapped Bailey, "much better to have a partner [because you could] buy him out or kick him out."³⁴ Both options may have crossed her mind on one occasion or another, but she seems to have chosen the first.

That same witness also testified that at about the same time, she saw Bentley take money out of the restaurant's cash drawer and "lend" it to an unidentified person, a transaction observed by Bailey. From the records that survive it is impossible to interpret the nuances of the statement. One way of looking at it is that Bentley, as an owner of the business, had legitimate access to the cash drawer, and his having conducted the transaction within Nola Bailey's view is confirmation of her recognition of his status. Another reading would suggest that he was slipping cash out of the register, and she saw him do it.

Finally the witness testified that that during the time she worked at the Lone Oak, Bentley did no cooking, but sat in a booth or at a desk, and she thought he was retired. That would be no surprise for a sixty-nine-year-old man, but he did remain on the payroll.

Announcing the . . .

GRAND OPENING



The **One Oak**
 Located 6 miles west of Lincoln on Hiway 6 ('O')

Tuesday, December 30th
FRANK FERRARA, Owner-Manager

HOURS: Tuesday thru Friday 5:30 p.m. to 12:00 p.m.
 Saturday 5:30 p.m. to 1:30 p.m.
 Sunday 4:00 p.m. to 11:00 p.m.

• FREE FLOWERS FOR ALL THE LADIES •

Featuring:
 U.S.D.A. Choice Steaks,
 Full Pound Lobster Tails,
 Fried Chicken and the
 highest quality foods
 throughout our menu.

Phone 5-9911
 for New Years Eve
 Reservations.
 Open from 5:30 p.m.
SPECIAL NEW YEARS
EVE PARTY from 10:00
 p.m. to 1:30 a.m.

Private Party
and Banquet Facilities.
 200 people capacity.
 Semi-private booths.
 Friendly atmosphere. Al-
 ways plenty of parking.
 Moderate prices.

We wish to thank the following firms for their part in our Grand Opening:

NATIONAL BANK OF COMMERCE NATIONAL CASH REGISTER CO. BUSINESS CONTROL COMPANY PHILGAS COMPANY LINDSAY SOFT WATER CO. A-1 REFRIGERATION SERVICE ORKIN EXTERMINATING CO., Inc. M. G. LENAM Air-Conditioning by Carrier BRYANT HEATING & AIR CONDITIONING	PEGLER & COMPANY STATE PRINTING CO. STANDARD TOWEL & LINEN CO. GENERAL TOBACCO CO. CONTINENTAL COFFEE CO. STANDARD MARKET "U.S.D.A. Choice Steaks" CITY FRUIT "If it grows, we have it" WENDELEN BAKING CO.	BEXTON BROCERY—AMCONA BROTHERS, Grocery Wholesale Distributors SEALTEST ICE CREAM CO. SEATRICE FOODS BARRY FOODS BOOTH FISHERIES LEVINGUS BOTTLING CO. COCA-COLA BOTTLING CO. OF LINCOLN LINCOLN BOTTLING CO. CAKARA DRY BOTTLING CO.
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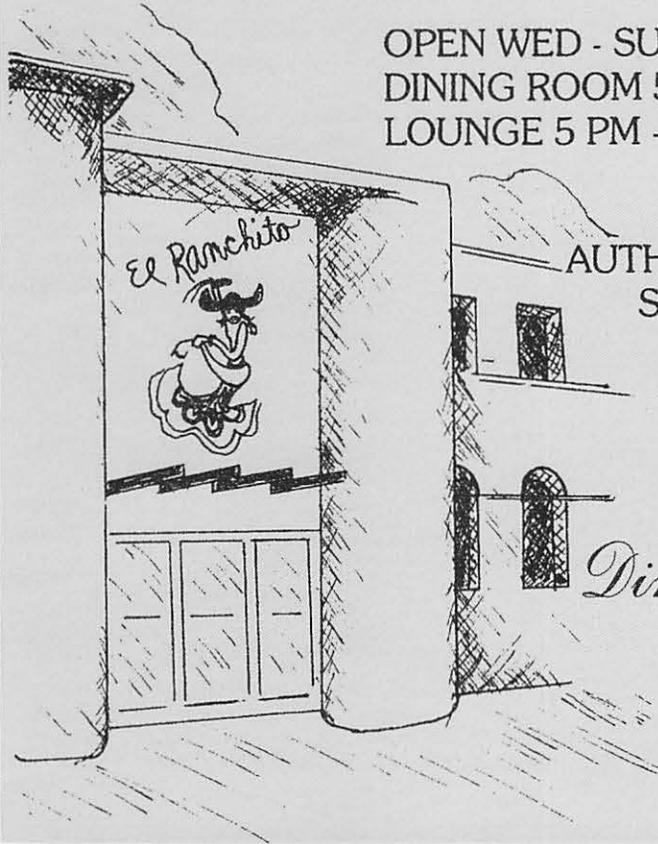
In December 1958 the restaurant opened under new management and with a new name—a change easily accomplished by removing the L from the Lone Oak sign. The One Oak closed within a year. *Lincoln Evening Journal*, December 28, 1958. Digitally enhanced and restored from microfilm.

Then there are the odd documents that emerged: the handwritten note retiring an unnamed debt by transferring his interest in the Lone Oak to Nola

El Ranchito

RESTAURANT & CANTINA

OPEN WED - SUN
DINING ROOM 5 PM - 11 PM
LOUNGE 5 PM - 11 PM



FEATURING
AUTHENTIC MEXICAN FOOD
STEAKS & SEAFOOD
DINING ROOM
COCKTAIL LOUNGE
PARTY ROOM
ENTERTAINMENT

Dine in Old Mexico

7 Miles West of Lincoln
7503 West "O"

474-9296

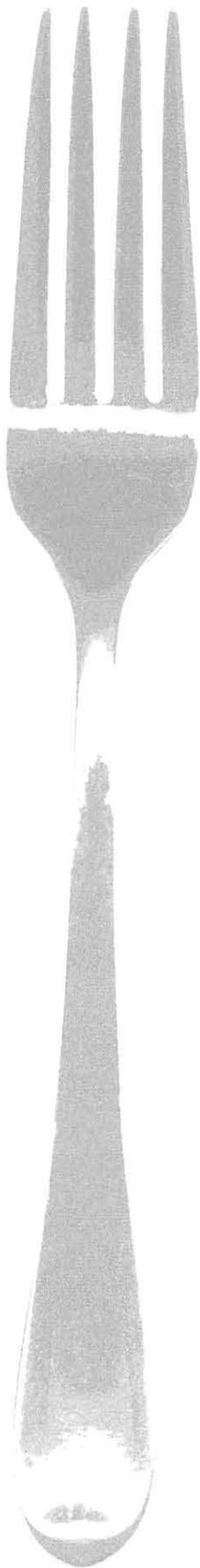
In 1985, after nearly ten years as a nightclub called The Elms, the old Lone Oak became El Ranchito, a Mexican restaurant. The yellow pages advertisement used a stylized drawing that made the baled hay building appear to be adobe.

From the lawsuit we learn that Bentley's wife and children apparently believed sincerely that he was a partner in the business and had a financial interest in the Lone Oak that rightfully should be theirs by inheritance. That belief was substantive enough to cause them to hire a private investigator and an attorney, and to pursue the matter all the way to the Nebraska Supreme Court. It is also clear that Bentley knew better, but had made no effort to disabuse them of their mistaken notion, even though he had remained in regular contact with his children.³⁵ Unfortunately, the depositions of the Van Aelsts do not survive; the clarification they might offer would be welcome.

That brings us to the tragic demise of Tom Bentley and Nola Bailey. Just how accidental were

their deaths? One newspaper account said that County Attorney Scheele reported that the fumes causing their deaths were blown into their bedrooms through the basement heating system.³⁶ William Walker reported that Bentley had complained about the heating system and had it serviced on Tuesday, August 26, the day before his death.³⁷ Later, Scheele said that the fumes came from a water heater and entered the ductwork because the water heater vent into the chimney was blocked.³⁸ Oddly the house was tightly sealed on a summer night following a day with high temperatures in the mid eighties and lows around seventy.

With modest evidence that Bentley had financial problems and that Bailey had suggested that "kicking him out" was a possibility, speculation about



the possibility of a murder-suicide inevitably arises. Nevertheless, in an age where conspiracy theories abound, judgment should be tempered with the knowledge that competent law enforcement agencies investigated the incident and were convinced that the deaths were accidental. Of course we will never know, and it probably doesn't matter.

In late December 1958 the restaurant re-opened as the "One Oak." No doubt the name change, easily effected by simply knocking the letter L off sign over the door, avoided the issue of Bentley's registered trademark. It continued to be listed as the Lone Oak in the 1959 telephone book, however, but with no display ad. Soon the One Oak closed and the building sat vacant.

Ten years later, in 1969, it sprang to life again, this time as The Elms, a nightclub that operated until 1976. In 1978 the phone book shows the building occupied by a Mexican restaurant, El Ranchito, which operated in the baled hay structure until 1987. The El Ranchito sign still stands on the property.

Since then the building has been used primarily for storage. Its unique architectural and historic significance was recognized in 1990 when it was designated a Lancaster County Local Landmark.

NOTES

¹ Details of the death of Bailey and Bentley were reported in the *Lincoln Evening Journal*, Aug. 27, 1958 ("Elderly Pair Found Dead; Gas Suspected"), and the *Lincoln Star* Aug. 28, 1958 ("No Inquest Set In Death Of Lone Oak Café Operators"). The newspaper accounts are the principal sources for the details of their deaths.

² "No Inquest In Deaths," *Lincoln Evening Journal*, Aug. 28, 1958; "Autopsies Show Gas Killed Pair," *Lincoln Star*, Aug. 29, 1958.

³ Walter D. James, official reporter, *Reports of Cases Decided Between March 5, 1960 and August 19, 1960 in the Supreme Court of Nebraska*, Volume 170, January term, 1960, (Lincoln, NE: Gant Publishing Company, 1961), 854 (Hereafter cited as *Nebraska Reports*). The family story is drawn from testimony given by Bentley's daughter, Lucille Bentley Yanney, and while she asserts that he went to Lincoln after leaving the family, his name does not appear in any city directory or telephone book.

⁴ *Nebraska Reports*, 852, 854. The date the Lone Oak was established has yet to be determined. Appearance in the telephone directory may simply mark the installation of a telephone.

⁵ *Ibid.*, 855.

⁶ *Ibid.*, 852, 856-57.

⁷ *Ibid.*, 856; Lancaster County Registrar of Deeds, *Numerical Index, Lancaster County, Nebraska*, Section 26, Township 10 Range 5 east, 144: 36 (Hereafter cited as *Numerical Index*).

⁸ *Nebraska Reports*, 847, 857.

⁹ In 1940 the property was apparently resurveyed and new lot numbers assigned. *Nebraska Index*, 144 lines 35, 37.

¹⁰ *Ibid.*, 852, 854.

¹¹ *Ibid.*, 855-56.

¹² *Ibid.*, 847, 853.

¹³ Lancaster County (Nebraska) Board of County Commissioners, "Minutes of the meetings of the Lancaster County Commissioners," July 15, 1947; Nov. 17, 1948; June 28, 1949; Aug. 8, 1950; July 1, 1952; June 22, 1954; July 5, 1955, Nebraska State Historical Society, RG0207, subgroup 3, series 1.

¹⁴ *Nebraska Reports*, 847.

¹⁵ Office of the Clerk of the District Court, Lancaster County, Nebraska, case 207-24, *Bailey v. Kamopp*. Microfilm records unpaginated. [reel ##?]

¹⁶ Records of the Nebraska Supreme Court, case file 34751. 24, 34751. 77, State Archives, Nebraska State Historical Society, RG0069, (Hereafter cited as "Supreme Court case file"). The record notes that the affidavit was filed in Book 45, page 220, Lancaster County Registrar of Deeds.

¹⁷ *Ibid.*, 25.

¹⁸ *Ibid.*, 64. The inflation calculator found on the United States Department of Labor Bureau of Labor Statistics website (www.bls.gov) converts that \$70,000 in 1958 to a value of approximately \$480,000 in 2006. Even if that calculation is flawed, it suggests the value of the business and real estate.

¹⁹ The obituary for Theodore (Tom) Bentley notes that his daughter Lucy and her husband, John Madden, were living in Spain at the time. *Lincoln Evening Journal*, Aug. 29, 1958.

²⁰ *Nebraska Reports*, 844

²¹ Supreme Court case file 34751.

²² *Ibid.*, 68.

²³ *Ibid.*, 63.

²⁴ *Ibid.*; *Nebraska Reports*, 844

²⁵ *Ibid.*; "Contest Action to Be Started in Brooks' Win Over Anderson," *Lincoln Evening Journal*, Nov. 20, 1958. The paper noted that this was the first time a gubernatorial election had been challenged since the 1890 election of James Boyd.

²⁶ *Ibid.*, 27-30.

²⁷ *Nebraska Reports*, 845.

²⁸ Supreme Court case file 34751, 48-51.

²⁹ *Ibid.*

³⁰ At the trial, his income reported for tax purposes was stated as \$5,100, about \$37,600 in 2006. *Nebraska Reports*, 848.

³¹ At the time the Lone Oak received its Duncan Hines recommendation, Hines was at his zenith. See Louis Hatchett, *Duncan Hines: The Man Behind the Cake Mix* (Macon GA: Mercer University Press) 2001.

³² *Numerical Index*, 44: 25, grantee Theo. M. Bentley, grantor Searle & Chapin Lumber Company, Mar. 5, 1938.

³³ *Lincoln Evening Journal*, Aug. 28, 1958.

³⁴ *Nebraska Reports*, 853.

³⁵ *Ibid.*, 855.

³⁶ "No Inquest In Deaths," *Lincoln Evening Journal*, Aug. 28, 1958.

³⁷ "Elderly Pair Found Dead; Gas Suspected," *Lincoln Evening Journal*, Aug. 27, 1958.

³⁸ "No Inquest," *Lincoln Evening Journal*, Aug. 28, 1958.