

"THE BOTHAMLEY MURDER MYSTERY."

Continued from page 10.

ed this money in the Bank of Kingsbury County, conducted by A. and Thomas H. Ruth. The Baileys rented a two-story building that had been used as a shoe store, with living-rooms above, bought furniture and soon were to all appearances comfortably settled. The ground covered by the Baileys from the time they returned from the Pacific coast until they settled in De Smet was all carefully gone over by me. I must be remembered that in these wandering they had been nearly a year in advance of me, and I necessarily depended to a great extent on the gossip they had left in their wake. From this I sifted as carefully I could the statements that I deemed worthy of credence. At each place they had stopped there were plenty of tales of jealous quarrels, always due, as nearly as I could judge, to the fickleness of the bride and her seeming wanton pleasure in keeping her husband in the throes of jealous rage. The conclusion I drew was this: That here was a case of a woman who had married, not from love, but because her suitor had been a desirable "catch." I was satisfied that she had no genuine affection for Bailey; but to the daughter of an obscure carpenter, an offer of marriage from a rising, agreeable young lawyer of ample means was not to be treated lightly.

Thus I judged the woman on the facts as I had gathered them and without prejudice or desire to work any injustice. And here I wish to say that in my many years of work in hunting down and securing evidence against criminals of all kinds—a career begun in 1858—I have never been dishonest

for me to conceal my identity or my mission. The Ruth brothers placed their services at my disposal. From them I ascertained that Bailey had deposited several thousand dollars in the bank when he first came to De Smet and that he had withdrawn it soon afterward. From the same source I learned of the arrival and departure of the Baileys and of the gossip that attended the disappearance of the lawyer.

The facts gathered up to that time touching the career of Nellie Bailey were such as to strengthen my rapidly forming opinion that the woman was capable of deeds more desperate than flitting, although nothing in itself more difficult to imagine, however, the length to which such a woman might go to free herself from the thralldom of marriage to a jealous husband from whom, I was convinced, she bore no real affection. Her husband's possession of several thousand dollars in cash coupled with her inordinate love of feminine finery, rendered stronger any other motive she might have had for wishing her husband out of the way.

The withdrawal of his funds from the bank and his sudden disappearance from De Smet presented themselves to me as additional grounds for harboring the theory that had been forcing itself on me—that Shannon Bailey had been murdered by his wife.

From the depths of his infatuation for his wayward wife I found it difficult to believe that he would voluntarily absent himself from her for two months. While she claimed to have been in communication with him I

Smet had been found who had a letter from Mrs. Bailey in which the letter said her husband had just spent some time with her in Elgin. This indicated two things: First, that Mrs. Bailey had really gone to Elgin; and second, that she believed it expedient to keep alive in De Smet the belief that her husband was living. Therefore I went to Elgin.

No difficulty was experienced in finding that Mrs. Bailey had stopped with one aunt for two days, leaving to go to another aunt, with whom she had spent six weeks. It required some cautious inquiry, however, to develop the fact that Nellie Bailey had brought with her to Elgin her husband's jewelry, among it the watch formerly carried by him and bearing his name. I reasoned that if Shannon Bailey had been alive it was altogether improbable that his wife would be in possession of the watch, especially as she had a reliable timepiece of her own. Her possession of other trinkets formerly used by her husband gave additional color to the theory that Bailey was dead.

Then this fact was learned: The aunt with whom she was visiting had a daughter about Mrs. Bailey's age, and one day the two had gone fishing. When Mrs. Bailey left the house she took a package from the bosom of her dress and gave it to her aunt with strict instructions to take good care of it. Curiosity on the part of the aunt prompted her to examine the package, which contained several thousand dollars in bills of large denomination. In Elgin Mrs. Bailey said her husband was in California, and I could find no

the greater crime of murder rather than place herself in her husband's power by committing the lesser crime of bigamy. At any rate, her positive statement to Reise that Bailey would never bother them was in my opinion an important link in a long chain of circumstantial evidence.

Almost immediately after her marriage—real or mock—to Reise, Mrs. Bailey said she had to make a trip to Kansas to sell a farm she owned there and would then come to Reise, with \$18,000, and, connection with this pretense, I succeeded in establishing a fact of the utmost importance—that she had been receiving letters from Clement L. Bothamley during her stay in Wisconsin. It was not my good fortune to secure any of these letters, but the fact that such a correspondence had been carried on was well established. Her statement to Reise that she was going to Kansas to sell a farm was clearly a subtle ruse to escape unsuspected from the man whom she professed to love so deeply to go to another admirer.

She left Waukesha still protesting the liveliest affection for Reise and went to Newton, Kan., sending to her Wisconsin lover from several points on route messages of undying love. Bothamley had evidently been advised as to the exact time of her arrival, for he met her at the train and later took her to his ranch under the name of Bertha Bothamley, his sister.

From her journeyings of thousands of miles subsequent to her marriage with Shannon Bailey there seemed to be nothing more obtainable in the form of evidence against Nellie Bailey, or Nellie Reise, than I have related. Any additional evidence must be obtained in Kansas near the scene of the Bothamley crime. The sending by her from Skeleton ranch of the "Sarah A. Laws" deed to the Bothamley ranch should prove a valuable bit of information if the mystery of the identity of "Sarah A. Laws" could be solved. The key to this puzzle finally was found in Wichita.

Two days before Bothamley and the woman had started to Texas they appeared in the office of a lawyer in that city and solicited his service in the drawing of a deed to the 640 acres of land in question. To this lawyer the woman was introduced by Bothamley as his wife, Bertha L. Bothamley, and they desired to convey the ranch property to one "Sarah A. Laws." The instrument was drawn by her, and the pair departed, leaving no suspicion that either was any other than as represented. In this transaction the grantee did not put in an appearance, but there was nothing in this circumstance to arouse suspicion.

Knowledge of this visit to the lawyer enabled me to see what the plan might have been. Further investigation revealed the fact that within an hour from the time Bothamley and the woman had left the office where the deed was drawn in favor of "Sarah A. Laws" they had visited the office of another lawyer and asked him to draw a deed to the same land, "Sarah A. Laws" being the name given as the grantor and Bertha L. Bothamley as the name of the grantee. In the office of the lawyer Bothamley introduced the woman as Sarah A. Laws. This was afterwards seen by the woman from Skeleton ranch to the clerk of Harvey County for record, the character of "Sarah A. Laws" having been purely fictitious.

This was the most convincing circumstantial evidence developed, going to show that the flight to Texas had been planned weeks and possibly months prior to the start and that Bothamley had fallen so completely under the spell of the woman that he had been induced by her to convey his ranch to her, the roundabout method described being used for the purpose of forestalling the comment a direct conveyance undoubtedly would have caused.

With the facts as here related in my possession I conferred with Colonel Hollowell and we took an inventory of the evidence in our possession. Of its circumstantial character there was, of course, no doubt. The outline of the facts I have related was strengthened by a search of the personal effects belonging to Bothamley at the time of his death, and of the contents of the car in which he died. In a box in the car, besides a large quantity of jewelry which had belonged to the woman with whom Bothamley had come to America, was found a bottle of morphine. I tried to establish the identity of the purchaser of the drug, but was unsuccessful, for, after locating the druggist who had sold it, I found him unable to recollect the person who had bought it. The facilities for the exhumation and examination of bodies on the frontier were not such as to make an analysis of the Bothamley stomach feasible, and the part played by the drug in the death of the Englishman, if any, was left in doubt.

When we had finished taking stock of our evidence Colonel Hollowell, known throughout Kansas as "Prince Hal," and I decided that we could go into court with a circumstantial case of great strength. Personally I was confident of being able to present such evidence as would convince any unprejudiced juror of the guilt of Nellie Bailey, or Reise.

The physical circumstances surrounding the death of Bothamley, had the accused been a man, would have gone far of themselves towards convincing these circumstances, considered in connection with the history of Nellie Bailey from the time of her marriage, the disappearance of her husband, the finding of the human bones and flesh, her possession of his jewelry and money, her marriage to Reise and her confidence that Bailey would never bother them, the evident attempt on her part to secure title to Bothamley's ranch—all these things and many minor circumstances seemed to me to constitute a case of much merit from the legal viewpoint. In this view Colonel Hollowell agreed with me. The general United States district attorney and I differed, however, on the material point—the chance of securing a conviction.

"Remember, Tyrrell," he said, "that it's a woman on trial and a pretty woman."



in trying to manufacture evidence against any person suspected or accused, and I have never formed premature notions of the guilt or innocence of a suspect, always reserving conclusions on this point until the facts gleaned forced such conclusions. I am fully aware that many detectives of my personal acquaintance first assume the guilt of a suspect and then make the evidence fit their preconceived idea. Even-handed justice is due the worst criminal. If they are guilty intelligent, honest and persevering work on the part of the officers of the law will develop that fact if the evidence is in any way obtainable. If not—well I have always believed in the adage that it is better for nine guilty men to escape than for one innocent man to be punished. So in case of Nellie Bailey I took the stories of her flirtatious wanderings for just what they were worth as shedding light on the character of the woman—and for nothing more.

On April 24 the baileys moved into their De Smet home. For three days Bailey was seen about town in good health and spirits, engaged in the petty affairs connected with the furnishing of his home. So far as I could learn on my arrival at De Smet several months later, he had not been seen by any of the neighbors after the 27th of the same month. He had bade no one good-by and none of the townspeople had seen him leave. Mrs. Bailey went blithely about her daily household duties, and when questioned concerning the absence of her husband explained he had business interests in California and had been summoned thither by telegraph. Of course, there was some gossip over the hasty and unseen departure of the lawyer, but it turned more on his having deserted his wife on account of her frivolity and freedom of action with other men than on anything more serious.

For two months Mrs. Bailey lived in De Smet, and then she announced that her husband did not intend to return there, and that she intended to leave. The newly bought furniture was sold at a sacrifice and other preliminaries to her departure quickly arranged. Elgin, Ill., was given as her destination, and later this was found to be the place to which she went. Thus the Baileys faded out of Dakota.

On my arrival at De Smet I went to the bank of Kingsbury. I had sent in an assumed name, and while waiting was admitted a voice called out: "Hello, Tyrrell, is that you?" I found the speaker to be Mr. Ruth, who had served on a jury before which I had had a counterfeiting case in St. Paul. There was no further chance

could find no trace of any exchange of letters between them, a fact that if the facts could be obtained they would tell a story of peculiarly deliberate and atrocious crime.

At this juncture a bit of information—startling to many in view of the theory held—was introduced into the investigation by Mr. Ruth. A few days before my arrival in De Smet it seems there had been found in an unfrequented place on the prairie, three and one-half miles from De Smet, the bones of a man. All the parts had been heaped together without even pretense at burial. The skeleton had been dismembered and the flesh scraped from the bones. But there was nothing in the heap of bones which might establish the identity of the victim. By measurement it was found that they had been the bones of a man about the height of Shannon Bailey. There all clues were lost.

It seemed to me that the most promising chance for investigation from this point was a search of the premises formerly occupied by the Baileys, Ruth accompanied me in this search, and that no unjust suspicions be given circulation concerning the former mistress of the house, we went about the task quietly. The house had, of course, been dismantled and the furnishings used by the lawyer and his wife. On the first and second floors nothing whatever was found that might, by any stretch of imagination, lend color to my suspicions.

Armed with spades we then descended to the cellar. Carefully testing the condition of the dirt floor, we again met with failure. But one spot remained unexplored, the small area under the wooden stairway that formed a cellar entrance. As a last resort, I thrust a spade into the floor under the stairs. It sank deep into dirt. Quickly we removed the top soil, and as we did so the awful, sickening odor of decomposed flesh became almost overpowering.

At a depth of a little more than two feet the spade struck a mass of flesh. Although almost overcome we completed the excavation, to find a mass of flesh buried in quicklime. Not a bone was there to be found in this sorry grave! There was not the slightest doubt of the flesh being that of a human being, and the quantity indicated clearly that it had been stripped from the bones of full-grown man. The action of the lime and decomposition had done their work well enough to obliterate opportunity for identification.

In the mean time a woman in De

trace of his having been in Elgin, as his wife claimed in her letter to her friend in De Smet.

In the course of Mrs. Bailey's visit to Elgin there were many minor events, all pointing in the same direction, but with which shall not encumber this narrative. Ever restless, the woman went from Elgin to Waukesha, Wis., where she at once became acquainted with Robert Reise, the 28-year-old son of the proprietor of the leading hotel of the place. The young man apparently fell prey to the woman's wiles without even a pretense, and in a few days was securely chained to the wheel of her chariot. The sudden and ardent attachment between the two became a matter of general knowledge and comment, and the parents of the young man evinced bitterest opposition to it, but without avail.

Young Reise announced that he was going to stage a play in which the fair Nellie was to assume the star role. After leaving Dakota Mrs. Bailey had traveled under her right name, declaring in both Elgin and Waukesha that her husband was alive. Her infatuation for young Reise, however, seemed to be as sincere an affair as it was in her nature to harbor, enough so, at least, to prompt her to take the initiative and entice her lover into marriage. Reise, who was much the weaker character of the two, feebly protested against being made the instrument through which the crime of bigamy, as he supposed, was to be committed by his inamorata, but his protests were silenced by her vehemence and of repeated assurance that "Shannon would never appear to bother them." On this point she was very positive.

It is not likely that Reise had any conception of the full significance of these words. Mrs. Bailey insisted on the marriage being kept secret until "legal separation" from Bailey could be brought about. Reise finally agreed and the marriage took place without further delay. At Waukesha, as at Elgin, Mrs. Bailey exhibited the watch formerly worn by her husband, Reise, among others, having seen it.

The marriage at Waukesha had placed the woman in this position: If Bailey were alive she was a bigamist, and if he were dead she was undoubtedly his murderer. Her vigorous assurance to Reise that there was no danger of Bailey ever bothering them had for me, of course, a gresome meaning. Strange as it may seem to those uninitiated in the ways of such as Nellie Bailey, I finally believed her to be a woman who would commit

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The trial of this remarkable woman was one of the most memorable in the history of Kansas. She had ample means and had able counsel. Colonel Hollowell, in his capacity as United States attorney, represented the prosecution, as the crime had been committed in the Indian Territory, where there were no local courts. The government's array of circumstantial evidence was marshaled before the jury with much skill and force by Colonel Hollowell and a display of correlated facts produce that would have caused an ordinary defendant to weaken. But the little blue-eyed woman remained as calm as the incriminating circumstances were piled up against her, as she had been from the first. Counsel for the defense made the best of the somewhat meager case they had, but when the evidence was all in there was a wide margin in favor of the prosecution. After the summing up by the lawyers, Colonel Hollowell said to me:

"We are up against it. Every man on that jury knows she is guilty and not a one of them will vote for conviction."

His knowledge of western juries in cases where women were the defendants was accurate. After due deliberation the jury filed into the room and submitted to the court its verdict—"Not guilty." Judge Foster who heard the case said after the trial that there was not the slightest doubt in his mind of the woman's guilt. But she was free, Robert Reise had come to Kansas to attend the trial, and immediately after the verdict disappeared with the woman I believe to be his wife and who was his lawful wife if the bones and flesh found in Dakota had been those of Shannon Bailey.

I found afterward that while the jurors almost unanimously expressed themselves as believing the prisoner guilty they had applied to the case their own sense of rough frontier justice, reasoning that Bothamley had been a man whose early advantages and intelligence should have led into a different life, and that if he met his death at the hands of one woman after he had led another to desert home for him, besides deserting his own wife and children, he was meeting with no more punishment than he deserved. As a man I have no quarrel with this reasoning. As an officer of the law at that time I felt much disappointed at seeing the hard work of months go for naught, especially as that hard work had developed what to my mind was a sound case.

So far as I have been able to learn, Shannon Bailey has never been heard of since the day he disappeared. I have recently written to his brother, who formerly lived in Ohio, but received no answer. I will stake my reputation that we found all that was mortal of him on the Dakota plain and in the cellar of his former home in De Smet.

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