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## WHY WAS NELLIE NAUGHTY?

Episode Number: 1882-22

### KNOWLEDGE PACKET

Date: 1883

The Enigmatic Life and Trials of Nellie C. Bailey

This episode compiles information from various newspaper articles spanning from 1883 to 1928, detailing the tumultuous life of Nellie C. Bailey, particularly her notorious murder trial, subsequent legal battles, and shifting public perception.

#### Main Themes:

- **The Murder of Clement Bothamley:** At the core of the narrative is the suspicious death of Clement Bothamley in Indian Territory in October 1883. While initial reports and the prosecution strongly suggested murder, Nellie Bailey consistently maintained it was a suicide or accidental shooting.
- **Nellie Bailey's Shifting Identities and Romantic Entanglements:** Nellie's life appears to be a series of aliases, secret marriages, and complex relationships, often driven by a desire for wealth and a "romantic and venturesome spirit."
- **Public Sensation and Sympathy:** The case garnered immense public interest, with Nellie often described as "beautiful," "handsome," and "fascinating," which played a significant role in public sympathy and her eventual acquittal.
- **Legal Battles and Acquittal:** Despite strong accusations, Nellie was acquitted of murder. Her legal journey involved multiple examinations, a grand jury indictment, and a highly publicized trial. She also engaged in subsequent lawsuits to reclaim property and defend her reputation.
- **Media Portrayal and Nellie's Self-Narrative:** Newspapers heavily documented her story, often sensationalizing events. Nellie herself capitalized on this interest by writing and selling a biographical sketch, attempting to control her narrative.

## Most Important Ideas/Facts:

### 1. The Death of Clement Bothamley (October 7, 1883):

- **Circumstances:** Bothamley, a British man, was traveling to Texas with a herd of 2000-2200 sheep, accompanied by Nellie C. Bailey (his "second mistress" or "first mistress" according to various accounts), a hired man named William Dodson, and a young boy named Wesley Vetter. Bothamley was shot in a "box car or house... built upon a wagon" where he and Nellie slept. The event occurred in Indian Territory, "some sixty miles south of Caldwell, on the night of Sunday the 7th of this month." ("NEWTON - Foul Murder. The Newton Kansan, Thursday, October 18, 1883. Page 3.")
- **Contradictory Accounts:Nellie's Story:** Nellie consistently claimed Bothamley shot himself accidentally or by suicide. Her detailed account states she was "awakened by the report of a pistol near her head." She found him "lying on his right side, his pistol close by his cheek with the muzzle almost against his cheek, and a bullet would under the right eye near the nose." ("WICHITA - Her Story of the Death of Clement Bothamley. The Daily Commonwealth, Saturday, November 24, 1883. Page 2.") She also testified that Bothamley was "a very careless man with his revolver, shooting out of the car window to scare the wolves away" and had once "put the pistol to his face" in a fit of excitement. ("WICHITA - Her Trial For Murder In The U.S. Court. The Wichita Beacon, Friday, January 16, 1885. Page 4.")
- **Prosecution's View (Probable Murder):** Initial reports leaned towards murder. The Wichita Eagle stated, "The man was shot close to the left eye, the ball ranging downward, which is a circumstance showing that it was not a suicide. The affair has every appearance of a dark and bloody deed." ("WICHITA - A Dark And Bloody Deed. The Wichita Eagle, Thursday, October 18, 1883. Page 3.") Physicians testified that the position of the body and arm after such a shot would likely be "unnatural" if self-inflicted, with the pistol likely falling from the hand. ("Dr. Allen, Secretary of State of Kansas... Dr. Fabrique..." The Wichita Beacon, Saturday, January 17, 1885. Page 4.")
- **Bothamley's Mental State:** Crucial to the defense was testimony from Dr. Dwight and Miss Nancy Hull, who stated Bothamley was suffering from severe rheumatism, using opiates, and had repeatedly expressed a desire to commit suicide. He "asked me repeatedly to take his revolver and shoot him, or give him something to put him out of the way." ("Dr. Dwight... The Wichita Beacon, Monday, January 19, 1885. Page 4.")

### 2. Nellie C. Bailey's Background and Relationships:

- **Aliases:** Nellie used several aliases, including Bertha L. Bothamly (passing as Clement's sister) and Sarah A. Laws (for the land deed). She was also referred to as Nellie C. Reese (from her marriage to Robert Reese).
- **Marriage to Shannon Bailey:** Her first marriage was to Shannon Bailey, a banker, in August 1879. She left him in Dakota in May 1882. ("Nellie C. Bailey - Cross-examined." The Wichita Beacon, January 16, 1885. Page 4.) She later divorced him in March 1886 on

grounds of desertion. ("WICHITA - Divorce Granted. The Daily Capital, Wednesday, March 24, 1886. Page 2.")

- **Marriage to Robert Reese (Alleged Sham):** Nellie married Robert Reese in Waukesha, Wisconsin, on April 12, 1883. Reese claimed she drugged him and that the marriage was involuntary. Nellie admitted she "did not love him, but I made him think I did." She characterized the marriage as a "foolish trick...done more for spite work than anything else." ("Nellie C. Bailey - Cross-examined." The Wichita Beacon, January 16, 1885. Page 4.)
- **Relationship with Bothamley:** Nellie stated she and Bothamley were to be married in Texas after he obtained a divorce from his wife in England. She claimed he was "heavily in debt" and that she had given him "\$3,500 of Nellie Bailey's money a year ago, which was in the stock." ("WICHITA - Her Story of the Death of Clement Bothamley. The Daily Commonwealth, Saturday, November 24, 1883. Page 2.")
- **Wealth and Jewelry:** Reports vary on the origin of her wealth and jewelry. Some sources claim she got \$18,000 from her first husband, a Black Hills miner ("MILWAUKEE, WI. - Divorce Wanted From an indicted Murderess. The Daily City News, Tuesday, November 6, 1883. Page 2."). Nellie, however, claimed "\$3,500 of her money had been advanced to Bothamley in purchasing the large herd of sheep" and that the jewelry was partly from her former husband and partly from Bothamley as a gift in their "marriage contract." ("WICHITA - Her Story of the Death of Clement Bothamley. The Daily Commonwealth, Saturday, November 24, 1883. Page 2.")

### 3. The Land Deed and Bothamley's Estate:

- **Transfer of Land:** A deed signed by Bothamley, deeding his Harvey County land (valued at \$20,000 in one source, but with a \$5,000 mortgage and \$1,200 note owed according to Nellie) to "Sarah A. Laws" (Nellie's assumed name), arrived at the Register of Deeds the day after Bothamley's death. Nellie confessed Bothamley "was forced to make the deed to her, she assuming a fictitious name." ("NEWTON - Foul Murder. The Newton Kansan, Thursday, October 18, 1883. Page 3.")
- **Disputed Property:** Bothamley's administrator claimed his wife and children in England were rightful heirs to his estate, including the jewelry and other property Nellie possessed. Nellie later sued and was awarded judgment for "\$1,735.25" for the sheep and jewelry. ("NEWTON - Nellie Bailey came out first best... The Evening Kansan-Republican, Friday, November 13, 1885. Page 1.")

### 4. The Murder Trial and Acquittal (January 1885):

- **Initial Detention and Bail:** Nellie was arrested shortly after Bothamley's death and held in Wichita, then Topeka. She was initially held on \$4,000 bail, later raised to \$10,000. ("TOPEKA - Awaiting Preliminary. The Daily Commonwealth, Thursday, November 1, 1883. Page 4." and "TOPEKA - Awaiting Preliminary. The Daily Commonwealth, Sunday,

November 4, 1883. Page 2.") Bail proved difficult to raise, and she remained imprisoned for over a year.

- **Prosecution's Case:** The prosecution, led by Charles Hatton, presented a narrative of Nellie marrying Bailey, separating, meeting and corresponding with Bothamly, marrying Reese while still writing to Bothamly, disguising herself as Bothamly's sister (Bertha Bothamly), and orchestrating the land deed transfer. They alleged she murdered Bothamly for his wealth.
- **Defense's Case:** W.E. Stanley and J.W. Ady argued that Bothamly was suicidal and that Nellie had no motive, as she had invested her own money in the sheep. They presented evidence of Bothamly's erratic behavior and suicidal ideations. Nellie's "sham marriage" to Reese was presented as a joke.
- **The Verdict:** After a highly publicized trial and a jury selection process that reportedly favored "blondes" by the defense, the jury deliberated for "fifteen minutes" and returned a verdict of "Not Guilty." ("WICHITA - Her Trial For Murder In The U.S. Court. The Wichita Beacon, January 19, & January 20, 1885, and The Wichita Eagle, January 23, 1885.")
- **Public Reaction:** The acquittal was met with widespread public gratification and celebration, particularly among her supporters. Many believed in her innocence from the start.

## 5. Post-Acquittal Life and Continued Notoriety:

- **Book Publication:** Nellie capitalized on her fame by publishing a biographical sketch of her life, described as a "romance" but "by no means a fiction." She actively canvassed cities to sell her book. ("WICHITA - Writing A Biographical Sketch. The Wichita Beacon, Monday, January 26, 1885. Page 4." and "ARKANSAS CITY - Selling Her Book. The Arkansas City Republican, November 7, 1885. Page 1.")
- **Further Lawsuits:** She sued Mary E. Jackson, her writer, for breach of contract regarding the book's publication, claiming she had already paid in full. ("TOPEKA - Letter from Nellie Bailey. The Daily Capital, Tuesday, December 15, 1885. Page 2.") She also sued the Wichita Beacon for libel after they published a "disgraceful" account of her behavior on a snow-bound train. ("WICHITA - The Tables Turned. The Wichita Eagle, Thursday, January 14, 1886. Page 4.")
- **"Disgraceful" Incident on a Train (January 1886):** A sensational report accused Nellie of "disgraceful conduct" on a train delayed by a storm, including "exceedingly depraved" language and drinking whisky. Nellie vehemently denied these claims, asserting she was with respectable company. ("OSAGE CITY - Disgraceful! A Train Delayed At Osage City Is Turned Into A Saloon. The Notorious Nellie Bailey Makes an Exhibition of Herself. The Wichita Beacon, Monday, January 11, 1886. Page 1.")

- **Subsequent Marriages:** Nellie married Frank Adams in Americus, Kansas, on October 13, 1895. ("EMPORIA - Frank Adams and Nellie Bailey got a marriage license... The Emporia Weekly Gazette, October 14, 1895. Page 7.")
- **Unresolved Mysteries:** A 1897 article recalls the Nellie Bailey case, noting that the Department of Justice employed a detective, Pat Terrill, whose report was "the most astounding thing I ever saw." It suggested that Terrill "undertook to account for" one of Nellie's previous husbands who disappeared, finding "quick-lime and what proved to be a sort of dust formed from bones" in the cellar of their former home, though no explicit accusation was made. ("WICHITA (1897) - Had Her History. Federal Court Officials Indulge in Reminiscences. The Wichita Beacon, Wednesday, June 16, 1897. Page 5.") This adds a dark, unresolved layer to her past.
- **Later Life:** The last mention of Nellie from the sources states that around 1903, she was "engaged in evangelistic work somewhere on the Pacific coast." ("MACKSVILLE - Tragedy of Nellie Benthusen is Recalled by Macksville Editor. The Hutchinson News, Monday, November 5, 1928. Page 12.")

**In Conclusion:** Nellie C. Bailey's story is one of intrigue and controversy. Despite her acquittal, the ambiguities surrounding Clement Bothamley's death, coupled with her complex personal life and a relentless drive for self-preservation and notoriety, ensured her a lasting place in the annals of sensational American frontier history. The public fascination with her, fueled by contrasting portrayals in the press and her own attempts at self-vindication, highlights the fluid nature of truth and public opinion in the face of dramatic events.

## Thought Starters:

### What was the central event that led to Nellie Bailey's notoriety?

Nellie Bailey became widely known following the death of Clement Bothamley on October 7, 1883, in the Indian Territory. Bothamley, a wealthy Englishman, was found dead in the "car" (a house built on a wagon) they shared while on an overland journey to Texas with a large flock of sheep. Nellie Bailey was the only other person in the car at the time, and her immediate explanation was that Bothamley had shot himself. This incident quickly escalated into a sensational murder trial, with Nellie Bailey as the primary suspect.

### Who was Clement Bothamley, and what was his relationship with Nellie Bailey?

Clement Bothamley was an English sheep rancher who had settled in Harvey County, Kansas. Before meeting Nellie, he had come to America with a first mistress who died in childbirth. He had a wife and children living in England, though he presented himself as a widower to Nellie. Nellie and Bothamley intended to be married in Texas after he secured a divorce from his English wife, and they concealed his marital status by pretending to be siblings on their journey, with Nellie using the alias "Bertha Bothamly." Nellie claimed to have invested \$3,500 of her own money into Bothamley's sheep business and had received expensive jewelry from him, though some of it was initially Bothamley's deceased "wife's" and some given to her by her previous husband, Bailey.

### **What were the key arguments made by the prosecution and defense during Nellie Bailey's murder trial?**

The prosecution, led by Charles Hatton, contended that Nellie Bailey murdered Clement Bothamley. They presented evidence such as a deed for Bothamley's land being transferred to Nellie under a fictitious name (Sarah A. Laws) shortly before his death, suggesting a financial motive. They also highlighted the position of Bothamley's body and the bullet's trajectory as inconsistent with suicide, and pointed to Nellie's attempts to dispose of the deed and her lack of visible grief after the funeral. The defense, led by W.E. Stanley and J.W. Ady, argued that Bothamley was severely ill with rheumatism, depressed, and prone to suicidal thoughts, having asked others to shoot him and frequently handling his revolver. They asserted that Bothamley accidentally shot himself or committed suicide due to his pain and mental state. They emphasized Nellie's love and care for him, her confusion and fright after the shot, and the idea that the "joke marriage" in Waukesha and the disguise as his sister were Bothamley's ideas to avoid his past and British Association obligations.

### **What was the outcome of the murder trial, and why was it significant?**

After a widely publicized trial that lasted several days in January 1885, Nellie Bailey was acquitted by the jury. The jury, which notably consisted entirely of "blondes" due to the defense's strategy of eliminating dark-haired or dark-eyed men, returned a "Not Guilty" verdict after only fifteen minutes of deliberation. This outcome was highly significant as it challenged widespread public suspicion and prejudice against Nellie. Her acquittal was seen as a victory against the combined efforts of the United States government, the British minister, and the British Association. The case was considered one of the most sensational murder trials in Kansas history and became a prominent example of how public opinion and media portrayal could influence perceptions of guilt or innocence.

### **What was Nellie Bailey's background and personal life like, according to the sources?**

Nellie C. Bailey (née Nellie C. Benthussen) was from a respectable family in Halstead, Harvey County, Kansas, and was described as beautiful, well-educated, and accustomed to high society. Her life was characterized by a "romantic and venturesome spirit." She married Shannon Bailey, a banker, in 1879, but their marriage was reportedly unhappy, and they separated in Dakota in 1882. She claimed to have received \$4,000 from him upon their separation. She then had a "sham" or "mock" marriage to Robert Reise in Waukesha, Wisconsin, in 1883, which she later claimed was a joke to spite her aunt, though it turned out to be legally binding. She was known for her lavish wardrobe and jewelry, some of which she said was given to her by her former husband and some by Bothamley. Throughout her life, she was described as ambitious, daring, and seeking wealth and excitement.

### **How did the public and media perceive Nellie Bailey throughout her ordeal?**

Public and media perception of Nellie Bailey was highly polarized. Initially, many reports portrayed her as a "naughty Nellie," a "thorough adventuress" and a cold-blooded murderess, especially given her alleged motive of stealing Bothamley's valuables. Her "strange and fascinating career" was often compared to "dime novel heroines." However, as the trial

progressed, and particularly after her acquittal, there was a significant shift in public sympathy. Many people in Wichita believed in her innocence, and newspapers began to defend her, emphasizing her bravery, composure, and the lack of concrete evidence against her. Her story was seen as a "romance of the west," and she was even lauded as a "heroine" who had overcome immense prejudice. Despite her acquittal, controversy continued, with some still viewing her as morally depraved.

### **What did Nellie Bailey do after her acquittal?**

Following her acquittal, Nellie Bailey returned to her parents' home near Halstead, Kansas. She quickly embarked on writing and selling a biographical sketch of her life, titled "The History of Her Life" or "Life of Nellie C. Bailey, or Romances of the West." She personally canvassed cities like Wichita, Emporia, Harper, and Kingman, selling her book by subscription, and was remarkably successful due to her captivating personality. She also pursued legal action, filing lawsuits to reclaim her money (\$3,500 invested in sheep) and jewelry (\$1,700 worth) from Bothamley's estate, and later sued The Wichita Eagle and The Wichita Beacon for libel due to published stories about her. She was also involved in an incident where she was arrested for disturbing the peace and stealing a shotgun from the old Bothamley farm. In March 1886, she was granted a divorce from Shannon Bailey. She later remarried Frank Adams in Emporia, Kansas, in October 1895, and moved to Oklahoma. The last known record of her was engaging in evangelistic work on the Pacific coast around 1903.

### **What lingering mysteries or unresolved aspects surround the Nellie Bailey case?**

Despite her acquittal, the exact circumstances of Clement Bothamley's death remain a mystery. While Nellie maintained it was suicide or an accidental discharge, the prosecution highlighted inconsistencies in the evidence regarding the wound and pistol's position. The detective's report, mentioned in a later article, suggested a deeper, unprovable history of Nellie's alleged involvement in the disappearance of a former husband, including the discovery of quick-lime and bone dust in a cellar. This report, deemed too sensational and unprovable for court, adds a layer of dark intrigue to her past. Furthermore, the true nature of her many relationships, especially her "joke marriage" to Robert Reese and her motives for her actions, continue to be debated. The case also highlights the difficulty of discerning truth amidst sensationalized media accounts and strong public biases.

## **Study Guide:**

### **I. Overview of the Case**

The "Naughty Nellie" case revolves around the mysterious death of Clement Bothamley in October 1883 in the Indian Territory. Nellie C. Bailey, Bothamley's traveling companion, was accused of his murder. The case garnered significant public attention due to its sensational nature, the conflicting narratives, and Nellie's captivating personality. This study guide aims to review the key events, characters, and interpretations surrounding this historical mystery.

## II. Key Individuals and Their Roles

- **Nellie C. Bailey (née Benthussen):** The central figure in the case, accused of Clement Bothamley's murder. She was described as young, attractive, well-educated, and adventurous. Her background included a previous marriage to Shannon Bailey, alleged bigamous marriage to Robert Reise, and a history of seeking wealth. She maintained her innocence, claiming Bothamley committed suicide.
- **Clement Bothamley:** The deceased. A wealthy Englishman who came to America with his first mistress (who died in childbirth) and later became involved with Nellie Bailey. He was a sheep rancher, a member of the British Association of Kansas, and reportedly suffered from rheumatism and depression. His death was initially ruled a probable murder.
- **William Dodson:** A man hired by Bothamley at Sedgwick City to help drive the sheep. He was present at the camp on the night of Bothamley's death and was initially arrested alongside Nellie Bailey. His testimony, along with Wesley Vetter's, provided crucial accounts of the events.
- **Wesley Vetter:** A young boy (aged about sixteen, later stated as nineteen) who had been working for Bothamley as a herder since the previous spring. He was also present on the night of Bothamley's death and provided a detailed account of Nellie's actions immediately after the event.
- **Shannon Bailey:** Nellie's first husband, a land and loan agent and former banker. Nellie claimed he gave her \$4,000 upon their separation. His brother, Willis M. Bailey, visited Nellie in jail, unconvinced by her story of Shannon's death. Nellie eventually divorced him for desertion in 1886.
- **Robert Reise:** A young man from Waukesha, Wisconsin, whom Nellie allegedly married in April 1883. He claimed Nellie drugged him and that the marriage was a "mock marriage" or joke. He sought a divorce based on bigamy.
- **C.M. Hollister:** Deputy U.S. Marshal at Caldwell, responsible for investigating Bothamley's death, exhuming the body, and arresting Nellie Bailey and William Dodson.
- **A.W. Carr:** Representing the British Association of Kansas, of which Bothamley was a member. He came to assist in the investigation and took charge of Wesley Vetter.
- **United States Commissioner Shearman:** The judicial officer who presided over Nellie Bailey's preliminary examination in Wichita. He expressed doubts about her guilt of first-degree murder and set her bail.
- **Hon. C.G. Foster:** Judge of the United States District Court, who oversaw the trial. He moved the court location due to overcrowding and ultimately presided over Nellie's acquittal.
- **Charles Hatton:** Deputy United States Attorney, one of the prosecutors for the government.



- **J.R. Hallowell:** United States Attorney and a key prosecutor, who found the case challenging and uniquely employed a detective (Pat Terrell) to gather more information.
- **W.E. Stanley, T.B. Wall, and J.W. Ady:** Defense attorneys for Nellie Bailey. They successfully argued for her innocence and highlighted inconsistencies in the prosecution's case.
- **Pat Terrell:** A trusted government detective employed by the Department of Justice to investigate the case. His extensive report on Nellie's background was deemed too sensational and could not be used as testimony. He reportedly uncovered evidence suggesting a darker past for Nellie, including possible involvement in a former husband's disappearance.
- **Dr. Dwight and Miss Nancy Hull (and Mrs. Dwight):** Witnesses from Mt. Hope who treated Bothamley for rheumatism and testified to his despondency and suicidal ideation, and his use of opiates.
- **G.O. Austin and Mrs. Austin:** Friends of Nellie C. Bailey in Waukesha, Wisconsin. G.O. Austin wrote a letter to the newspaper defending Nellie's character and clarifying the circumstances of her marriage to Robert Reise. Nellie also wrote a revealing letter to Mrs. Austin about her relationship with Clement Bothamley.
- **Mrs. D.L. Tichenor, Mrs. James Taylor, Mrs. Eugene Sweet:** Nellie's aunts who were present at her trial. Mrs. Tichenor and Mrs. Sweet provided testimony regarding Nellie's possessions and relationships.
- **Mary E. Jackson:** The authoress hired by Nellie Bailey to write her biographical sketch, "The History of Her Life." They later had a dispute over payment.

### III. Timeline of Key Events

- **1871:** Nellie C. Bailey (née Benthussen) moves to Kansas with her parents near Halstead.
- **1879 (August 9):** Nellie marries Shannon Bailey in Newton.
- **1880:** Nellie first meets Clement Bothamley at Mrs. Weaver's house in Newton.
- **1881 (July):** Shannon Bailey sells his Canton business; Nellie and Shannon travel extensively.
- **1882 (May):** Shannon Bailey leaves Desmet, Dakota. Nellie returns home to Kansas.
- **1882 (June-August):** Nellie visits relatives in Elgin, Illinois (Mrs. James Taylor).
- **1882 (October 3 - 1883 February 14):** Nellie visits Mrs. Tichenor in Newark, New Jersey.
- **1883 (February):** Nellie arrives in Waukesha, Wisconsin, staying with Mrs. Sweet.
- **1883 (April 12):** Nellie C. Bailey and Robert Reise are married by Justice Spencer in Waukesha.

- **1883 (June 5):** Nellie leaves Waukesha for St. Louis.
- **1883 (August 16):** Nellie (as Bertha L. Bothamly) and Clement Bothamley sign a deed transferring Bothamley's Harvey County land to Sarah A. Laws (Nellie's fictitious name).
- **1883 (August 23):** Bothamley, Nellie (disguised as his sister, Bertha Bothamly), William Dodson, and Wesley Vetter depart from Bothamley's farm near Sedgwick City with 2,200 (later corrected to 2,275) sheep for Texas.
- **1883 (September):** Bothamley falls ill with rheumatism near Mt. Hope and is left in the care of Dr. Dwight. Nellie returns for him later.
- **1883 (October 7, Sunday):** Clement Bothamley dies from a pistol shot in the "car" wagon near Skeleton Ranche in Indian Territory. Nellie reports it as a suicide.
- **1883 (October 8):** Bothamley's body is buried at Skeleton Ranche. Nellie mails the deed to Sarah A. Laws for recording in Harvey County.
- **1883 (October 13, Saturday):** Deputy U.S. Marshal Hollister arrests Nellie C. Bailey, William Dodson, and Wesley Vetter near Collins' Ranch. Bothamley's body is exhumed.
- **1883 (October 16, Tuesday):** Nellie and Dodson are jailed in Wichita. Bothamley's body is forwarded to Newton.
- **1883 (October 18, Thursday):** Bothamley is reburied in Greenwood Cemetery, Newton, beside his first mistress and child. Nellie confesses to forcing Bothamley to make the deed and then deeds the land back to his administrators.
- **1883 (November 1):** Preliminary examination of Nellie Bailey and William Dodson in Wichita begins.
- **1883 (November 4):** Commissioner Shearman holds Nellie Bailey for appearance before the grand jury, setting bail at \$4,000 (later raised to \$10,000). He expresses doubts about first-degree murder.
- **1883 (November 6):** Robert Reise begins divorce proceedings against Nellie for bigamy.
- **1883 (November 24):** Nellie Bailey's account of Bothamley's death (suicide) is published in *The Daily Commonwealth*.
- **1883 (November 29):** G.O. Austin's letter defending Nellie and explaining the "mock marriage" is published.
- **1883 (December):** Nellie is moved to Topeka jail for "safe keeping" due to the unfit conditions of the Wichita jail and efforts to raise bail.
- **1884 (February 13):** Willis M. Bailey, Shannon Bailey's brother, visits Nellie in jail, unconvinced by her story.
- **1884 (September 11, Thursday):** Nellie C. Bailey is formally arraigned in U.S. Court in Wichita, pleading "Not Guilty" to willful murder. Trial continued to January.

- **1885 (January 16-20):** Nellie Bailey's murder trial takes place in Wichita.
- **1885 (January 20, Tuesday):** The jury deliberates for 15 minutes and returns a "Not Guilty" verdict. Nellie is acquitted.
- **1885 (January 21):** Nellie leaves Wichita with her family for Halstead. Reports surface of Bothamley's "worse" character and his suicidal ideation.
- **1885 (January 26):** Nellie is reported to be writing a biographical sketch of her life.
- **1885 (January 28):** Nellie files a lawsuit against the Bothamley estate for \$3,500 (sheep), \$1,700 (jewelry), and \$380 (money given to Bothamley).
- **1885 (May 22):** "Nellie Bailey's Life" by Mary E. Jackson is announced for subscription sale.
- **1885 (June-July):** Nellie personally canvasses cities, selling her book.
- **1885 (August 6):** *The Wichita Daily Eagle* publishes a scandalous article alleging Nellie eloped with an "absconding painter" named Sorrells.
- **1885 (August 7-13):** Nellie publicly refutes the elopement story, threatening libel suits against *The Eagle*.
- **1885 (September 17):** Nellie Bailey and Nancy Hull are arrested for stealing a shotgun and disturbing the peace at the Bothamley farm. The jury later hangs (9-3 for acquittal).
- **1885 (November 13):** Nellie wins her lawsuit against the Bothamley estate, awarded \$1,735.25.
- **1885 (December 10):** Mary E. Jackson sues Nellie Bailey for unpaid services in writing her book. Nellie disputes the claim, producing a receipt.
- **1886 (January 8, Friday):** Nellie Bailey's alleged "disgraceful conduct" on a snow-bound train at Osage City is reported, leading to another defamation lawsuit against *The Wichita Beacon*.
- **1886 (March 20, Saturday):** Nellie C. Bailey is granted a divorce from Shannon Bailey in Wichita on grounds of desertion.
- **1893 (May 26):** Nellie Bailey reportedly returns to Kansas after ten years.
- **1895 (October 13):** Nellie Bailey marries Frank Adams in Americus, Kansas.
- **1897 (June 16):** A Federal Court official discusses Pat Terrell's sensational, but unusable, report on Nellie Bailey's full history, including a search for a missing former husband and the finding of quick-lime and bone dust in a cellar.

#### IV. Conflicting Narratives and Evidence

The various newspaper accounts present a multi-faceted and often contradictory picture of Nellie Bailey and the events surrounding Bothamley's death.

- **Bothamley's Death: Prosecution/Initial Reports:** Probable murder. Shot close to the left eye, ball ranging downward (Wichita Eagle, Oct 18, 1883); shot under the right eye, ball passing through head (Newton Kansan, Oct 18, 1883). Position of body/hand after death unnatural for suicide (Dr. Allen, Dr. Fabrique testimony).
- **Nellie's Defense:** Suicide. Bothamley was sick with rheumatism, despondent, and prone to suicidal thoughts (Dr. Dwight, Miss Hull testimony). He often handled his revolver carelessly and once put it to his face, threatening suicide (Wesley Vetter, Mrs. Dwight testimony). He asked for the pistol and shot himself in the dark car after hearing a noise (Nellie's testimony). The ball was under the right eye near the nose.
- **Nellie's Character and Marriages: "Naughty Nellie"/Adventuress:** Portrayed as a "New York Society Girl," "thorough adventuress," "bonanza woman" seeking wealth and good clothes, "recklessness and daring to carry out any scheme." (Leavenworth Times, Nov 2, 1883; Detroit Free Press, Nov 4, 1883; Chicago Daily Tribune, Nov 7, 1883). Accusations of drugging Robert Reise and marrying him against his will, and bigamy.
- **"Innocent Young Woman"/Heroine:** Described as "innocent," "brave," "heroine," "beautiful," "well-educated," with "deep blue eyes, with long drooping eyelashes," captivating (Daily Commonwealth, Nov 24, 1883; Wichita Eagle, Nov 29, 1883). Her self-description of a troubled, restless disposition finding contentment with Clement (letter to Mrs. Austin, Nov 29, 1883). Acquitted by the jury.
- **Marriage to Shannon Bailey:** Her first marriage. She claimed he gave her \$4,000 upon their separation. His brother found her story unconvincing. Divorced in 1886.
- **Marriage to Robert Reise:** Nellie admitted she "married Robert Reese, as has been shown here. I did not love him, but I made him think I did." She called the letters "taffy." Robert Reise claimed she drugged him and that it was a "mock marriage" for "spite work."
- **Relationship with Bothamley:** Nellie claimed they were engaged to be married once Bothamley secured a divorce in Texas. She invested \$3,500 of her own money into his sheep stock. He passed her off as his sister to conceal his existing English wife and children. She loved him for his own sake.
- **The Deed and Bothamley's Property: Prosecution:** Nellie (as Bertha L. Bothamly) and Bothamley deeded his land to "Sarah A. Laws" (Nellie's fictitious name), and Nellie attempted to record it after Bothamley's death. This suggests a motive for financial gain.
- **Defense:** Bothamley planned the property transfer himself, at his request. He intended to get a divorce in Texas and marry Nellie, and provide for his English family. Nellie

deeded the land back. Nellie claimed the trunk contents and jewelry were hers, some from Bailey, some from Bothamley a year prior as part of their marriage contract.

## V. Legal Proceedings and Outcome

- **Preliminary Examination:** Held before U.S. Commissioner Shearman in Wichita. William Dodson was discharged, but Nellie Bailey was held for trial, largely due to her being the only other person in the car. Bail was set at \$4,000 (later \$10,000).
- **Trial:** Held in U.S. District Court in Wichita (Judge Foster presiding).
- **Jury Selection:** Defense attorneys (Stanley and Ady) were highly selective, rejecting many "intelligent, earnest, fair appearing gentlemen." Later reports suggested they specifically selected blondes, avoiding "dark haired or dark eyed men."
- **Prosecution Arguments (Hatton, Hallowell):** Focused on Nellie's multiple marriages, alleged theft of jewelry, and the suspicious deed of land. They suggested a conspiracy to murder Bothamley for his wealth.
- **Defense Arguments (Stanley, Ady):** Emphasized Bothamley's suicidal tendencies, his illness, the "mock marriage" to Reise (as a joke), Nellie's financial investment in the sheep, and her general good character and love for Bothamley. They argued no motive for murder.
- **Witnesses:** Included Wesley Vetter and William Dodson (herders, present at the scene), A.C.H. Donaldson and L.P. Collins (first responders), Dr. Allen and Dr. Fabrique (medical experts on gunshot wounds), Robert Reese (alleged husband), D.A. Mitchell and George C. Strong (notaries involved in the deed), W.H. Phillips and Mrs. Phillips (administrators of Bothamley's estate), William Darrow (Bothamley ranch resident), Capt. R.M. Curtis (jailor), Pat E. Terrell (detective), Nellie's aunts (Mrs. Taylor, Mrs. Sweet, Mrs. Tichenor), Dr. Dwight and Miss Nancy Hull (Bothamley's doctors/nurses).
- **Nellie's Testimony:** She testified in her own defense, maintaining her composure and denying all accusations of murder or theft. She provided her version of events, including Bothamley's suicidal ideation and the circumstances of the deed.
- **Verdict:** "Not Guilty." The jury returned the verdict after only fifteen minutes of deliberation. Public opinion, at least among many present, seemed to align with the verdict.

## VI. Aftermath and Legacy

- **Nellie's Post-Acquittal Actions:** Returned to her parents' home near Halstead.
- Pursued lawsuits: against the Bothamley estate (won \$1,735.25 for her money invested and jewelry), and libel suits against newspapers (e.g., *The Wichita Eagle*, *The Wichita Beacon*).
- Authored (or commissioned) a biographical book, "The History of Her Life" (also referred to as "Romances of the West"), which she actively sold, canvassing cities in person.

- Continued to generate controversy, including an alleged "disgraceful" incident on a train.
- Divorced Shannon Bailey in March 1886.
- Married Frank Adams in October 1895 and moved to Oklahoma.
- Later engaged in evangelistic work on the Pacific Coast.
- **The Bothamley Estate:** The British Association and administrators claimed Bothamley had a wife and children in England. The estate was involved in legal disputes over property and belongings.
- **Pat Terrell's Report:** A sensational and detailed report on Nellie's history, including an investigation into a former husband's disappearance and the finding of quick-lime and bone dust in a cellar. This report was considered unusable in court but suggested a darker side to Nellie's past.
- **Public Perception and Media:** The case captivated the public, with newspapers fueling speculation and presenting sensationalized accounts. Nellie's acquittal challenged public prejudice and highlighted the importance of hearing all sides of a story. The jury selection strategy of favoring blondes was noted as a "new psychological idea."

## VII. Enduring Mystery

The case remains a "fascinating mystery" due to the conflicting evidence regarding Bothamley's death (suicide vs. murder), Nellie's shifting narratives about her past, and the sensational details that emerged throughout the legal proceedings and media coverage. Nellie's ability to "captivate" those around her, including the jury and her legal team, played a significant role in her acquittal, despite persistent doubts from some.

## Quiz

**Instructions:** Answer each question in 2-3 sentences.

1. What were the primary charges brought against Nellie C. Bailey, and what was her consistent defense?
2. Describe Clement Bothamley's financial status and personal life, specifically mentioning his marital situation.
3. Who were William Dodson and Wesley Vetter, and what was their role in the events of October 7, 1883?
4. What was the significance of the "deed" transferring Bothamley's land, and how did it complicate Nellie's legal position?
5. What was the outcome of Nellie Bailey's murder trial, and how long did the jury deliberate?
6. How did Nellie Bailey's alleged marriage to Robert Reise in Waukesha, Wisconsin, come to light, and what was her explanation for it?

7. What information did Dr. Dwight and Miss Nancy Hull provide regarding Clement Bothamley's health and state of mind?
8. Beyond the murder trial, what other legal battles did Nellie Bailey engage in after her acquittal?
9. What was "Pat Terrell's report," and why was it not used in Nellie Bailey's trial, despite its sensational content?
10. How did the media portray Nellie C. Bailey throughout the various stages of her legal troubles, and what impact did this have?

## **Answer Key**

1. Nellie C. Bailey was primarily charged with the willful murder of Clement Bothamley. Her consistent defense was that Bothamley committed suicide due to his illness and despondency, and that she was merely a frightened witness to the event.
2. Clement Bothamley was initially presented as a wealthy Englishman with a sheep ranch. However, Nellie later claimed he was heavily in debt and that she had invested \$3,500 of her own money into his stock. He had left a wife and children in England and came to America with a first mistress who died in childbirth, implying he was not legally free to marry Nellie.
3. William Dodson and Wesley Vetter were Bothamley's herders, accompanying him and Nellie on the sheep drive. They were present at the camp on the night of Bothamley's death and were the first to be summoned by Nellie after the shot. Their testimonies were crucial in reconstructing the events.
4. The deed transferred Bothamley's Harvey County land to "Sarah A. Laws," a fictitious name Nellie used. This complicated her position because it suggested a financial motive for murder and an attempt to secure Bothamley's assets after his death, though she later claimed Bothamley had planned it himself and that she returned the land.
5. Nellie Bailey was acquitted of the murder charge. The jury deliberated for a remarkably short period, only fifteen minutes, before returning a "Not Guilty" verdict.
6. Nellie's alleged marriage to Robert Reise came to light during the investigation into her past. She explained it as a "mock marriage" or a "joke" perpetrated out of "spite work" against her aunt, and claimed she did not love Reise, but merely pretended to.
7. Dr. Dwight and Miss Nancy Hull testified that Clement Bothamley suffered from severe rheumatism and was often despondent. They stated that he frequently spoke of shooting himself and asked to be put "out of the way," and that he handled his revolver while making these threats.
8. After her acquittal, Nellie Bailey engaged in several lawsuits. She successfully sued the Bothamley estate for money and jewelry she claimed were hers, and she also filed

defamation lawsuits against newspapers like *The Wichita Eagle* and *The Wichita Beacon* for libelous articles published about her.

9. Pat Terrell's report was a detailed investigation into Nellie Bailey's entire history, including a search for a missing former husband and the finding of quick-lime and bone dust in a cellar. It was not used in trial because it was deemed too sensational and could not be used as direct testimony, though its contents were hinted at by the prosecution.
10. The media initially sensationalized Nellie C. Bailey's case, often portraying her as a "Naughty Nellie" or "thorough adventuress" and alleging she was a murderer motivated by greed. After her acquittal, some papers shifted to portray her as a "heroine" or "beautiful prisoner" who overcame prejudice, while others continued to publish scandalous reports, leading to her defamation suits.

## Essay Format Questions

1. Analyze the role of public opinion and media portrayal in Nellie C. Bailey's trial. How did sensationalism and differing narratives impact the perception of her guilt or innocence, and ultimately, the jury's verdict?
2. Compare and contrast the prosecution's and defense's arguments regarding Clement Bothamley's death. What specific pieces of evidence and witness testimonies did each side present to support their claims of murder versus suicide?
3. Discuss the complexities of Nellie C. Bailey's character as depicted in the various newspaper excerpts. To what extent do the sources suggest she was a "bonanza woman" driven by wealth versus an "innocent young woman" caught in unfortunate circumstances?
4. Examine the legal strategies employed by the defense team (Stanley, Wall, and Ady) that led to Nellie Bailey's acquittal. Consider their approach to jury selection, their refutation of the prosecution's claims, and their presentation of Nellie's testimony.
5. Beyond the immediate outcome of the murder trial, what insights do the sources provide into the broader societal norms and legal practices of the late 19th century American West, particularly concerning women, justice, and the sensationalism of crime?

## Glossary of Key Terms

- **Acquittal:** The judgment that a person is not guilty of the crime with which they have been charged.
- **Administrator:** A person appointed by the court to manage the estate of a deceased person who has died without a will, or whose executor cannot act.
- **Arraignment:** A formal reading of a criminal charging document in the presence of the defendant, to inform them of the charges against them.



- **Bail:** The temporary release of an accused person awaiting trial, sometimes on condition that a sum of money be lodged to guarantee their appearance in court.
- **Bigamy:** The act of marrying one person while legally married to another.
- **Bonanza Woman:** A term used in the sources to describe a woman perceived as seeking or obtaining great wealth, often through questionable or adventurous means.
- **British Association of Kansas:** An organization or society for British people residing in Kansas, of which Clement Bothamley was a member.
- **Buckboard Wagon:** A four-wheeled wagon with a flexible frame, popular in the late 19th century, often used for light transport or by doctors.
- **Canvassing:** To solicit votes, opinions, or in this case, subscriptions for a book.
- **Car (wagon):** A specially constructed wagon, like a "house on wheels," used by Bothamley and Nellie for living and traveling during their overland journey.
- **Clairvoyant:** A person who claims to have a supernatural ability to perceive events or objects in the future or beyond normal sensory contact.
- **Colt .45 (Self-Cocker):** A type of revolver, specifically a Colt Single Action Army revolver chambered in .45 caliber, with a "self-cocking" (double-action) mechanism.
- **Commissioner:** In this context, a U.S. Commissioner, a judicial officer with duties similar to a modern-day magistrate judge, conducting preliminary hearings.
- **Dime Novel Heroines:** A reference to the stock characters found in popular, inexpensive fiction of the era, often featuring adventurous and dramatic female protagonists.
- **Disinterment:** The act of digging up something buried, especially a corpse.
- **Durance Vile:** Imprisonment, especially harsh or prolonged.
- **Exhumed:** Dug up (a body) from the ground.
- **Forensic Force:** Relating to the application of scientific knowledge to legal problems; here, referring to the persuasive power of legal arguments.
- **Frontispiece:** An illustration facing the title page of a book.
- **Grand Jury:** A jury, typically of twenty-three jurors, selected to examine the validity of an accusation before trial.
- **Indian Territory:** Unorganized territory in the central United States, designated as lands for Native American tribes in the 19th century (roughly modern-day Oklahoma).
- **Indicted:** Formally accused of or charged with a crime.
- **Libel:** A published false statement that is damaging to a person's reputation; a written defamation.

- **Matrimonial Prize:** A person considered to be a desirable marriage partner, often due to wealth or social standing.
- **Mock Marriage:** A ceremony that mimics a wedding but is not legally binding; in this case, a purported joke that turned out to be legally recognized.
- **Morphine:** A powerful opiate pain medication.
- **Notary Public:** A person authorized to perform certain legal formalities, especially to witness and certify signatures on documents.
- **Opiates:** Drugs derived from opium, used to relieve pain and induce sleep.
- **Preliminary Examination/Trial:** An initial hearing in a criminal case to determine if there is enough evidence to proceed to a full trial.
- **Prejudice:** Preconceived opinion that is not based on reason or actual experience.
- **Prosecution:** The institution and conducting of legal proceedings against someone in respect of a criminal charge.
- **Rigor Mortis:** Stiffening of the joints and muscles of a body a few hours after death, usually lasting from one to four days.
- **Sciatica:** Pain affecting the back, hip, and outer side of the leg, caused by compression of a spinal nerve root in the lower back, often associated with rheumatism.
- **Section of Land:** A unit of land measurement, typically one square mile (640 acres).
- **Sedgwick City:** A town in Harvey County, Kansas, near Bothamley's ranch.
- **Skeleton Rancho:** A location in Indian Territory where Bothamley was initially buried.
- **St. Jacob's Oil:** A popular patent medicine of the late 19th and early 20th centuries, marketed as a pain reliever, especially for rheumatism.
- **Subscription (book sale):** A method of selling books where customers commit to purchase before publication, often facilitated by agents.
- **Sustained:** (Legal) To uphold or confirm the validity of.
- **Terrell's Report (Pat Terrell):** A detailed, extensive investigative report compiled by detective Pat Terrell on Nellie Bailey's past, which was considered too sensational for court.
- **Theatrical Troupe:** A group of actors who regularly perform together.
- **Venire:** A panel of prospective jurors, from which a jury is selected.