

THE FRONTIER

"The Voice of the Beef Empire"

Volume 79—Number 35

O'Neill, Holt County, Nebraska, Thursday, December, 24, 1959

Seven Cents

THE WEATHER

Thursday, Dec. 17	L 41
Friday, Dec. 18	H 20
Saturday, Dec. 19	H 24
Sunday, Dec. 20	H 36
Monday, Dec. 21	H 39
Tuesday, Dec. 22	H 35
Wednesday, Dec. 23	H 36
Thursday, Dec. 24	H 33

Hey Kids! Win \$5 in Color Test

The Frontier will help keep the children busy during Christmas vacation. Mom, with a coloring contest for all children from primary through the fourth grade.

To enter the contest, a child may pick any Christmas advertisement in this issue of the Frontier and either color or paint it with water paints.

There will be two divisions: Primary through the second grade, and third and fourth grades. Prizes to be awarded in each division are first prize, five dollars, second prize, three dollars.

The deadline for the contest is December 31 and all entries must be returned to the Frontier office either by mail or in person. Prize winners will be announced the following week.

Judging will be based on neatness and originality of color combination.

So come on kids, get out the colors or water paints, pick out one of the Christmas advertisements and do your best!

John Osenbaugh Services Held Here Monday

Funeral services were conducted Monday for John D. Osenbaugh, a longtime resident of O'Neill, at the Presbyterian Church with Rev. John Hart officiating.

Mr. Osenbaugh, 59, died Friday, Dec. 18, following a heart attack three weeks ago. He had been in St. Anthony's hospital.

Burial was in Prospect Hill cemetery. Pallbearers were Dean Streeter, Arlo Hiatt, Harry Clauson, Harold Lindberg, C. W. Porter and W. W. Waller.

John Delbert Osenbaugh was born September 6, 1900 in Auburn, Nebr., the oldest son of James Floyd and Mary Warner Osenbaugh. He attended school in Auburn and spent two years going to school in Oklahoma.

He was united in marriage to Cecile E. Humphrey on August 13, 1918, at the Christian church parsonage at Auburn. To this union four children were born—Ruth Elizabeth, Mabel Delores, John Raymond and Fred William.

He began work for the State of Nebraska, department of roads and irrigation, on July 1, 1919 and became a project engineer on August 15, 1922.

The family moved to O'Neill from Cody on August 29, 1927, and



JOHN D. OSENBAGH

he became a resident engineer with the department in 1928. He held that position until his death.

Mr. Osenbaugh was a master mason in the Masonic Order, AF and AM, Garfield Lodge 35, at O'Neill and was also a member of the Nebraska Society of Professional Engineers.

His father preceded him in death. Survivors include his wife, four children, 10 grandchildren, his mother and one sister.



The big day is coming and these three O'Neill children were among those to lodge their requests with Santa Claus Saturday at the Chamber of Commerce Santa Claus days. They are Karen Jean and Kathy Hazelhorst, daughters of Mr. and Mrs. M. J. Hazelhorst, and Marion Pritchett, son of Mr. and Mrs. Charlie Pritchett.—The Frontier photo and engraving

Alaskan Says O'Neill Is Cold

This department always knew that Nebraska weather was "different" but now we're being told it is—and by someone from our largest state, Alaska.

Eugene Primus, who is staying in O'Neill over the holidays at the Ed Thorin home, is just back from Alaska and says that it's cold down here.

Mr. Primus and his family flew into Omaha Friday and Ed met him there and brought him to O'Neill. The Primus's have one daughter.

He was stationed at Anchorage with the Air Force and is now being transferred to Texas. Mr. Primus says it's colder here in the Sandhills than it has been at Anchorage.

This statement comes as a blow since we thought this was the nicest December we have seen in some time.

A. L. Wood Is Granted Fort Randall Concession

A. L. Wood has received the concession lease for the Fort Randall Dam and is formulating plans for a motel, restaurant, boat livery, gasoline station and rental cabins.

Wood is a former restaurant operator here. The site, 1,420 acres, is located on the east side of the dam, north of Highway 18 and 281. The lease granted by the South Dakota Game, Fish and Parks Commission, will go into effect January 1 for 24 years. Construction will probably begin in the spring.

Baby of Former Ewingite Dies Monday in Oklahoma

Terry Lynn, the two and one-half month old son of Mr. and Mrs. Robert Hunter died Friday afternoon at 1:30 in a hospital at Guymon, Oklahoma. He had been sick but a short time.

Mrs. Hunter is the former Verlee Bollweit. The Hunters are residing at Guymon.

Trial Sidelights

Two district judges sat on the bench during all four days of the Mrs. Sadie Dickerson brace-and-bit murder trial at Butte.

Lyle Jackson of Neligh and D. R. Mounts of O'Neill presided. Jackson substituted for Mounts, who has been ill. Mounts' twice-a-day climbing to the second floor of the Boyd courthouse was contrary to his doctor's orders. He has been under a doctor's care for two years. In O'Neill he has a ground floor office, has not ascended to the Holt courtroom since illness set in. Both judges were wearing brown suits. There are contrasts, however. Mounts is angular, slight; Jackson is built squarely and solidly. Mounts has a thatch of steel-gray hair; Jackson is bald.

In Nebraska legal annals two judges frequently have presided in jury cases.

Mrs. Dickerson appeared all four days in a new, dark blue, rayon figured dress. She wore a tiny round black hat with a feather, glasses and low-heeled shoes. She conferred frequently

with her attorneys and was consulted several times during the jury selection.

After the jury of one woman and 11 men had been determined, the opening day of the trial came to a close. Tuesday was devoted to the state's witnesses; Wednesday and Thursday morning to the defense witnesses.

Spectators were fewer than expected opening day. Judge Jackson announced late Monday that spectator attendance would be restricted to 140 persons in consideration of the age of the building, the second-story location of the courtroom and the fire hazard. Spectators claimed seats well ahead of the appointed gavel hour at all sessions.

The brace-and-bit murder trial had been set earlier and a jury was impaneled in October, but the court granted a postponement to allow the defense time to examine the exhumed body. (continued on back page)

Sadie Dickerson Is Set Free

Stuart Rancher Opposes Nelson

Ora R. Yarges, Stuart farmer and rancher, filed as a candidate for state senator in the 28th Unicameral district last week. Yarges will oppose incumbent senator Frank Nelson who filed for re-election last month.

Yarges is well known in Holt County for 23 years as a leader in Extension Service activities. The 28th District includes Holt, Boyd, Keya Paha and Rock counties. Senator Nelson, an O'Neill rancher, has served in the Legislature since 1949 and is the oldest member at 75.

Yarges has been ranching in Holt County for 45 years and is presently on a ranch northwest of Stuart. His activities include terms on the Stuart Township Board, 4-H Club work, and the Holt County Extension Service Board of which he has been a member since 1936 and the chairman since 1949.

Atkinson Man Buys Smith Funeral Homes

ATKINSON—Blair F. Richendifer has purchased the Joy Smith Funeral Homes in Hartington and Coleridge, he announced last week. Richendifer will take possession February 1.

He has been with the Seger Funeral Home in Atkinson for the past four years. Richendifer is originally from Bladen. He attended Hastings College and the St. Louis College of Mortuary Science in St. Louis, Mo.

Twelve Plays Important Role in Young Boy's Life

The number 12 figures big in the life of tiny David Dale Lambert and there are 12 letters in his first and last name. He was also born on his grandfather Lambert's birthday.

David Dale was born at 12 o'clock noon of the 12th day of the 12th month 1959. He is the 12th grandson of Mrs. Carl Lambert and there are 12 letters in his first and last name. He was also born on his grandfather Lambert's birthday.

Lutheran Children Give Christmas Eve Program

Over 100 children will participate in the annual Sunday school children's Christmas Eve service this Thursday at 7 p.m. at Christ Lutheran church. The Rev. A. S. Gedwillo is pastor.

William Fricke, Sunday school superintendent, announced that the service would be in two parts. The nursery, kindergarten, and primary departments will present the first part entitled "Children Tell of Christmas." The junior, intermediate, and senior classes will present the second part "God So Loved the World." The high school Bible class girls will assist with the music.

During the service, the children will present their special offerings for the Lutheran Children's Services at Omaha and Fremont, the official agency of the Lutheran Church in Nebraska engaged in social work among children, youth, and homes.

Franch Awaits Fate In Brace-and-Bit Killing

Special to The Frontier

BUTTE — The first degree murder case against a 59-year-old mother, charged in the brace-and-bit death of her 21-year-old son, ended at 10:10 p.m. last Thursday when the Boyd county district court jury returned a verdict of "innocent."

Mrs. Sadie Dickerson, who had spent most of the day and evening in the courtroom, won acquittal from a jury that had gone into deliberation seven hours earlier. She was elated by the news.

She had been held since several days after the June 21 death of her son, Franklin D. Vanderlinde. Her other son, Nyal Franch, 17, a half-brother of Vanderlinde, was numbed by the verdict that set free his mother. "Helluva trial," he muttered. He was in his cell where he had been held on first degree charges since Vanderlinde's death.

Last week's four-day trial became sensational when young Franch took the stand early and testified against his mother, implying that she had killed Vanderlinde's death.

Regardless of the court fate of Franch, Mrs. Dickerson has been absolved of blame in the death of Vanderlinde. Having once been a juror, she never again will be placed on trial as a result of Vanderlinde's death.

Had Mrs. Dickerson been convicted, the case probably would have been appealed by the defense to the Nebraska supreme court. Nebraska statutes make no provision however for the prosecution to appeal; there's no such thing as a retrial. The case against Mrs. Dickerson in Vanderlinde's death is a closed book.

What will happen to Franch? Speculation in the area runs from a full-dress first degree murder trial to a downgrade simple assault and battery proceeding to a complete withdrawal of charges. For the present, he'll be kept in jail. In a withdrawal of charges, Franch would be free and Vanderlinde's auger-bit death could be recorded as "accidental."

The trial was one in which: —The prosecution had relied heavily on one witness (Franch), who was the only other person present on the tenant farm near Naper the day Vanderlinde was fatally wounded; had placed high confidence in the testimony of Gerald Tesch, state criminal investigator, and Boyd County Sheriff Charles Collins, both of whom told the court that "Sadie had said singly, jointly and repeatedly, 'I killed him; I'll plead guilty; I'll not sign anything.'" Both said she refused to give details.

The defense had employed 15 witnesses, all of whom were relaying second-hand information, some quoting Sadie; had used to full advantage a medical college anatomist who sought to introduce physics laboratory experiments as evidence of epileptic seizures might have been a determining factor that morning on his last day; tried to establish that Mrs. Dickerson and Vanderlinde enjoyed a "healthy mother-son relationship;" soundly denounced Nyal as a "Judas."

During the parade of defense witnesses onto the stand, the prosecution consistently objected to Mrs. Dickerson's attorneys attempting to introduce "hearsay" and financial documents into the trial record. The state did not claim that money was a motive and did not attempt to establish there had been a motive.

(Editor's note—In last week's issue there appeared a detailed account of the selection of the jury, the state's presentation of its case, and an account of the defense's examination of 14 witnesses. Chronological order of the fourth—and last—day of the trial, culminated by the jury's verdict, follows.)

Thursday Morning . . . D. B. Raymer, Butte mortician, and Joe Tennis, O'Neill mortician, both of whom had handled Vanderlinde's body and had testified previously as state witnesses, were called their defense witnesses. Under questioning they said that Vanderlinde's face bore evidence of injuries on the upper lip and nose. When asked by the defense why they hadn't testified to these other injuries when previously on the stand, their answers were the same: "You didn't ask me." Both had been subjected to prosecution and defense questioning at the outset of the trial. In washing and preparing Vanderlinde's body, both said they did not notice any wounds on the back of the dead man's head or his torso.

James Mullen of O'Neill, Holt county deputy sheriff, corroborated Tesch's testimony concerning the date and length of time Mrs. Dickerson was under Tesch's questioning. Mullen said, "She was wringing wet with sweat when they were thrunk."

The defense swore in as a witness the court reporter, Ted Mc-

Elhaney of O'Neill, who took his oath, recorded in shorthand the questions and his own answers. He said he was not called upon to take any signed statement the day of the Dickerson-Tesch conference in the Holt county courtroom. (Mrs. Dickerson had been held at O'Neill most of the time until her trial because of a lack of facilities for women prisoners at Butte.)

The defense rested its case at 10:20 a.m.

Wills devoted 15 of the allotted 45 minutes to his appeal to the jury as Boyd county prosecutor. He emphasized that the record would show only three persons were on the farm the day Vanderlinde died. Of these only Dickerson and Franch are living, and Franch testified that his mother had killed Vanderlinde. He recapitulated, briefly, the testimony of Sheriff Collins and Patrolman Tesch. Wills said the bit had penetrated Vanderlinde's head "to the depth of the chuck (on the brace), causing discoloration on the skin at the temple." He said the discoloration evident in the colored photographs that had been introduced "could be caused by nothing other than the friction of the turning chuck against the head."

At 10:45 the court recessed until 12:30 p.m.

Thursday Afternoon . . . Defense Counsel William L. Brennan's 45-minute final argument to the jury, weighted heavily with personal appeal, was considered by some observers as an impassioned plea that consistently referred to Mrs. Dickerson as "Sadie."

He leaned against the prosecution's table and in a slow and easy manner embarked on an impassioned plea that consistently referred to Mrs. Dickerson as "Sadie."

He drifted from the trial record when he contended that "Sadie had been convicted at coffee tables, in the alleys and on the streets long before she was brought to trial." The prosecution's charges were "trumped up," he asserted, "and there is a trial of red herring."

Brennan said "I am not going to tell you that Sadie is a paragon of virtue. She is poor and the object of scorn and ridicule; she is possibly not a good mother. Sadie, in attempting to protect her son, lied. She had only two things to lie to in this life—two boys—one of whom testified against his mother.

"There is little milk of human kindness for this miserable woman, whose life has been squalor, whose home has been a hovel. What she is and what you've heard about her does not bear upon her guilt or innocence. Strip the case down and you have three witnesses only who tell you Sadie is guilty as charged—Nyal, the Little Judas, who has changed his story each time to suit the occasion; Tesch, the affable patrolman who looks handsome in a uniform, and the sheriff.

"Where was the motive, malice, intention to kill? There is not a scrap of evidence. Either she is guilty beyond a reasonable doubt or she should be acquitted. You wouldn't kill a sheep dog on this sort of evidence. Where was McWhorter (the state's counterpart to Dr. Edward A. Holyoke of the University of Nebraska college of medicine)?"

"Nyal was made fat for the prosecution." (His weight under the sheriff's care had increased from 100 to 150 pounds.)

Brennan continued, "The case against Sadie was a star chamber kangaroo prosecution. She was subjected to brow beating. I'm affecting friendships of a good many years by defending Sadie Dickerson. Any sentence for Sadie would be a life sentence."

"Sadie will always be Sadie. She's weak, poor and miserable; she's no credit to herself. But these things don't make her guilty."

Quiet had crept over the courtroom. Most of the capacity crowd of spectators had expected Mrs. Dickerson to testify and refute Nyal's charges. She cried throughout Brennan's discourse and through the Johnson and Cronin orations that followed. Nyal was seated against the wall on the opposite side of the room. Only a handful of persons could see Mrs. Dickerson's side glance across the room to meet Nyal's. Her eyes were cold.

Johnson said the defense counsel had always believed in Sadie's innocence. When Doctor Holyoke's experimental results came in we were convinced. We had to build the defense from scratch—from the bottom up," he insisted. "Haven't we proved that the hole was not drilled? We were rolling the dice when we had the body exhumed, not knowing what we'd discover."

"The state had audacity in bringing this woman to trial on testimony of a boy who can't tell the same story twice." Johnson declared, pointing out certain discrepancies in Nyal's stories.

(continued on back page)



Bob Eby, Norman Kopejka, Darlene Pierson, Kathy Brady and Dick Laursen are shown in their part of the Thespian plays presented yesterday at the O'Neill high school. The name of the play was "The Guiding Star"—The Frontier photo and engraving



This scene from the children's program presented by the St. Mary's Academy children Monday night depicts a group of "French" children paying tribute to the baby Jesus.—The Frontier photo and engraving



MERRY CHRISTMAS FROM THE STAFF OF THE FRONTIER

Jim Champion Mrs. Sauser Claranna Witherwax Jim Jankiewicz Marvin Ziska John Binkerd Eddie Ennen