



STORIES OF THE SECRET SERVICE

BY
Capt. Patrick D. Tyrrell

STORY No. 2

The Bothamley Murder Mystery

Being an Account of the Efforts Made by This Government to Bring to Justice the Murderer of Clement L. Bothamley, an Englishman Killed in Kansas.

By CAPTAIN PATRICK D. TYRRELL

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Her death was followed by a season of physical and mental suffering on the part of Bothamley, and this fact was one of the strongest arguments produced by the advocates of the suicide theory. It was entirely reasonable to suppose that a man of Bothamley's evident refinement, after deserting his family under stress of a mad infatuation for the wife of another man, should suffer a mental wrench at the death of his innamorata that might unbalance his mind and drive him to suicide in the solitude of a frontier trail. This was an easily spun theory, and one that appealed strongly to the sentimentalists.

Personally, I did not believe that the Englishman had sent a bullet through his own brain. I believe the records of crime will bear me out in this general conclusion—that the man who flings moral, legal and social obligations to the winds, as Bothamley had done when he eloped with Mrs. Miller, is seldom molded of such delicate clay as to blow out his brains when his companion in sin dies. To follow the course that Bothamley had followed in England a man must be essentially selfish; and selfishness of this kind does not beget self-destruction. To my mind it was more probable that Bothamley had formed another liaison than that he had destroyed himself on account of the tragic ending of the first. Suicide under these circumstances would have been the natural refuge of a woman—not of a man.

In additional support of my belief that Bothamley had been murdered, there were several corroborative physical circumstances. One of the most convincing of these was the fact, well established by science, that the human animal instinctively shuns the pointing of a pistol to the eye when about to take its own life. The bullet had entered Bothamley's face just under the right eye. Scientists assert that there is not a single record of suicide by shooting in which the weapon has been aimed at the eye, and they go so far as to claim that such a course would be impossible. To press the muzzle of the weapon against the forehead or the temple, thus hiding it from the vision, is common; to point the weapon at the eye is unheard of.

Another circumstance going to disprove the suicide theory was the finding of the pistol, a self-acting Colt's of 45 caliber, by the side of the body in such a position that it seemed impossible for it to have fallen there had the shot been fired by Bothamley himself. And, further, there were no powder marks, according to Vetter and Dodson, on the man's face when found.

But the murder, if it was such, could never be established, and the guilt of the murderer proved, with theories. The case was under the general supervision of United States District Attorney J. R. Hollowell, but the local authorities had done about all that lay in their power. Col. Hollowell left me to my own devices in the work that followed, merely saying that the department of justice very much desired to have the murderer punished.

Truth compels me to say that I saw but one promising path to travel, and that was an investigation of the career of the woman whom Bothamley had introduced as his sister, and with whom he was making the journey to Texas when he met his death. From all I was able to learn of the dead Englishman he was a man who was more likely to meet his death through entanglement with a woman than at the hands of Indians or desperadoes. I had studied the probabilities of murder at the hands of the last two agencies and found them weak. There was no evidence that an averaging hand had reached across the Atlantic to punish Bothamley for the ruin of two homes. In a liaison in force at the time of his death, therefore, I expected to find the evidence desired.

At Skeleton ranch there was a post office presided over by a woman. From this source it was learned that some

little time before the death of Bothamley his companion had mailed two letters. The post is not overhauled at an office like Skeleton ranch, and the postmistress had plenty of time to inspect addresses of incoming and outgoing mail. In this case she was also garrulous and of retentive memory. From her I learned that one of the letters mailed by the supposed sister of Bothamley was a bulky one in a legal envelope, and addressed to the clerk of Harvey county. This proved on investigation to have been a deed made by Sarah A. Laws, spinster, of Sedgewick county, Kansas, to Bertha L. Bothamley, of Harvey county, covering 640 acres of land in the latter county. The consideration in the deed was given at \$12,800. The description of the land in the deed coincided with the legal description of the ranch on which Bothamley had lived.

This discovery raised the question of the identity of Sarah A. Laws. Diligent inquiry failed to reveal such a woman, and, had she lived in the county claimed, it was unlikely that she could not be located. The identity of the Laws woman, therefore, became a problem. The fact that a deed to the Bothamley ranch, however, had been forwarded for record by Bothamley's woman companion invested that person with even greater interest.

The discovery of her real identity was not a matter calling for any great effort. While at the Bothamley ranch, where she had passed as his sister, she had been identified as Mrs. Nellie Bailey, the daughter of a Kansas rancher and carpenter named G. P. Benthuson. The whereabouts of her husband was unknown for the remarkable reason that will appear later.

Important chapters in her life were not known to her acquaintances in Kansas. At this time the circumstantial case against her seemed to be growing stronger. In fiction the shrewd detective would have gathered a number of incriminating circum-

stances, grouped them into a narrative which he would have recited to the suspect, who, thereupon, as a tribute to the skill of the detective, would have broken down and tearfully confessed the crime. Had intelligent work been done immediately after the finding of Bothamley's body some such method might have been used with the results desired. But I doubt the effect of the "deduction and accusation" method on Nellie Bailey. At every intimation of her guilt she looked at you squarely with the bluest of blue eyes and protested innocence in a way that left the man who was firmly convinced of her guilt in doubt. Innocent or guilty, nature had given her a nervous system on which threats, insinuations or other attempts to pierce her composure had not the faintest effect. I believe she would have gone to the gallows, had fate so decreed, with the same air of injured innocence that she had maintained since the Indian police had taken her into custody because she was the logical person to have guilty knowledge of the crime.

She was shrewd enough to know that the drear plains had furnished no witness to what had transpired in the little house on wheels on October 7. She knew that any case made against her must be purely circumstantial. And she also knew that which I did not realize at the time—that in a country where women are few, a pretty woman—even if she be bad—is practically immune from the dangers of circumstantial evidence in a criminal trial. Therefore she "stood pat" in her innocence or guilt, placing it squarely up to the government to make its case.

Inquiry in the county in which she had lived developed several interesting and suggestive facts concerning her. She was an expert marksman with a revolver and a daring equestrienne. She rode astride, shooting with accuracy at wolves and other game from the saddle. She usually carried a revolver slung to a cartridge belt buckled around her waist. Small of stature, exuberant of health, daring in spirit, clad in short skirts and sombrero, she was a figure not soon forgotten by those who had seen her. Despite her mannishness in the saddle and with the pistol, she had played a part in numerous love affairs, for it must be remembered that on the frontier a woman in a sombrero is not a rarity, and one that can rope a pony or shoot

straight is not classed as masculine. These were traits of the plains, desirable rather than otherwise, even in a pretty woman. From the time Nellie Benthuson had gone into long skirts she had associated principally with men, among whom she was a favorite; and neighborhood gossip recorded numerous love affairs of more or less earnestness. In all she had earned the reputation of being fickle, quick in forming attachments and equally quick in dismissing them. These love affairs had culminated in her marriage to Shannon Bailey, a young lawyer, good looking, of some means, giving promise of rapid advancement in his profession and intensely in love with the high-spirited, hoydenish Nellie. During the courtship Bailey had been the victim of at least one of that numerous class of individuals who delight in carrying gossip to the person most interested. In this case one of these officious chatter-boxes whispered things to Bailey about his fiancée that adoring lovers do not like to hear. These whisperings had the usual effect. Instead of breaking the attachment it strengthened it; but at the same time it planted seeds of distrust that later bore their fruit in a most groomsome way.

They first went to Huron, intending

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 1856—I have never been dishonest 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 the 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 had 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 to be 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 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.

[To Be Continued.]

HEARING AFTER DEATH.

Remarkable Instance of Continued Animation After Severance of the Head.

An extraordinary incident which occurred at the guillotining at Orleans of the murderer Languille has been interestingly explained by Prof. Hartmann, a famous Paris surgeon, says the London Mail. When the blade of the guillotine fell, Languille's head was completely severed from the trunk. A doctor who was in attendance immediately picked up the head and called the dead man's name. To the astonishment of all present the eyelids of the severed head opened wide and then closed again.

"Languille! Languille!" called the doctor a second time, and once more the eyelids lifted, but a third call met with no response.

Prof. Hartmann says it is quite possible for a form of nervous life to exist after death. This would not be the case if the subject died naturally or of some disease, but undoubtedly it would be so in the case of a healthy person meeting with a sudden and violent death. When a strong man suddenly passes from life to death his bodily tissues show a considerable amount of resistance.

The professor says that he himself dissected the body of a man 26 hours after he had been executed, and that on pricking with a needle the nerve of the thick he discovered that it was alive.

In the case of Languille, says the professor, the eyelids opened, not because the name of Languille was pronounced, but because the sound of the voice on the ears produced a reflex action on the nerves. They would have lifted had any other name been called.

Roosevelt and Uncle Jake.

This story is told about President Roosevelt and an aged darkey called Uncle Jake. The old colored man was very religious, and was considered a pillar of the church he attended.

The president, while out driving one cold morning, met Uncle Jake, crippled with rheumatism, hobbling along. "Good morning, Jake," said the president.

"Good morning, sah," responded the darkey.

Then a happy thought struck Mr. Roosevelt. "Uncle Jake," he said, "which would you rather have this cold morning, a ton of coal or a bottle of whisky?"

"Well," said the darkey, hesitatingly "It's this way, Mistah President, you see, ma folks burn wood."—Boston Herald.



SAW BOTHAMLEY LYING ON THE FLOOR DEAD.

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to settle there, and took rooms at the Wright house. In a few days Mrs. Bailey plunged into another flirtation, as furious as the first. Another scene resulted, ending in separation. Bailey took quarters away from the hotel and his bride remained at the Wright house. Several days later Bailey and his wife again became reconciled. She evidently had the power to throw him into the most violent fits of jealous rage, and then, by pretense of repentance and other woman's wiles, to bring him to her feet again. Right after this second reconciliation the pair moved to De Smet, a mere hamlet at that time, containing only 16 families. The country was new and was being developed by the railroad that had just built a line through it.

Bailey believed that the village had a promising future and announced his intention to settle there and go into the real estate and loan business. In his travels he had carried with him several thousand dollars, and soon after arriving at De Smet he deposited 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. It must be remembered that in these wanderings 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 as 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 "enteb." I was satisfied that she had 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

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