



A TOMBSTONE TELLS ITS STORY

Officer Even Paulson wasn't the focus of the cemetery visit; in fact, he wasn't even a relative. But four simple words on his tombstone — “Killed while on duty” — turned his death into a story that needed to be told again.

BY ELLEN NOTBOHM

IT'S A WONDERFUL STORY, how I went to North Dakota looking for ancestors and came home with a police escort. As genealogy buffs, we avidly believe in the adage “every tombstone tells a story,” but few gravestones do it as provocatively as Officer Even Paulson's.

My ancestral family came to Mayville, North Dakota, from Pennsylvania in the early 1890s: father, mother, and five children. The 1900 census told me that there had been another two children who didn't make it. The search for those children brought me to the tidy city cemetery in Mayville. A stone marked only “Our darling baby Marjorie” gave me long pause. But not as long as another stone — that of someone I'm in no way related to — nearby.

One hundred and fifteen years of snow, wind, and moss hasn't been enough to obscure this arresting inscription.

Even Paulson
Born Dec. 29, 1862
Killed while on duty
As Night watchman at
Mayville, N.D.
Sept. 3, 1893
1 o'clock a.m.

Even Paulson didn't write his own epitaph, but the instant I laid eyes on it, I felt the piercing depth of loss dealt to those who did — not just a family, but a whole community. It's rare to find the cause of death listed on a tombstone, particularly a violent death. When you do, it

means something. In this case, those few chiseled words held the genesis of their aftermath: a community's anger, the spectacle of a sensational trial played out in the media across five states, and repercussions that would reverberate for two decades.

From Norway to North Dakota

Even Paulson was 4,000 miles from his birthplace and not yet 30 years old when his life came to its brutal end in a dark alley in North Dakota. Born in Seljord, Norway, Even was 21 years old when he took what was likely his last look at his homeland and his parents. Arriving in Quebec in 1884, he headed for Granite Falls, Minnesota, and within two years filed Declaration of Intention papers in Yellow Medicine County. By 1892 he had made his way to Traill County, North Dakota, where on 13 May, Judge William McConnell granted him full citizenship.

Mayville's Deputy Marshal Paulson was well known, universally trusted, and immensely liked, even by those he arrested. “His personality was so engaging,” writes Harold Wenaas in his book *Stener, the Sheriff from Telemark*, “he could talk unruly toughs and drunks into voluntarily accompanying him to the city jail!” Paulson believed that law enforcement officers should be visible to their public and thus he was a common sight on the streets, talking to children, parents, and business owners.

A crime to which there were no eyewitnesses can only be retold second- and thirdhand. I pieced together the story of Even Paulson's murder through numerous

newspaper accounts splashed across front pages from Iowa to Minnesota.

“The Most Atrocious Crime in Trail County’s History”

So declared the headline in the *Hillsboro Banner* (Hillsboro is Trail’s county seat). It came down to booze. At the time, North Dakota was a prohibition state, and Officer Paulson had surprised burglars in the act of stealing liquor to bootleg from the warehouse behind the R. L. Kenney & Co. drugstore, where it was used in the preparation of medicines. The first shot, to the abdomen, took Officer Paulson down. His shouts for help carried through the night air until silenced by a second bullet, this one to his forehead at point-blank range.

The killers bolted in opposite directions. A thump sounded against a nearby home, and the resident saw a man disappear over a fence. A posse described in Wenaas’s book as “half the population of Mayville” pulled one James Kelly from under the train depot, either drunk or claiming to be, and hauled him to the city jail. The following morning, law enforcement officials found the source of the thump in the night, a .44 Winchester rifle traced to local butcher John William Law (Lowe). A trunk in his

room harbored the stolen goods. The price for Even Paulson’s life: a 10-gallon keg of port wine.

An enraged mob of 700 choked the streets. “It was with greatest difficulty,” reported the *Hillsboro Banner*, “that lynching was prevented.” The cooler heads of the mayor and sheriff’s posse managed to quell the fury long enough for the sheriff to hold both

prisoners for a day before escorting them across the county line to Fargo to await trial.

Kelly, Law, Stories, and Confessions

We can wonder whether on that day William Law and James Kelly witnessed the funeral procession of Officer Even Paulson, a solemn line of horse-drawn carriages over a mile long. Reverends George Curtiss and J. Lonne spoke to the largest funeral gathering Mayville had ever seen.

It’s hard to know where 28-year-old William Law went awry. A native of Maryland, he had made his way to North Dakota only a few months earlier. Working as a butcher in Fargo, he fell in with undesirable company and decided to leave for the smaller town of Mayville.

James Kelly’s appearance suggested a rough path in life. Barely 30 years old, he was already graying and balding, with a crooked nose and a left eye noticeably larger than his right. He was Massachusetts-born, a transient laborer living in a camp just outside town. He sometimes assisted Law in his work slaughtering stock — with the Winchester — in exchange for cuts of meat.

Neither man denied the robbery. Both denied the murder. Talk swirled of a third man, Murphy, who fired the shots, but despite an all-out search and offer of reward, no third man was ever apprehended. The grand jury returned four indictments, two each for murder and burglary.

As the trial date for Kelly and Law approached, the *Grand Forks Herald* questioned little Hillsboro’s ability to handle the expected crush of trial-watchers and urged the Great Northern Railroad to offer fare inducements that would encourage people to stay in Fargo or Grand Forks. A defense attorney’s request for a change of venue was denied.

On 20 January 1894, a trial jury was impaneled and a slate of 20 witnesses submitted for examination. James Kelly’s confession to the coroner’s inquest formed the centerpiece of his trial. In it, he had admitted to the robbery, implicated Law and the alleged third party, and claimed he wasn’t present for the murder. Placed on the stand, he

TRIAL OF TWO MURDERERS.
Lowe and Kelly, Who Killed Policeman Paulson at Mayville, N. D., in Court.
HILLSBORO, N. D., Jan. 17.—Sheriff Seaver has returned from Fargo, having in charge Lowe and Kelly, charged with the murder of Policeman Evan Paulson in Mayville, this county, last July. Paulson had surprised the prisoners while in the act of burglarizing Kenny Bros.’ drug store, and to escape arrest one of the prisoners fired a rifle bullet through Paulson’s brain. This was followed by a second shot after the brave officer had fallen to the ground. A lynching was barely prevented at the time, but the sheriff succeeded in removing the men to the Cass county jail for safe keeping. Their trial takes place at this term of the district court.

The Third Man?

Law and Kelly claimed they had a third accomplice they referred to as Murphy. Such a person was never apprehended, and none of the accounts I read even cited a first name. Jim Davis, Head of Reference at the State Archives and Historical Research Library in Bismarck, helped me locate prison and other records. “I saw nothing about a third party and I doubt there ever was one,” he told me. “In cases like this, there is always a third party brought up as the actual person who did the killing, and there is no one who can really dispute it.”

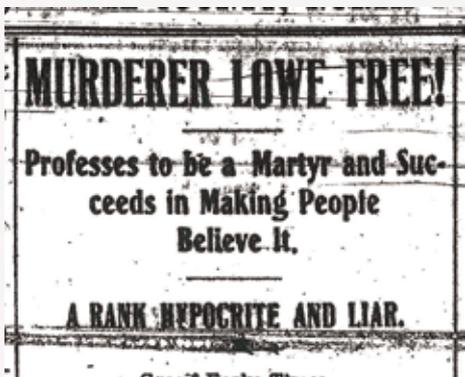
Was there a faceless third man who got away with murder? Only Kelly, Law, and Paulson know.

denied the coroner's evidence and, in doing so, contradicted himself. The jury deliberated through the night before returning a guilty verdict.

The state's attorney painted William Law as the principal in the crime during his trial the following week. The *Bismarck Tribune* reported the state had produced evidence showing "that [Law] threatened some days previous to the murder to blow Paulson's brains out, produced the gun and said that the gun would do it."

That gun was the Winchester. The jury voted to convict.

Lack of definitive proof as to who pulled the trigger spared Law and Kelly the gallows. Both were sentenced to life imprisonment at the state penitentiary in Bismarck. "Did you hope," boomed the judge, "that the jury might waver in its duty and extend sympathy for you? If so,



consider whether you showed to Even Paulson any sympathy or mercy. Did you consider that he was an honorable citizen; a faithful officer and in the performance of his duty? Did you consider his father and mother in Norway and his sisters here and how your act must so cruelly wound the love and affection they had for this son and brother? ... It is indeed a sad spectacle to see one of your years receive the sentence of banishment for life, from all the objects, hopes, anticipations and pleasures of life — and to think you merit such a desperate penalty."

The harsh words came from Judge William McConnell, who barely a year earlier had signed the papers that made Even Paulson an American citizen.

Even Paulson's life had come to its end, and

Starting from Scratch

In the moment I decided that I would tell Even Paulson's story, I also realized that I had nothing at all to go on. We shared no family or geographic connection, his life was brief, his time in the U.S. limited, and he left no children. For several months, it looked as if my only information would come from micro-filmed newspapers of the day, but little by little, other avenues opened up. I kept asking questions, even when the answers seemed unattainable or only remotely relevant. One thing led to another and eventually, more than a dozen researchers and organizations took an interest and dug deep for information because, as Harold Wenaas tells us in his book, "There was something special about Even Paulson." Some of the people and places that helped me might be just the type of source you need to break open your own family mystery:

Interlibrary loan:

Microfilms of the *Mayville Tribune* and *Hillsboro Banner*.

If you are unfamiliar with the superabundance of information available through the interlibrary loan system, ask at your local or university library. Explore <www.worldcat.org> for an idea of the breadth of material you can access.

Genealogybank.com:

Searchable digitized images of the *Grand Forks Herald*, *Bismarck Tribune*, and other local and regional papers that carried the story. <www.genealogybank.com>

Ancestry.ca:

Canadian passenger lists, 1865–1935 <<http://content.ancestry.com/iexec/?htx=List&dbid=1263>>

Ancestry.com:

Newspapers and Periodicals <<http://search.ancestry.com/search/default.aspx?cat=38>>

Minnesota Historical Society:

Declaration of Intention papers, 1885 state census. <www.mnhs.org>

James Davis, State Archives and Historical Research Library:

Prison records, naturalization papers. <<http://history.nd.gov>>

Shannon Hofer, Byrnes-Quanbeck Library, Mayville State University:

Document search, photo scan, outreach to local historians. <www.masu.nodak.edu/academics/library/>

Marlys Hlavinka, Del Hlavinka, and Dorothy Enger:

Historians of the Mayville Congregational Church. <www.uccwebsites.net/mayvilleuccmayvillend.html>

Lyn Meehan (member, Association of Professional Genealogists):

1865 Norwegian census and other Norwegian genealogy resources. <<http://www.lynmeehan.ca>>

Harold Wenaas, author of *Stener, the Sheriff from Telemark* (1996, North American Heritage Press):

Stener was a friend and colleague of Officer Paulson's.

Mike Hahn and Mike Law:

Law family descendants who were kind enough to share family documents. Neither had any knowledge of their ancestor's infamous deed but were gracious and accepting. Hahn noted, "I love family history, most good, some not so good."

The Knights of Pythias:

The response to my inquiry was that there is no longer a viable organization in North Dakota and that all records are in storage and not available for research purposes.

JUDGE McCONNELL

WHAT KIND OF MAN IS THIS MAN McCONNELL.

Judge William B. McConnell, when he imposed sentence of imprisonment for life on murderers Lowe and Kelly, at Hillsboro in February, 1894, took occasion to deliver the remarks which we reproduce below. This same William B. McConnell, a few years afterward and after he had removed from the state, signed a request asking for the release of murderer Lowe. Comment is unnecessary. McConnell said:

"It is not necessary for the Court, at this time, to review the evidence; it is too recent and too fresh in your minds.

Your intelligence must appreciate its character and its force; how you were enveloped in such a net work of circumstances as left you no place for escape, that, placed, as it was, before a fair and impartial jury, the inevitable conclusion must be reached—GUILTY.

Did you hope that the jury might waver in their duty and extend to you an avenue of escape through sympathy for you? If so, stop and consider whether or not you showed to Even Paulson any sympathy or mercy. Did you stop to consider that he was an honorable citizen, a faithful officer, and in the performance of his duty?

Did you stop to consider his father and mother in Norway; and his sisters here, and how your act must so cruelly wound the love and affection that they had for this son and brother? How cruelly your act must break the heart ties that bound them together? How for them, by your hand, "The silver cord has been loosened. The golden bowl has been broken.

Why was this done? If murder was not in your hearts if it became necessary why was a loaded Winchester rifle taken to the place of your crime, so powerful a weapon of destruction?

In breaking the eighth commandment, "Thou shalt not steal," you also broke the sixth commandment, "Thou shalt not kill."

Your motive was for gain, for money. "The greed for gain, the thirst for power. The lust that blackens while it burns. Ah! these the whitest souls devour! And one, or all of these, by turns, Rob man of his divine dower."

the trial for his murder came to an end, but his story did not. Little more than two years had gone by when on 11 May 1896 the *Bismarck Tribune* reported: "A movement is afoot to get a new trial for Lowe [sic]. ... K.P.s [Knights of Pythias] are said to be interested."

Trail County's collective temperature blew sky high in May 1899 upon word that the governor would hear Law's application for pardon. "They had their trial," stormed the *Hillsboro Times*, and their life sentence "was considered lenient for such red-handed murderers." Law's family and the Knights of Pythias were pressing hard for his release. The state's attorney unleashed petitions of protest signed by "everybody" in Mayville and Hillsboro. The governor, unable to find grounds for overriding the court's decision, denied the petitions.

The Judge Recants

The efforts to free William Law forged on unabated. Palpable outrage saturated Mayville and Hillsboro when William McConnell, the same judge who sentenced Even Paulson's killers and who no longer lived in North Dakota, signed a petition asking for William Law's release. The *Tribune* reprinted the entire text of McConnell's pronouncement of sentence, with the terse note that "Comment is unnecessary."

The widely reported efforts of the Knights of Pythias continued. In

December 1901, against sustained, strenuous opposition from the people of Mayville, William Law's life sentence was commuted to 15 years. Coroner Thomas Harrison blasted the parole board for putting aside the findings of the jury in favor of the testimony of a fraternal group. "While there remains not a shadow of a doubt that Law was the arch criminal of the two, his sentence has been commuted while Kelly, who is friendless and unknown, is still condemned to end his days in a felon's cell. If murderers are to be pardoned because they have fraternal friends who persistently press the matter ... the wisdom of the law creating the [parole] board must be doubted."

John William Law walked free in 1907. Marrying shortly after his release, he settled in Minneapolis and resumed his work in the meat industry. He died in 1945, leaving nothing that I could find that would suggest anything other than an unremarkable life. I am hopeful about that silence; I want to believe that he used his second chance to live a life that gave a bit of Even Paulson back to the world.

In December 1911, the board of pardons commuted the life sentence of James Kelly, provoking the *Mayville Tribune* to scathingly suggest that he "join Mr. Lowe [sic] in Minneapolis and talk over old times." Attorney Taylor Crum, in his application for Kelly's release, presented the situation more poignantly. Through discussions with the warden,

A Fair Trial, an Impartial Jury?

Although the defense attorneys faced an uphill battle as steep as a capital A, they did try. A pre-trial request for change of venue was denied, followed by a "stubborn battle" (or so says the *Bismarck Tribune*) between attorneys over the admissibility as evidence of Kelly's confession at the coroner's inquest. Law remarked after his trial that "the result was inevitable ... and I am glad to escape with my life." Indeed, he and Kelly had only narrowly avoided first lynching, then capital punishment. The murder of a peace officer by bootleggers of Irish descent was too much to bear for the heavily Norwegian, largely temperate community of Mayville, North Dakota. Post-trial, the *Mayville Tribune* congratulated its citizens "for the manner in which they have aided prosecuting attorneys in getting evidence against the murderers."

Crum concluded that Kelly would be useful as a handyman around a hospital. Crum approached a local doctor on Kelly's behalf. "Unless arrangements can be made for employment," Crum wrote, "at his age and after his long term of service, he might almost be better off to stay where he is than be sent adrift among the hobos of the Northwest." Lifers, he maintained, almost always make good if allowed to stay in the local community, own up to their past, and "start in right. It would be much better for the old man," wrote Crum, "than to be sent adrift looking for jobs in railroad and lumber camps ... until he is invariably recognized and kicked from pillar to post. Don't you agree?"

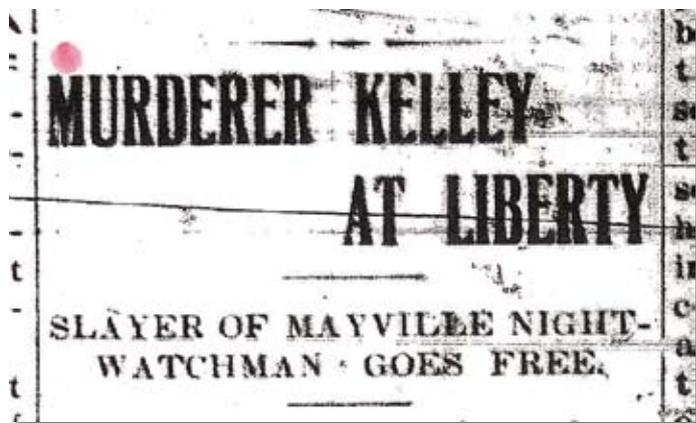
I have yet to discover James Kelly's fate after his release from prison. For now, his story ends there.

Why, out of a thousand tombstones in four counties that I took in during my trip, is it Even Paulson's tale I felt compelled to tell? When a friend asked what I was writing about, I told her, the murder of a North Dakota policeman. The response was, "Ooo, a whodunit!" I had to say no, we know who did it. The response to that was, "Ooo, someone got away with it!" And again I had to say, no, the killers were caught and did time. My friend looked puzzled, as if to ask, "So what's the story?"

The story is that three young men from origins thousands of miles apart converged in the wrong place at exactly the wrong time, a coincidence of tragic proportions for each of them. It speaks to the fragility of any random moment in which history is written and lives are irreparably altered. It reminds us to live our lives acknowledging that that fragility could shatter us at any random moment and that both the good and the bad we do can live on after us—thanks to snoops like me.

I didn't find those two babies who brought me to the cemetery in Mayville. What I did find, in the beauty of a random moment, was Even Paulson and a deep appreciation for the understanding that someone is waiting for us in every cemetery we visit, even if we have yet to meet him.

ELLEN NOTBOHM is a three-time ForeWord Book of the Year finalist and frequent contributor to Ancestry magazine. Read her articles at <www.ellennotbohm.com>.



The Presumption of Innocence

The presumption of innocent until proven guilty was in scarce supply in the months leading up to the trials of William Law and James Kelly. "I saw the murderers of Paulson, as they were being taken to Fargo," said a Reverend Sheckler, as quoted in the *Bismarck Tribune*, "and I can tell you they are hard looking customers." Nor did the newspapers feel much responsibility to maintain editorial objectivity. "Trial of Two Murderers" was the 17 January 1894 headline in at least five newspapers in four states. Later that week, the *Grand Forks Herald* reported that the grand jury had returned indictments against "Lowe [sic] and Kelly, the Paulson murderers."

