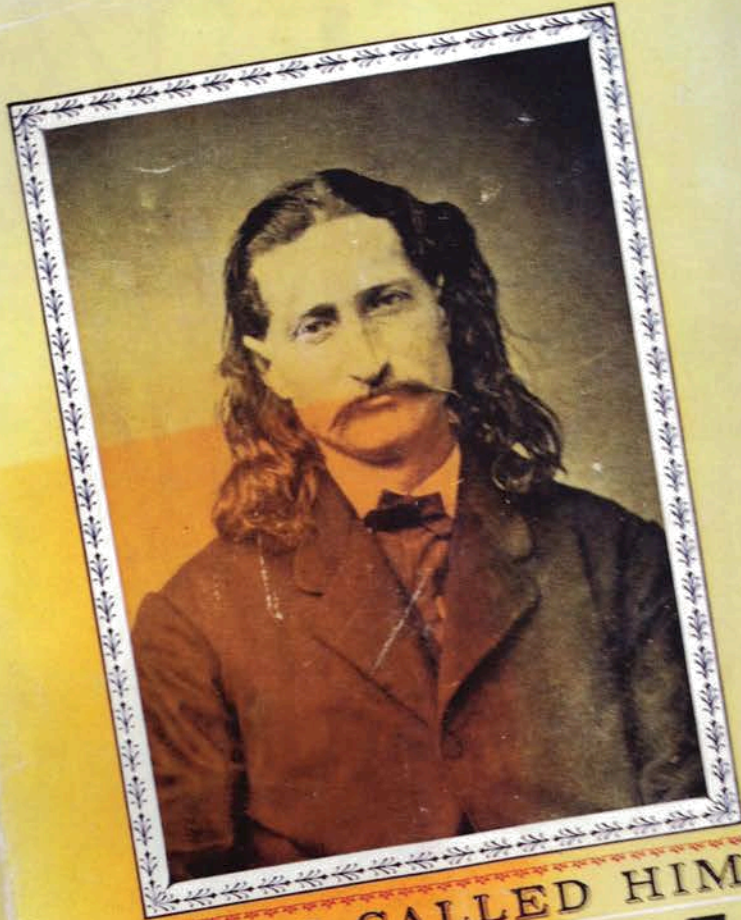


WILD WEST HISTORY ASSOCIATION  
**JOURNAL**



THEY CALLED HIM  
**WILD BILL**

*The Life and Adventures of*  
**JAMES BUTLER HICKOK**

By Joseph G. Rosa

ADIOS  
**JOE**  
ROSA





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# NICOLAUS GUSTAFSON INVESTIGATION: THE BULLET RICOCHET THEORY

James A. Bailey & Margaret B. Bailey

Name <i>Simon Cook</i> <sup>8 1/2</sup> Residence				Name <i>A. H. Bjoraker</i> <sup>8 1/2</sup> Residence			
Section No. <i>A</i>		Lot No. <i>26</i>		Section No. <i>A</i>		Lot No. <i>27</i>	
Certificate No.				Certificate No.			
Amt. Paid \$				Amt. Paid \$			
Date				Date			
Transferred to				Transferred to <i>Thompson Vaughn</i> <sup>8 1/2</sup>			
Burial No.	Grave No.	NAME OF INTERRED	DIAGRAM OF LOT.	Burial No.	Grave No.	NAME OF INTERRED	DIAGRAM OF LOT.
	<i>6</i>	<i>Quamme</i>	East 	<i>196</i>		<i>A. H. Bjoraker</i>	East 
	<i>6</i>	<i>C. D. Murat</i>		<i>390</i>		<i>Sylvia Bjoraker</i>	
	<i>7</i>	<i>Pepperford</i>		<i>246</i>		<i>Hannah Bjoraker</i>	
	<i>8</i>	<i>Norwegian Man</i> <i>Nicolaus Gustafson</i>		<i>76</i>		<i>Henry S. Bjoraker</i>	
				<i>55</i>		<i>Robert H. Bjoraker</i>	
				<i>157</i>		<i>Wm. A. Bjoraker</i>	
				<i>100</i>		<i>Anna S. Bjoraker</i>	
				<i>1293</i>		<i>Andrew B. Bjoraker</i>	
						<i>Carl H. Bjoraker</i>	
						<i>Wm. M. Bjoraker</i>	
						<i>Wm. H. Bjoraker</i>	
						<i>Henry Saterlie</i>	
						<i>4 Marguerite Bjoraker</i>	
						<i>8 Thompson Vaughn</i>	

Excerpt from Northfield Cemetery Records: Section A, Lot 26, Grave No. 8 lists a “Norwegian Man” penciled over and Swedish added above the entry. The name Nicolaus Gustafson was written below the entry. (Authors’ Collection.)

Nearly a century and a half have passed since the 1876 raid in Northfield, Minnesota, yet the identity of Nicolaus Gustafson’s shooter remains unresolved.<sup>1</sup> Even though Cole Younger was accused of the crime and pled guilty, there is significant evidence which supports the theory that a bullet ricochet hit Gustafson during the early exchange of gunfire between the Northfield citizens and James-Younger gang. Some allege Gustafson was shot point blank while others believed an accidental stray bullet fired by an unknown shooter struck him. Gustafson’s general vicinity and position on the street, types of weapons discharged, bullet trajectories, overall position of shooters, as well as extent of the injury Gustafson sustained were important factors in determining the origin of the bullet ricochet. When these details were examined, crucial evidence in the case was uncovered. Following is a critical review of newspaper articles, court documents and personal accounts supporting a plausible theory explaining Gustafson’s death, the possible shooter and the ricochet analysis.<sup>2</sup>

On September 14, 1876, the *Rice County Journal* updated its readers on the raid of the First National Bank of Northfield and the condition of the immigrant

injured that day. “Nicholas Gustafson who was in the street, when [the James-Younger gang members were] brandishing their weapons and commanding citizens to get out of the way, or to go into their stores or shops out of sight so that the robbers in the bank could do their work. This Swede man being, a recent comer from his native land didn’t understand the robbers. Consequently, he didn’t go inside or get out of the way, and was hit by a glancing ball on the forehead, which at first was thought to be a slight wound but the next day the symptoms became alarming....”<sup>3</sup>

By the time the *Rice County Journal* released the update, Gustafson had succumbed to the gunshot injury. He died on September 11, 1876, and was buried the same day.<sup>4-7</sup> Based on misinformation recorded in the cemetery records, some Northfield citizens did not know Gustafson’s identity. Northfield Cemetery officials recorded Gustafson as an unnamed “Norwegian Man” in the 1876 burial records and interred him in Section A, Lot 26, Grave No. 8 in the city cemetery. At one time, it was said a small simple wooden monument marked his gravesite near Northfield Cemetery’s western boundary located parallel to Division Street.<sup>8-10</sup> One hundred and eighteen years after his death in May 1994, a granite

No.	Døde [Died]	Jordf. [buried]	Den [the]	DØdes [Deceased's]	Jordfæsted [Buried]	Forældre [Parents']	Navne [Names]	Navn [Name]	Alder [Age]
1874									
1	12/12	13/12	3 1/2	Maria Konsdtr.	Helge	Henri Lassen	Syreniva Johuette	S.S. Sæbøe of Bræton Melene	1
1876									
2	15/1	19/1		Uuni		A.H. Bover	Ker og Brynild		
3	19/1	23/1		Thomas Henry		H. Thorsen	og Karen		
4	4/8	11/8		Alfred Theodor		A. K. Tisberg	og Gro. Tisberg		3 M
5	14/8	19/8		Carl Edward		"	"	"	3..
6	7/9	4/9		Nicolaus Gustafson		dræbt af Røverne	Younger Bros		30
7				Anne Tollefsdatter					8
1877									

The Reverend Thorbjorn Mohn's Burial Registry: Entry # 6 notes Nicolaus Gustafson's burial. (Courtesy of The Reverend Pam Fickenscher, St. John's Lutheran Church, Northfield, Minnesota.) Following is the translation of the Norwegian terms in Rev. Mohn's journal. At the top of the page are the following column headings beginning with column two: DØde [Died]; Jordf. [buried]; Den [the]; DØdes [Deceased's]; Jordfæsted [Buried]; Forældre [Parents']; Navne [Names]; Navn [Name]; Alder [Age]; The text written beside Gustafson's name: dræbt af RØverne [killed by the gangsters] Younger Bros. (Courtesy of Professor Hans-Olav Enger, Department of Linguistics and Scandinavian Studies, University of Oslo, Norway.)

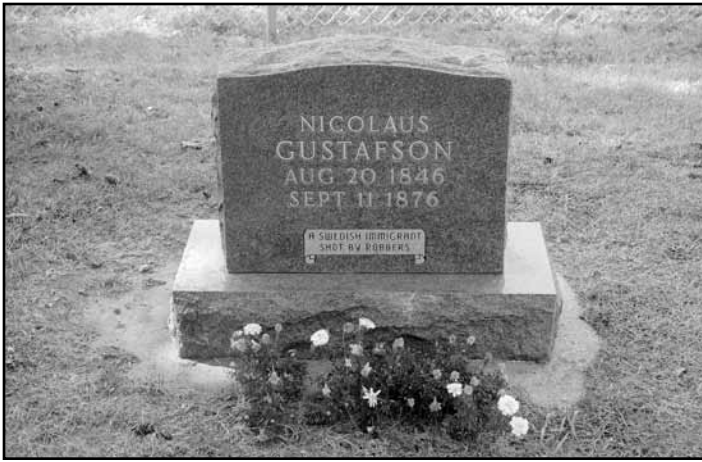
monument was installed at Gustafson's gravesite.<sup>11</sup>

News releases from St. Paul, Minneapolis, and Northfield newspapers disclosed the positions of the gang members and citizens who defended the town against the robbers. The positions of both parties during the raid explain how Gustafson became the victim of a bullet ricochet. When some citizens realized a robbery was in progress, they sounded a verbal alarm. The James-Younger gang members, reputed marksmen, drew their revolvers, started firing in the air, the ground and storefronts in an attempt to frighten the local citizens.<sup>12-15</sup>

Gang members on the street included Cole Younger, Jim Younger, William "Bill" Chadwell, Clell Miller and one of the James brothers. Two of the robbers on the street, Clell Miller and Cole Younger, guarded

the front of the bank.<sup>16</sup> While the two stood guard by the bank, Chadwell and Jim Younger were riding their horses up and down Division Street firing their revolvers and a James brother was stationed at 5<sup>th</sup> and Division Streets.<sup>17</sup> The robbery began when three members of the gang, Charlie Pitts (Samuel Wells), Bob Younger and one of the James brothers went into the bank. Some believed the James brother who entered was Jesse while others believed it was Frank. Joseph Heywood, acting cashier; Frank Wilcox, bookkeeper; and Alonzo Bunker, teller were inside the bank.

Soon after the robbers went inside, J.S. Allen, a hardware merchant, became suspicious and walked from Mill Square south on Division Street toward the bank.<sup>18</sup> One of the robbers stationed outside the bank's



**Chip DeMann, currently Rice County Historical Society president, and Wayne Drake, a descendant of the early Minnesota Drake pioneers and settlers, installed Gustafson's monument. The Owatonna Granite and Monument Company inscribed the stone. In 1994 Orrin DeLong delivered a memorial graveside service. (Photo Courtesy of Authors.)**



**Anselm R. Manning, often referred to in newspaper articles as A. R. Manning, was one of the Northfield citizens who fired in Nicolaus Gustafson's direction. (Photo Courtesy of Hayes Scriven, Executive Director of Northfield Historical Society, Northfield, Minnesota.)**

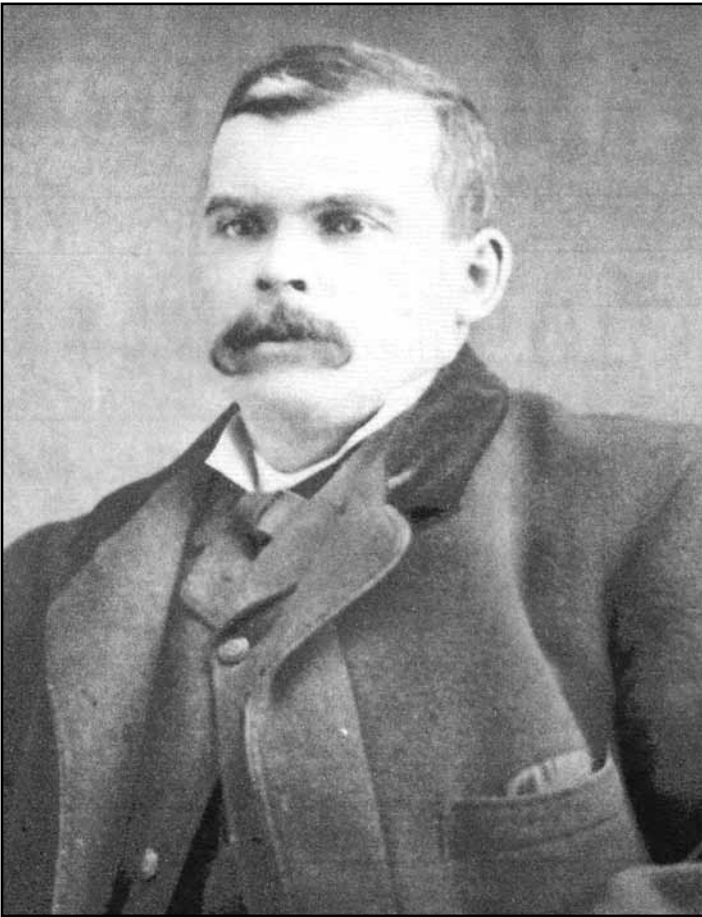
front door confronted him. Allen returned to Mill Square and told Anselm R. Manning the bank was being robbed.

Wheeler, a medical student home on summer break, sat in front of his father's store across the street. After witnessing the confrontation between Allen and the robber, Wheeler went to the Dampier House Hotel and borrowed Edward Dampier's single-shot .50 caliber Smith Carbine and four cartridges. He went to the top floor of Dampier's hotel located on the east side of Division Street. The hotel was located four storefronts northeast of the bank across from the northwest corner of the Scriver Building and Mill Square. While attempting to load the first round, Wheeler dropped one of the cartridges which damaged it so it could not be fired. Then he successfully loaded the second cartridge and fired at Jim Younger who was on horseback circling Division Street but missed him.<sup>19</sup>

Gustafson's exact location at that moment was unknown but most described his position as somewhere in the vicinity of the intersection of Division and Fifth Streets near the front of Bjorakers General Merchandise Store. The store and bank were located on the west side of Division Street but at opposite ends of the block. Gustafson's reported location was approximately one block south from Wheeler on the same side of the street as the bank. The first cartridge Wheeler fired toward Younger was at an angle from the upper story of the hotel and almost

certainly struck the Scriver building. Conditions were perfect to produce a bullet ricochet. The trajectory of the bullet ricochet would have been south directly toward the vicinity where Gustafson was seen standing momentarily when the citizens began shooting at the robbers. Theoretically, this was the first round fired that may have struck Gustafson.

While Cole Younger and Miller, stood guard on the street near the bank's entrance, they heard gunfire inside the bank. About the same time, Elias Stacy shot Miller in the head with a double barreled shotgun as Miller mounted his horse. Some reported the shotgun was loaded with birdshot while others described the pellets as buckshot. Upon close examination of Miller's postmortem photograph, the observable wounds to his head were consistent with injuries from buckshot rather than birdshot pellets. Birdshot is considerably smaller and would have created much smaller puncture wounds than the injuries presented in



**Henry Mason Wheeler, a Northfield citizen and medical student, fired in Nicolaus Gustafson's direction.** (Photo Courtesy of Gerald R. Groenewold, Grand Forks, North Dakota.)



**Clell Miller's postmortem photo exhibits wounds to the forehead that are consistent in size with buckshot pellets.** (Author's Collection.)

the postmortem photograph.

Buckshot pellets are approximately .33 hundreds of an inch in diameter and a single pellet missing Miller would have continued to travel southward. When Stacy fired the double barreled shotgun, it delivered sixteen pellets. As established by the postmortem photograph, visual evidence confirms Miller was struck by some but not all sixteen pellets. The trajectory of those that missed continued at a lower velocity toward 5<sup>th</sup> Street. A single buckshot pellet that missed Miller was yet another prospective gunshot source that could have accidentally struck Gustafson.

While Miller stood recovering from the shotgun blast, Wheeler shot him in the shoulder severing his subclavian artery. Miller slowly bled out and died within minutes on Division Street near the bank.<sup>20</sup>

Armed with a rifle and cartridges from his store, Manning positioned himself at the corner of Mill Square and Division Street. The weapon he fired was a single-shot .45-70 rolling block rifle. Manning fired an unknown number of shots toward Chadwell and

the two robbers guarding the front of the bank. Each reported shot he fired was aimed directly toward the south end of the block where eyewitnesses reported seeing Gustafson.

During the time the three robbers were in the bank, Chadwell and Jim Younger continued to circle Division Street on horseback. When Chadwell was at the intersection of Division and 5<sup>th</sup>, Manning took aim, shot and mortally wounded him. After, Chadwell was hit, his horse carried him north about four storefronts from the corner where he fell on the east side of Division Street across from Bjorakers General Merchandise Store.

While a chaotic scene was unfolding on the street, the robbers in the bank threatened the bankers and demanded that they comply with their threats. But the bankers were steadfast in their resolve not to concede. One of the robbers fired a round into the vault which was the shot the robbers outside and nearby citizens heard. During the confrontation, Bunker escaped through the backdoor leading into an alley behind the





**West side view of the steel bridge in the foreground crosses the Cannon River and leads toward Mill Square. A black arrow from the three-story structure, Dampier House Hotel, denotes Wheeler’s position of fire from the 3<sup>rd</sup> floor of the hotel. (Photo Courtesy of Hayes Scriven, Executive Director of Northfield Historical Society, Northfield, Minnesota.)**

Scriver building. Pitts followed closely behind him, fired and shot Bunker in the shoulder. After being hit, Bunker continued to run toward 5<sup>th</sup> Street. Pitts gave up the chase and returned to the bank. The robbers inside the bank joined their companions on the street and the gunfire on the street became more frenzied. As the three robbers fled the bank, the last robber acted on his own, shot and killed Heywood.<sup>21</sup>

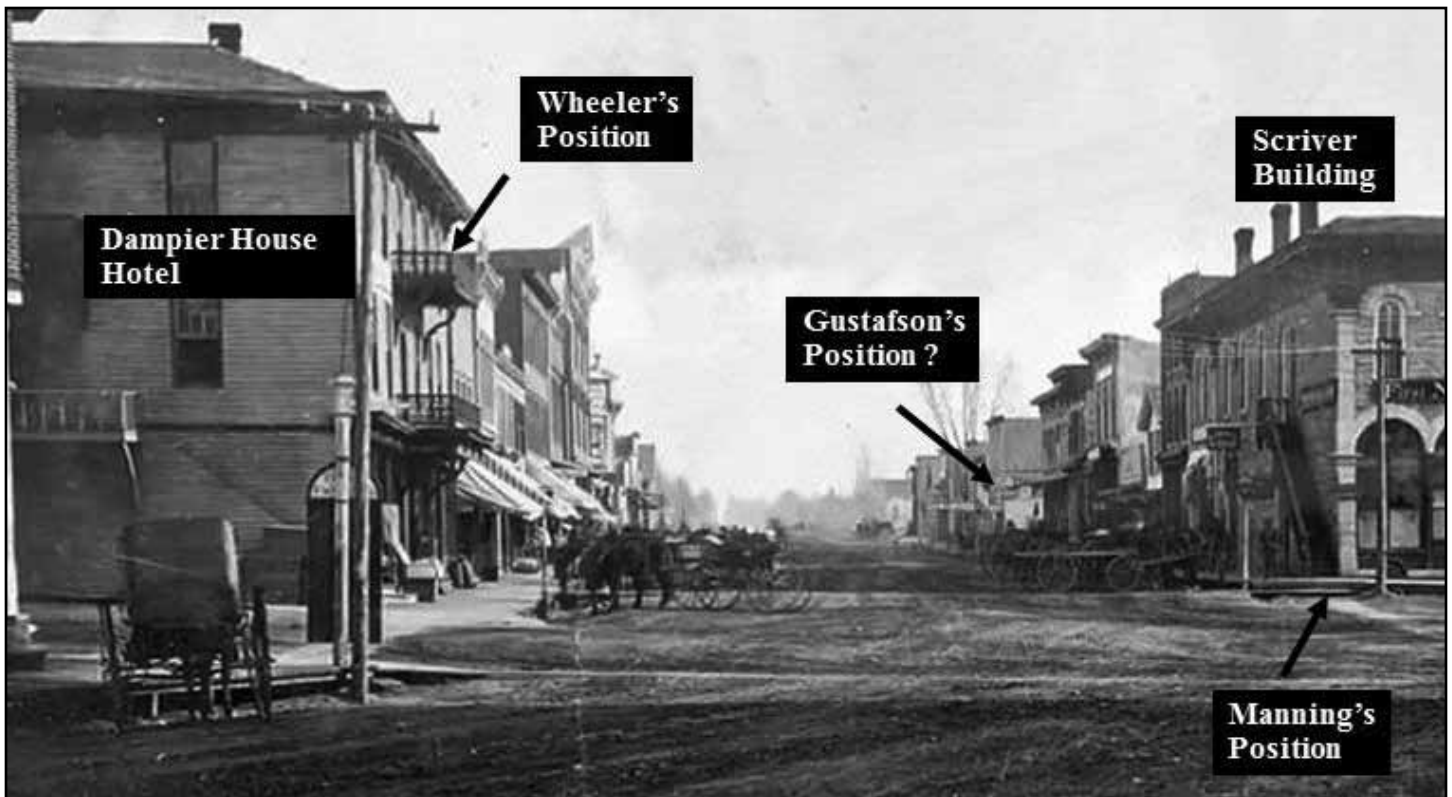
Once the robbers exited the bank, Bob Younger advanced north on Division Street toward Manning and fired toward him. Manning stood near the corner of the Scriver building where he was partially covered by the outside stairs to the building adjacent to Division Street. Bob positioned himself at the opposite end of the stairs where Manning and he exchanged several shots toward one another. Manning’s shots toward Younger were aimed due south.

Bob Younger did not see Wheeler in the hotel window when Wheeler took aim and fired his third shot piercing his right elbow. From Wheeler’s position, the .50 caliber bullet penetrated and exited

Younger’s arm. Like Wheeler’s first shot, conditions were perfect for his third shot to strike the Scriver building and produce a ricochet bullet after exiting Younger’s elbow. Wheeler’s third and final shot, even though the bullet hit and exited Younger’s arm, generated enough velocity to produce a deadly blow at the south end of the block. Anyone standing or walking on Division Street south of the bank was at risk of being struck by a bullet ricochet.

The horsemen dressed in long white linen dusters firing revolvers in the air drew everyone’s attention who was nearby. Gustafson was in the company of other citizens curious about the commotion so they gathered on the street in front of the BJORAKERS’ store. During the initial moments of the raid when the citizens armed themselves with firearms and began shooting at the robbers, evidence from eyewitnesses suggested Gustafson was struck on Division Street by a bullet ricochet.

Once the townspeople killed two robbers on the street, the robbers no longer shot randomly. They



**Division Street Scene: Shooters and Gustafson's approximate positions.** (Photo Courtesy of Hayes Scriven, Executive Director of Northfield Historical Society, Northfield, Minnesota)

returned defensive fire northward toward the armed citizens positioned on the north end of Division Street. Gustafson was never reported anywhere near the bank or northern end of Division Street.<sup>22-23</sup>

On the other hand, the general direction of the citizens' gunfire was south toward 5th Street. After the exchange of gunfire, the robbers mounted their horses, travelled south on Division Street, crossed 5th Street and passed the Northfield Cemetery as they fled south toward Dundas.

In theory, a single bullet or pellet fired by Wheeler, Manning or Stacy had enough force and energy to seriously injure Gustafson a block away. All three men fired powerful weapons in Gustafson's direction with the capacity to cause bodily injury. Moreover, all bullets "can ricochet if they strike a suitable surface at a low angle of incidence."<sup>24</sup>

Suitable surfaces for ricochets in 1876 on Division Street were storefronts constructed of wood and masonry exteriors. In fact at that time, building facades on Division Street were constructed of those two materials. Two buildings located on the west side of Division Street, the Scriver and Bjorakers General Merchandise Store, had masonry facades constructed of limestone. The Scriver building anchored the northwest corner of the block and the Bjorakers

building anchored the southwest corner. Between these two limestone buildings were smaller shops constructed of wood.<sup>25</sup> Consequently, bullets striking any of the structures on the west side of Division Street from a northwest angle were subject to produce bullet ricochets. The trajectory of the bullet ricochets produced by striking these surfaces travelled at lesser angles southwest toward 5th Street.

A bullet ricochet has two angles. The first angle, angle of incidence, is based on the position of the shooter to the surface a bullet strikes. The second angle, ricochet angle, is created when the bullet leaves the surface and continues to travel forward. The path of a ricochet can vary depending on the surface it strikes, angle and shape of bullet, composition of bullet, bullet weight and velocity of the bullet.<sup>26-27</sup>

Generally, the ricochet angle is less than the angle of incidence. The greatest tendency for a ricochet in any given situation is from low velocity bullets and especially heavy bullets.<sup>28</sup> Bullet ricochets and velocity are predictable given the types of firearm, bullets and ricochet surfaces. The bullets fired by Wheeler, Manning and Stacy produced low velocities after striking hard surfaces and ricocheting.

The amount of energy a bullet produces can be calculated from its weight and velocity. These units of



energy are used to access the degree of tissue and bone destruction. Even with this predicted loss of energy, the bullets or pellets fired by the three citizens had sufficient velocity and energy to cause Gustafson's injury.<sup>29-38</sup>

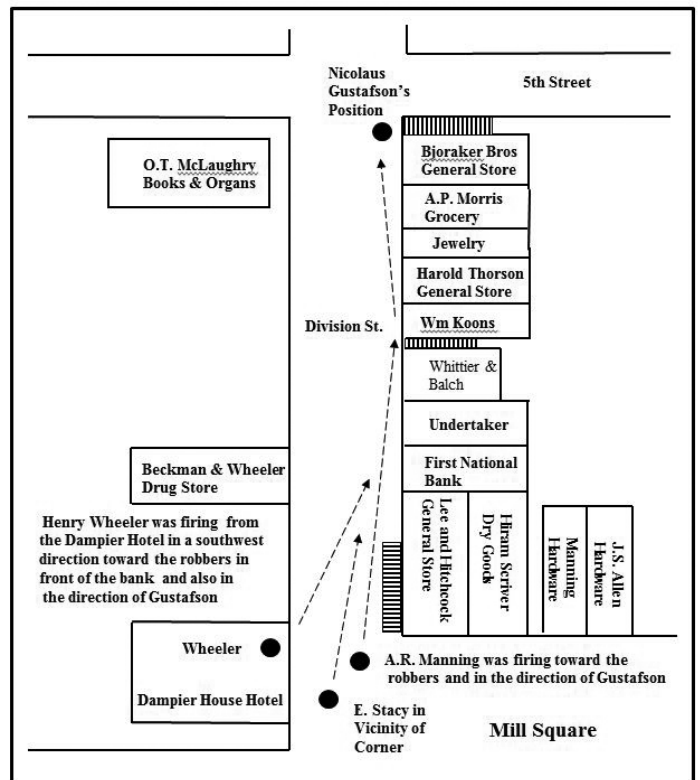
Some believed Gustafson was shot point blank or close range by Cole Younger. Point blank range is an expression that generally means the muzzle of a firearm comes in contact with the victim's skin or the muzzle was close to the victim when fired. However, the description of Gustafson's injury dispels eyewitness claims.

If Gustafson's injury was a contact wound from a .44 or .45 caliber revolver, the injury would have been catastrophic. Bullets of this caliber create contact wounds that frequently penetrate and almost always exit the cranial vault. Additionally, exit wounds are considerably larger in diameter than entrance wounds and create a ghastly injury, especially in head injuries. Undoubtedly, if Gustafson's injury resulted from a contact wound, a massive loss of blood and brain tissue would not have gone unnoticed.<sup>39</sup> Descriptions of Gustafson's injury simply were not consistent with a contact or close range gunshot injury.

Moreover, if Gustafson had been shot by a robber on horseback at a muzzle-distance of three to four feet away, a circular gunshot powder pattern would have been present around the entry wound. When a bullet exits the muzzle of a firearm, there are extremely hot gases containing soot and other impurities from burned powder particles. These byproducts form a circular pattern around an entrance wound. Also, an injury sustained at this range from the caliber of guns the robbers shot would have created a horrific injury similar to Heywood's injury and almost certainly have been followed by immediate death not death four days later.<sup>40-41</sup>

Medical texts in the 1870s discussed the correlation between gunshot distance and degrees of injury.<sup>42</sup> Thus, the impact of shooting distances on injuries was known by many doctors and the doctors treating Gustafson most likely were informed on the subject. Since shooting distance was recognized medical knowledge at the time, in anticipation of a trial, Gustafson's doctors may well have pondered the distance the shooter was from him. Even in 1876, this would have been a leading question the defense counsel asked on cross examination of a treating doctor.

The name of the first doctor whom Olson called to



**The diagram illustrates Manning, Wheeler and Stacy's positions and the direction they were firing. All three were generally firing in Gustafson's direction. (Diagram by Authors)**

examine and treat Gustafson was not identified but a doctor's diagnosis was reported in the newspaper. The diagnosis suggested Gustafson's skull was fractured and some bone fragments pierced his brain.<sup>43</sup> In contrast, Joseph Hanson, a journalist, who visited Gustafson on two separate occasions, described his injuries with more details. He said the bullet struck Gustafson in front of his right ear, pierced the skin, traveled under the scalp and exited at the top of his head.<sup>44</sup>

Since medical literature during the 19<sup>th</sup> century described exit wounds as larger than entry wounds, the doctors treating Gustafson almost certainly studied the differences in the two types of gunshot wound sites and recognized where the bullet entered and exited Gustafson's head.<sup>45</sup> Since Hanson presented a detailed description of the injury and exit wounds, undoubtedly, he observed the wound sites and perhaps was present when dressings and bandages were changed.

However, in bullet ricochet injuries, like the one Gustafson sustained, the bullet sometimes remains under the skin. Although some reports described an exit wound, the bullet could have been lodged



Shot Number	Diameter	# of Shot
No. 4 Buck	.24 ●	21
No. 3 Buck	.25 ●	18
No. 2 Buck	.27 ●	14
No. 1 Buck	.30 ●	11
No. 0 Buck	.32 ●	9
No. 00 Buck	.33 ●	8
No. 000 Buck	.36 ●	6

Cartridge “A” is a .45-70 Government cartridge, the type Manning fired. Cartridge “B” is a .50 Caliber Smith carbine cartridge, the type Henry M. Wheeler fired. Both bullets from these cartridges are classified as heavy bullets. (Photo by Authors)

Depicted is the No. 00 Buck .33 hundredth of an inch in diameter. There are approximately 8 buckshot pellets in a 1-ounce load. Note that birdshot pellets are smaller in diameter than the smallest buckshot, No. 4 Buck, in the chart. (Authors’ Collection)

between the scalp and skull but due to the swelling, was undetected by treating physicians and Hanson. If this was the case, the bullet which caused his mortal injury possibly was embedded in the swollen tissue and present when he was interred.

Hanson offered additional important symptoms in his description of Gustafson’s condition. “When he was struck, and for several minutes, his whole left side was paralyzed. But after a few minutes of unconsciousness, he was able to reach his boarding house, but the next day he was not able to rise from his bed.”<sup>46</sup> Two days later, on Saturday, Gustafson was in a coma. Hanson suggested that without trephining Gustafson’s skull, he would likely die.<sup>47-48</sup>

Two twenty-first century physicians, Dr. Thomas Resk, forensic pathologist, and Dr. Darwin Ferry, neurosurgeon, agree that Gustafson suffered cerebral

edema resulting from traumatic brain injury. Dr. Ferry emphasized in Gustafson’s case, “Considering medical knowledge in 1876, it is possible that a careful trephination, based on a good neurological exam, may have benefitted Gustafson. But the results would be less than one out of three for someone with his symptoms to survive. Trephination was used primarily to explore for a clot, usually subdural.<sup>49</sup> This was done before there were good diagnostic studies. The trephined hole was usually small, perhaps a half inch. Until the use of intra-operative diuretics in the 1960s, it was very difficult to relieve intra cranial pressure.” A Dutch forensic pathologist with the Netherlands Forensic Institute, Den Haag, Netherlands, Dr. Pieter Van Driessche was consulted and presented his opinion concerning Gustafson’s symptoms. Dr. Driessche noted that Gustafson could

have experienced any one or combination of the following symptoms: nausea, blurred vision, faintness, numbness, dizziness and finally, having the appearance of being inebriated.<sup>50-52</sup> It was documented that Gustafson exhibited at least four of these symptoms prior to his death, faintness, numbness, dizziness and an intoxicated appearance.

Ten days after Gustafson's death, the Youngers were captured and arrested. The Rice County prosecutor pursued indictments against the Younger brothers for the murder of J. L. Heywood, Nicolaus Gustafson, the Northfield robbery and assault with deadly weapons.<sup>53-54</sup> The Youngers hired three local Minnesota attorneys, Thomas Rutledge, Thomas S. Buckham and George W. Batchelder, who represented them throughout the 1876 grand jury proceedings and arraignment.<sup>55</sup>

In preparing for the case, George N. Baxter, Rice County Prosecutor, went to Northfield on September 8 and searched for witnesses to the raid and Gustafson's injury. He questioned citizens about Gustafson and the events that transpired the day of the raid. Baxter found no witnesses knowledgeable of the events which led to Gustafson's injury or the identity of Gustafson's shooter. When the coroner's jury, comprised of six to twenty Northfield jurors, was summoned by the coroner, they ruled on Gustafson's death. Baxter and the jury came to the same conclusion, "The verdict of the 1876 coroner's jury was to the effect that Gustafson came to his death by a stray bullet, fired by an unknown party."<sup>56</sup>

John T. Ames, mill owner and respected Northfield leader, sent a letter on November 14, 1876, two months after Gustafson's death, to Baxter confirming Gustafson's name as the citizen killed on the street. He advised the prosecutor that a Norwegian priest identified the man as Nicolaus Gustavson [Gustafson].<sup>57-58</sup>

In the same letter, Ames recommended citizens to Baxter who witnessed Gustafson's shooting. Ames wrote, "I think you will find Dr. D. J. Whiting good evidence as to what was said on the street. I am told that Dan Bow [Bowe] saw the Swede killed and recognized the one who did it. There is good evidence here but some people are timid."<sup>59</sup> Whether Baxter spoke with Whiting and Bowe was not documented. However, neither Whiting nor Bowe testified before the grand jury in 1876.

Many witnesses used similar terminology as Ames,

"I think," in their recollections of the raid. Baxter recognized witnesses who made statements prefaced with phrases like "I think," "I thought" or "I believe" were weak candidates for prosecution witnesses. These uncertain interjections in their statements rendered their accounts inadmissible in court because their statements centered on personal opinions not facts.<sup>60</sup>

However, when the Rice County grand jury convened, seventeen people were sworn and testified as witnesses during the proceedings. They testified in secret so the evidence they testified to was not released unless they chose to divulge their testimony.

One of the witnesses who testified before the grand jury was George French. French came forth two weeks after the robbery and said he would testify that Gustafson was shot in the head while standing at the corner, south of the bank, by Cole Younger. However, on November 11 during the legal proceedings, the basis for French's identification of Cole Younger was questioned. He provided conflicting details concerning Younger's description to a newspaper reporter prior to testifying before the grand jury.<sup>61</sup>

The reporter wrote, "It is extremely doubtful that the witness, French, can swear positively to Cole Younger being the man who shot the Swede Gustavson [Gustafson]. He [French] based his belief on the color of Younger's hat."<sup>62</sup> French told the reporter the man who shot Gustafson was "wearing a light hat, and noted him as the only one that wore a hat of that color..."

French's statement actually offered evidence which eliminated Younger as the shooter because based on information from others interviewed; Cole Younger wore a dark hat, not a light hat. Therefore, the reporter believed French would be unable to provide positive evidence to the grand jury.<sup>63</sup>

At the conclusion of the grand jury hearing, the jurors considered the witnesses' testimonies and evidence presented by Prosecutor Baxter. The jurors voted and by majority determined there was probable cause to indict the Youngers.<sup>64</sup> In the Youngers' case, overwhelming evidence indicated the Youngers were involved in the robbery. Clearly, it would have been a difficult case for the best attorneys in the country to convince a jury that the Youngers were not involved in the robbery. Next, the arraignment was scheduled which signaled a trial would follow.

At the time of the arraignment, there was an 1868 Minnesota Law still in effect that prevented a judge from giving the death penalty to any defendant who





**A 19th Century Medical Trephining Tool. This trephining tool is on display in the jail, Marshal's Home & Museum, Independence, Missouri. (Photo by Authors.)**

pleaded guilty to a capital crime. Since the 1868 law applied, the judge could only sentence them to a life term in prison if they pled guilty to the crimes charged. Alternatively, if they pled not guilty but were found guilty, the judge could impose the death sentence. During the arraignment, their attorneys advised the Youngers to plead guilty to the charges.<sup>65-66</sup> It was sound legal advice.

On November 9, 1876, the Youngers were arraigned.<sup>67</sup> The defendants appeared in court before a judge and indictments were read to Cole, Jim and Bob Younger independently. When indictment number two, the indictment for Gustafson's murder, was read, Cole Younger pled guilty to Gustafson's murder. A guilty plea was an admission of blameworthiness for the crime charged; it was not a confession. Cole never confessed to shooting Gustafson.<sup>68</sup>

Had Younger pleaded not guilty, the judge would have set a trial date. Next the prosecutor and defense attorneys would have presented a list of witnesses to the clerk of court and subpoenas would have been issued. In the Youngers' case, however, the trial process ended with the Youngers pleading guilty to the first two charges, the murders of Nicolaus Gustafson and Joseph Heywood. After entering guilty pleas to the charges at the arraignment, Judge Samuel Lord sentenced the three Youngers to be confined in Stillwater Prison until the end of their natural life.<sup>69-70</sup>

The claim that Cole Younger was guilty of shooting Gustafson did not end there. In 1897, the Youngers' filed pardon applications with the Minnesota Board of Pardons. During the hearings, there were those who either supported or opposed the Youngers' parole. Those in favor of their parole wrote letters, signed

petitions and submitted affidavits to the Board of Pardons supporting their release while citizens against their parole sent letters, signed petitions and affidavits in rebuttal.<sup>71</sup> It was from the opponents and their recollections that new details of the raid appeared in news articles. Citizens' recalled raid events from twenty-one years earlier which have been perceived by many as factual evidence for Gustafson's murder.

Three Northfield citizens reported observing Gustafson on September 7, 1876 and provided the most detailed descriptions of his location and injury of all documented accounts in newspapers and court records reviewed for the analysis. They were: Ellen "Nellie" Ames, wife of John T. Ames; Andrew H. Bjoraker, co-owner with his brother, Henry, of Bjorakers General Merchandise Store; and John O. Olson, a Swedish immigrant and Northfield carpenter.<sup>72</sup> Contrary to their intent, these eyewitnesses' recollections provided an explanation of Gustafson's death that disproved their 1897 claims.

Bjoraker served as an 1876 witness during the grand jury proceedings and filed an affidavit in 1897 with the Board of Pardons protesting the Youngers' parole. Like Bjoraker, Ames submitted a sworn statement protesting the Youngers' parole but unlike Bjoraker, she was not an 1876 witness during the indictment proceedings. While both Bjoraker and Ames submitted sworn statements to the Board of Pardons, Olson did not. But in 1897, Olson and Bjoraker did release their accounts to the local newspaper retelling their recollections of the 1876 raid. In 1897, both Bjoraker and Olson signed a petition with two-hundred and twenty-three other Northfield citizens protesting the Youngers' parole. Olson's signature on the petition protesting the Youngers' parole was the only instrument filed for him with the Board of Pardons. Although Olson's detailed newspaper account was not an affidavit, he provided essential information about Gustafson's injury which supports the ricochet theory.<sup>73-77</sup>

In addition to Ellen Ames, John Morton and P.S. Dougherty submitted affidavits protesting the Youngers' parole which included testimony about Gustafson. Two of the three swore in their affidavits they witnessed Cole Younger shoot Gustafson; but, Dougherty was positioned at the intersection of 4<sup>th</sup> and Division Streets, near Mill Square more than a block north from Gustafson's position. His ability to make a positive identification from that distance was questionable. Morton claimed he stood in an alcove

OFFICE OF  
**JESSE AMES & SONS,**  
Merchant  
Millers.

Northfield, Minn. Nov 14 1876

Geo. N. Baxter Esq.  
Lawrence.

Dear Sir

In reply to  
your Postal of the 11<sup>th</sup> which only arrived  
the 13<sup>th</sup>. Would you have found out  
by the Norwegian Priest who married him  
that his name was Nicolaus Gustafson  
will write it again so there will be no mistake  
Nicolaus Gustafson.

I think you will find Dr. D. J.  
Whiting good evidence as to what was  
said on the street. I am told  
that Donat Bow saw the small killer  
and recognizes the man who did it.

There is good evidence here  
but some people are timid. You had  
better send Hedges to sift it.

Yours Respectfully

John S. Ames

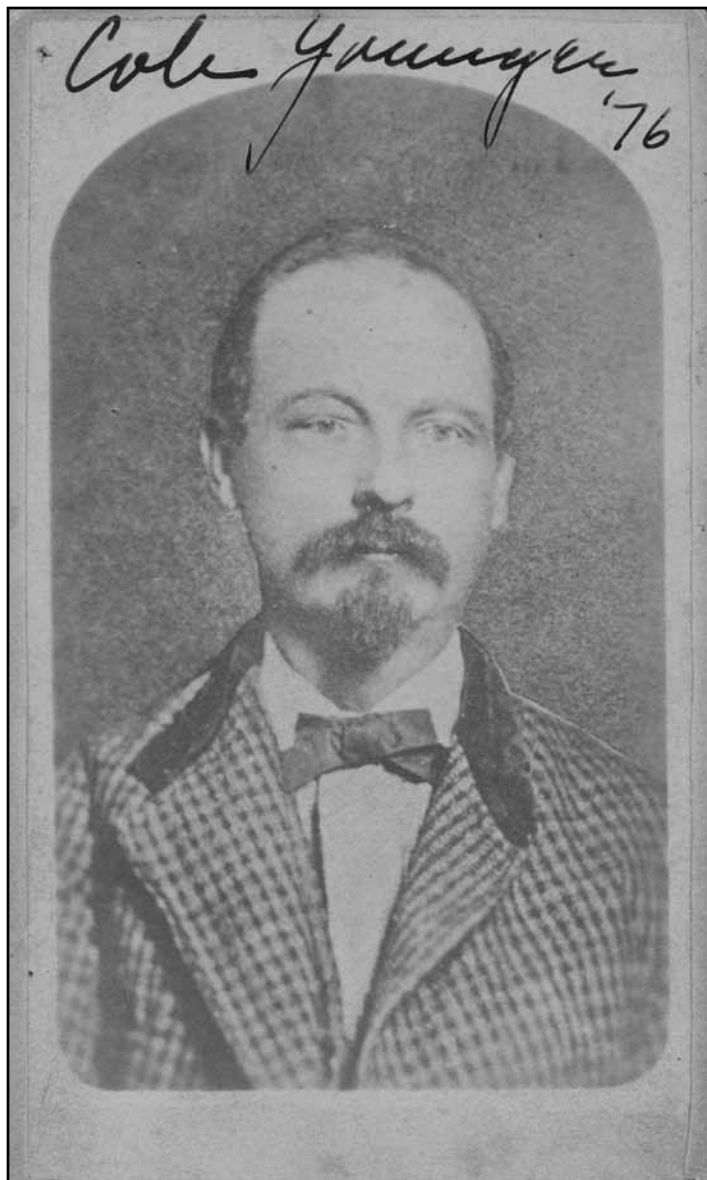
**John Ames' November 14, 1876 letter to Rice County Prosecutor George N. Baxter.**  
(Courtesy of Minnesota Historical Society, St. Paul, Minnesota, "The Northfield (Minnesota)  
Bank Robbery of 1876" (M468) selected manuscript collections and government records,  
microform reel 3).

beside his jewelry store on the west side of Division north of the intersection of 5<sup>th</sup> and Division Streets. At Morton's vantage, it would have been difficult to observe Gustafson located directly southwest of his position. Furthermore, Morton and Dougherty did not present specific details describing Gustafson's location and injury. Therefore, their affidavits had insufficient information to be included in the analysis. Only three other citizens, F. J. Wilcox, D. J. Whiting and W. H. Riddell, filed affidavits protesting the Youngers' parole

which were submitted to the Board of Pardons in 1897. However, these three individuals did not offer any information about Gustafson.<sup>78-79</sup>

Following is a summary of the remarkable details the three Northfield citizens recalled twenty-one years after the raid. The most detailed description came from Ames. According to her recollections, she rode into Northfield on 5<sup>th</sup> Street toward the intersection of Division Street; saw Alonzo Bunker holding his shoulder when he ran from the alley behind the

Witnesses Who Testified During the 1876 Grand Jury Proceedings		
Name	Occupation	*Age
J. S. Allen	Hardware Merchant	50
A. H. Bjoraker	General Goods Merchant	36
Alonzo E. Bunker	Bank Teller	27
William D. Brooks	Farmer	50
H. L. Coon	Physician	47
Thomas J. Dunning	Dry Goods Clerk	27
Anna Finkleson	Store Clerk	27
George French	Furniture Store Clerk	20
Elias Hobbs	Former Northfield Policeman	46
Lars L. Hamre	Farmer	28
J. A. Hunt	Merchant	52
Armina Lockerby	Milliner	41
Edward Martin	Farmer	54
William W. Murphy	Farmer	39
W. W. Waugh	Physician and Coroner	28
Mason Wheeler	Medical Student	22
Frank J. Wilcox	Assistant bookkeeper at Bank	27



**Cole Younger.** (Photo Courtesy of Sue Garwood, Executive Director of Rice County Historical Society, Faribault, Minnesota.)

**Table 1: 1876 Grand Jury Witnesses. Demographic information determined from the US Census and Minnesota Territorial and State Census. \*Estimated age in 1876.**

buildings which had storefronts on Division Street. She asked him what happened and he responded he had been shot and he continued to run west on 5<sup>th</sup> Street. Ames continued to travel east on 5<sup>th</sup> Street. Henry Beneke, a local grocer, approached her and advised that she get off her carriage before she got hurt. Beneke helped her get down onto the street. An unnamed man led her horse and carriage away. She continued to walk toward the intersection of Division. As she approached the corner, she saw men coming up the stairs from the basement establishment which she identified as a saloon. Ames described the last man up the stairs appeared intoxicated.<sup>80-83</sup> The stairs these men came up accessed the cellar below the Bjorakers building. Ames said she witnessed Cole Younger shoot the last man [Gustafson] up.

The second account examined was Andrew H. Bjoraker's statement reported in an 1897 Northfield newspaper. Bjoraker remembered during the first few minutes of the raid, he observed the robbers riding horses in a circle on Division Street. During those first few minutes, he stood partially in the doorway of his store and on the sidewalk. His brother, Henry, stayed

outside at the corner of the store. While outside the store, Henry saw a man [Gustafson] shot, here in front of the store.<sup>84</sup> After Henry said a man had been shot, Andrew left the store, walked to the store corner and looked west where he saw the man [Gustafson] lying on the ground on 5<sup>th</sup> Street. Andrew was confronted by one of the robbers so he went back into the store and stood so he was positioned behind one of the stone pillars and looked out onto Division Street through the window.

Next, Andrew saw one of the robbers on horseback [Chadwell] ride southeast of the store to the middle of the intersection where the rider [Chadwell] was shot. The robber [Chadwell] dropped his reins and his horse



jumped. The horse turned and went north back up Division Street where the robber [Chadwell] fell from his horse about four storefronts north of Division and 5<sup>th</sup> Streets. As soon as the man [Chadwell] fell from his horse, Andrew ran over to him. When he reached the robber [Chadwell] on the street, citizens told him the bank was being robbed and that was when he first realized the strangers on horseback were bank robbers. He went back across Division Street to his store.

While Andrew crossed the street to return to his store, a robber passed him on horseback and another robber who seemed to have been standing guard during the raid south of the store mounted his horse and left going south toward Dundas.<sup>85</sup>

Olson's eyewitness version of the raid was the third account included for the analysis since he, like Ames and Bjoraker, recalled with extraordinary detail the 1876 events. Olson was working in the cellar of the Bjorakers Building when he heard gunfire. So he went to the corner of 5<sup>th</sup> and Division where he was confronted by one of the robbers. He saw Carl Onstad, a child, crying in the street and the child's father, Gilbert Onstad. The crying child and parent drew the robber's attention away from Olson. The robber rode over to the Onstads. About that same time, Olson saw a man [Chadwell] fall on the other side of the street. Olson then turned and ran down 5<sup>th</sup> Street where he encountered Gustafson about halfway the outside stairs.<sup>86</sup>

Olson said Gustafson was struck by a ball just as they met about ten feet from the corner of the store. Gustafson bumped Olson and fell backwards while Olson continued to run back to the cellar where he had been working. He was going to return to help the Swede but upon looking out, he was confronted again by a robber. The next time he looked out, he saw Gustafson running toward the river where he washed his wound and was walking back up 5<sup>th</sup> Street. Olson said he and the robbers went to check on Gustafson and Olson took him to the Norwegian hotel where he called a doctor and Gustafson was treated. Olson and another man took care of Gustafson until his death four days after the injury. Olson was of the opinion Gustafson was shot by one of the robbers. "I believe he [Gustafson] was shot by the robber guarding the corner. He was there during the entire time I was out of the cellar and was shooting all the time in every direction and was evidently set there to guard the corner."<sup>87</sup>

Despite the fact that Baxter could not find a single

*Harold and his wife Carrie lived up stairs over the store. The basement steps came up to the street in front of the store in those years. The bandits rode up and down the street on their horses ordering everybody inside. A young Swedish immigrant named Nicholas Gustafson came up from the basement to see what was happening. A bandit ordered him back down the steps, Gustafson did not understand english. When he did not move he was shot in the head, dying the following Monday. Carrie Thorson died in 1913, five years before I was born but one of her sisters children, <sup>Arthur Bhowse</sup> said, she never tired of telling about the raid.*

**Harold Thorson's grandson, Robert Thorson, described the outside stairs in his undated handwritten account of the Thorson family in which he also described the Thorson building. In 1876, Harold and his wife, Carrie, lived upstairs where she observed the raid while Harold was in the basement. Bjorakers General Merchandising Store occupied the street level of the building at the time of the raid.** (Journal entry courtesy of Robert Thorson's wife, Harriett Thorson, Cannon Falls, Minnesota; and Harold Thorson's descendants: Great Granddaughters Faye Wirtz, Stillwater, Minnesota and Janet Moore, Menlo, California; Great Great Granddaughter Deborah Cunningham, Angels Camp, California; and Great Great Grandnephew, Orville J. Dovre, Ridgecrest, California.)

witness to Gustafson's murder at the time of the Youngers' indictment in 1876, in 1897 and years subsequent to 1897, witnesses were forthcoming with unprecedented claims that Cole Younger shot Gustafson during the raid. However, when Baxter learned of these statements during the Board of Pardon proceedings, he sent the following telegram to Governor David Marston Clough.<sup>88</sup>

Cole and Jim Younger were released in 1901 on parole after serving twenty-five years. Their youngest brother, Bob, served a life sentence. He succumbed to tuberculosis in Stillwater Prison on September 16, 1889

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NUMBER	SENT BY	REC'D BY	CHECK
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RECEIVED at Fourth and Robert Streets, St. Paul, Minn. July 13 189

Dated Faribault Minn 13 M. Standard Time.

To Governor Clough State Capitol St Paul Minn

As prosecuting attorney I went to Northfield in 1876 to get evidence to indict younger Bros for shooting the swede no one at that time could state whether

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THOS. T. ECKERT, President and General Manager.

NUMBER	SENT BY	REC'D BY	CHECK

RECEIVED at Fourth and Robert Streets, St. Paul, Minn. 189

Dated

To

he was killed by citizens or robbers. they finally decided it was from a stray bullet and did not know from which side consequently no indictment was found G. N. Baxter

Rice County Prosecuting Attorney George N Baxter's July 13, 1897 Western Union telegram to Minnesota Governor Clough. (Courtesy of Minnesota Historical Society, St. Paul, Minnesota, "The Northfield (Minnesota) Bank Robbery of 1876" (M468) selected manuscript collections and government records (microform reel 3).

after serving thirteen years.

When released from prison, Cole Younger continued to deny that he shot Gustafson. Cole Younger's view concerning Gustafson's death was that one of the Northfield citizens accidentally shot him. "My theory always has been that the man, Gustafson, who was shot down in the street, was struck by a glancing shot from some of the citizen's rifles, as they were blazing away at the time."<sup>89</sup>

Historians and researchers may never know Gustafson's complete story which took place the day of the raid. However, the preponderance of evidence supports the theory that Gustafson's cause of death was from an accidental bullet ricochet, one that originated from a weapon fired by a Northfield citizen, Manning, Wheeler or Stacy being the primary shooter. The evidence does not support the claim that Cole Younger or any of the robbers shot Gustafson at any distance and especially not point blank. Given an opportunity to conduct further research, forensic pathologists and firearms experts may be able to recover additional physical evidence which could provide answers to questions regarding Gustafson's untimely death. •

### Acknowledgements

We would like to acknowledge the many individuals who generously contributed time and resources in providing information for this article. Dr. Gil Brogdon, posthumously, selflessly provided support and forensic expertise as a forensic radiologist in examining and analyzing the many facets of the Northfield Raid including the death of Nicolaus Gustafson. We are also grateful to Professor Hans-Olav Enger, Department of Linguistics and Scandinavian Studies, University of Oslo, Norway for translating Reverend Thorbjorn Mohn's Burial Ledger; The Rev. Pam Fickenscher, St. John's Lutheran Church, Leah H. Garlie and St. John's Lutheran Church staff for locating the Burial Ledger where Rev. Mohn recorded Gustafson's burial; the staff at the Rice County Courthouse and Aimee Brown, Reference Librarian and Jeff Suave, St. Olaf College, Archivist, St. Olaf College who graciously directed us to useful Northfield Raid resources; Chris Malpass, Inter Library Loan, University of North Carolina at Wilmington, who never fails to come through in locating rare and often elusive documents; Harold Thorson's family members, Harriett Thorson, Orville Dovre', Deborah Cunningham, Janet Moore and Fay Wirtz, who contributed information about

Harold and Carrie Thorson as residents in Northfield and the history of the Thorson building; Orrin DeLong, Northfield Historian for sharing details of his tireless efforts in locating the death and burial records for Nicolaus Gustafson; Tracey Baker, Head of Reference and Steve Nielsen, Librarian, Minnesota Historical Society for readily providing guidance and assistance in locating Northfield Raid documents; Chip DeMann for providing information about the acquisition and installation of Nicolaus Gustafson's grave marker; Drs. Darwin Ferry, neurologist; Pieter Van Driessche and Thomas Resk, pathologists; for providing medical opinions and expert forensic expertise; Sue Garwood, Executive Director, Rice County Historical Society for her contribution of photos and Northfield Raid information; and Hayes Scriven, Executive Director, Northfield Historical Society who generously supports and encourages our efforts in researching the 1876 Raid. He is an invaluable historical resource for Northfield and continuously has assisted and directed us to valuable materials and information concerning the multi-faceted Northfield Raid. Delbert Gustafson, Gustafson family historian, and Colonel Wayne B. Quist, historian and author, are always more than generous in sharing their immense knowledge of the Gustafson family; without their respected contributions, the task of writing about Nicolaus Gustafson would lack essential family insight. To everyone named here, we appreciate their collective efforts in assisting us and enabling us to explore and expound on the Northfield Raid, especially Nicolaus Gustafson.

### NOTES

1 Authors' Note: August F. Seastrand, Pastor Christdala Church, 1940-1947, St. John's Lutheran Church, Northfield, MN referred to Nicolaus Gustafson as "Claus Gustafson" in an account of the Northfield Raid in the Christdala Church records. Also W. W. Pye, five years old at the time of the raid, identified Gustafson as a blacksmith employed with William Hagen, Wagon Wheel Maker. Pye delivered this information in a presentation in 1947 to the Rice County Historical Society seventy-one years after the raid. Yet, when Gustafson entered the United States approximately two months prior to the raid, immigration documents listed him as a laborer not a blacksmith.

2 Authors' Note: A presentation discussing a bullet ricochet theory for Nicolaus Gustafson's injury and death was given on October 2, 2014 at the 21st Annual Meeting of the James-Younger Gang in Fort Smith, Arkansas.

3 "The Northfield Tragedy of Sept. 7: A Full Account of the Robbery," *Rice County Journal* (Northfield, MN), September 14 1876, p. 3.

4 State of Minnesota District Court Fifth Judicial District Rice



County, The State of Minnesota Against Thomas Coleman Younger, James Younger and Robert Younger, Indictment No. 2, Action Bill, Filed November 6, 1876. Minnesota Historical Society: St. Paul, Minnesota.

5 Authors' Note: Interview August 30, 2010, op. cit.

6 Thorbjorn N. Mohn, *1867-1880 Membership Record Book I*. (Northfield, Minnesota: St. John's Lutheran Church, 1867) 135.

7 Authors' Note: Professor Hans-Olav Enger, Department of Linguistics and Scandinavian Studies, University of Oslo, Norway translated Reverend Thorbjorn Mohn's journal entry for Nicolaus Gustafson's burial.

8 Delbert Gustafson, *The Gustafsons From Sweden to America: Our Family Story*, (Dennison, MN: Self-Published, 2001) 11.

9 Authors' Note: Interview August 30, 2010, Mr. Orrin DeLong, author of *True Story of the Swede* and local Northfield historian, Northfield, Minnesota. In 1994 Mr. DeLong found listed a man named "Gustavo," a Norwegian, in records stored in the Rice County Courthouse, Faribault, Minnesota. The date and circumstances corresponded with Nicolaus Gustafson's death. The records were determined to belong to Gustafson. Therefore, the Northfield Cemetery records were corrected to reflect the correct name, Nicolaus Gustafson. "Norwegian Man" in the cemetery registry was replaced with Nicolaus Gustafson.

10 Authors' Note: Albert W. Drake donated farmland to establish the Northfield Cemetery located approximately one mile southeast of Marvin Lane on Division Street/Highway 246. Drake's father, Joseph S. Drake who died April 28, 1857, was the first person buried in the Northfield Cemetery. Also, Wayne Drake who assisted Chip DeMann, in setting Gustafson's grave marker is a descendant of Joseph S. Drake. Nicolaus Gustafson was buried in the cemetery nineteen years later. His gravesite is west of Joseph R. Drake. When entering the cemetery from Division Street, the first lane traveling south leads toward Gustafson's gravesite located in the first row of gravesites on the west side of the lane and cemetery near Division Street/Highway 246.

11 Christdala Church: Nicolaus Gustafson Website Last Accessed January 6, 2015. <http://www.christdala.com/gustafson.html>.

12 "The Northfield Tragedy of Sept. 7: A Full Account of the Robbery," op. cit.

13 "What Some of Our Citizens Saw Twenty-one Years Ago," *Northfield News* (Northfield, MN) July 10, 1897, 1-4.

14 July 10, 1897 Ellen M. Ames, Affidavit to the Minnesota State Board of Pardons, Filed July 12, 1897. The Northfield (Minnesota) Bank Robbery of 1876 (M468) Reel 3, St. Paul, MN, Minnesota Historical Society.

15 "A Daring Outlaw," *National Republican* (Washington City, D.C.) August 29, 1876, 1.

16 Cole Younger. *The Story of Cole Younger, by Himself* (Chicago, IL: The Henneberry Company, 1903) 40.

17 "What Some of Our Citizens Saw Twenty-one Years Ago," op. cit.

18 Authors' Note: Today, Mill Square is known as Bridge Square. However, it was also known as Horse Collar Park and Northfield visitors used it as a lot to park their wagons in at one time.

19 *The Northfield Raid: Fiftieth Anniversary Finds Interest Undimmed in Oft-told Tale of Repulse of James-Younger Gang*. "The Northfield Saga", (Northfield, MN: Reprinted from the *Northfield News*, 1926) 10th ed., 9.

20 Ibid.

21 Authors' Note: Writers and researches disagree on which James brother was in the bank and which gang member shot Heywood. It is important to note in the 1897 *Northfield News*, when Wilcox named the robbers who entered the bank he said, "I believe" Frank James entered the bank which was insufficient evidence for an indictment of either of the James brothers. In "A Victim of the Youngers Speaks Out," *Minneapolis Journal* (Minneapolis, MN) July 9, 1897, page 6, Wilcox said, "The most dastardly act was the killing of Mr. Heywood by James, just before the latter left the bank." In this article, however, Wilcox did not specifically identify which James brother entered the bank. At any rate, Minnesota was unsuccessful in extraditing Frank James from Missouri to stand trial in Rice County for Heywood's murder. On the other hand, J.W. Buel, wrote in *The Border Outlaws: The Younger Brothers, Jesse and Frank James, and their Comrades in Crime* (St. Louis, Mo.: Historical Pub. Co., 1881), page 222, that "Jesse James was the last to go, and as he was in the act of leaping from the counter, he said Heywood turned quickly to a drawer as if in the act of securing a weapon. Instantly the outlaw presented his pistol and shot the brave cashier dead." Lastly, Robert Barr Smith in *The Last Hurrah of the James-Younger Gang*, (University of Oklahoma Press, 2001), page 100 wrote, "To this day nobody knows for sure which bandit fired the fatal shot."

22 Authors' Note: Ross C. Phillips, Joseph B. Hyde and James Gregg reportedly fired at the robbers and used similar weapons to the shotgun Stacy fired; however, no documentation sites the specific type of weapons they fired so these were not included in the analysis.

23 "The Northfield Saga," op. cit. 10.

24 Tom Warlow. *Firearms, the Law, and Forensic Ballistics* (Bristol, PA: Taylor & Francis Inc., 1996), 99-100.

25 Steve Edwins, editor. *Northfield Downtown Guidebook: Heritage Preservation in the Historical District* (Northfield, MN: Heritage Preservation Commission, 1982) 1st edition, 20.

26 Edward E. Hueske. *Practical Analysis and Reconstruction of Shooting Incidents* (Boca Raton, FL: CRC Press, 2006) 195-216.

27 Brian J. Heard. *Forensic Ballistics in Court: Interpretation and Presentation of Firearms Evidence* (Malden, MA: John Wiley & Sons, 2013) 209-211.

28 Warlow, op. cit. 110.

29 Authors' Note: Firearms examiners in America measure bullet energy in foot pounds (ft lbs) of kinetic energy. A bullet ricochet loses about 10 to 20 percent of its velocity which reduces its kinetic energy (KE) as it travels forward. Vincent J.M. DiMaio. *Gunshot Wounds Practical Aspects of Firearms, Ballistics, and Forensic Techniques* (NY: Elsevier Science Publishing Co., Inc., 1985) 90.

30 Authors' Note: Rifling in a gun barrel imparts a spin on the bullet which stabilizes its path as it exits the muzzle and travels through the air. However, when a bullet ricochets, it loses some or all of its gyroscopic spin which destabilizes the path of the bullet. The bullet may yaw, deviate laterally from its longitudinal axis, as it travels or it may tumble and cause an irregular entrance wound. Therefore, the extent of an injury from a bullet ricochet following its path depends on the amount of kinetic energy of the bullet after it has ricocheted. In Gustafson's case, the bullet ricochet had enough energy to cause symptoms of brain injury which resulted in death four days later.

31 Authors' Note: Kinetic energy can be calculated from the weight and velocity of a bullet or pellet. The more kinetic energy

a bullet has the more potential damage it can cause to tissue and bone. If a bullet passes through a body, it still has potential energy to cause additional damage if the bullet strikes a second person.

32 Authors' Note: One method of comparing the extent of an injury to the energy a bullet ricochet produces is by calculating kinetic energy of the bullet. Increased kinetic energy results in increased tissue and bone damage. Andrew B. Peitzman, Timothy C. Fabian, Michael Rhodes, Donald M. Yealy, C. William Schwab. *The Trauma Manual: Trauma and Acute Care Surgery* (Philadelphia, PA: Lippincott, Williams and Wilkins Publishers, 2013) 4th ed, 246-250.

33 Authors' Note: Force expressed as ft-lbs is the amount of energy required to move a load with a force of one pound resulting in a displacement distance of one foot. John Duncan and Sydney George Starling. *A Text Book of Physics for the Use of Students of Science and Engineering*, (London: Macmillan and Co., Limited, 1920) 167-168.

34 Authors' Note: The formula used to calculate and convert a bullet's average mass and average velocity to energy is  $KE = \frac{1}{2}mv^2$ . The energy from this formula is in joules, a European measurement of energy units. Joules can then be converted to foot pounds (ft-lbs). Firearms examiners in America use ft-lbs as a measurement of energy units.

35 Authors' Note: To calculate kinetic energy of a bullet, convert the bullet mass from grains to kilograms by multiplying the grains times 0.0000648. Then convert the bullet velocity from feet per second to meters per second by multiplying the feet per second times 0.3048. Square the velocity and multiply it by the mass of the bullet. Then divide this product by 2 to find the amount of kinetic energy in joules. Multiply the joules times 0.737562 to convert to foot pounds.

36 Authors' Note: Experiments have determined 9.2 ft-lbs are needed to perforate skin using a .38 caliber round nose bullet. Other calibers require the same approximate ft-lbs to perforate skin. Pointed bullets may perforate the skin with fewer ft-lbs of energy. Vincent J.M. DiMaio. *Gunshot Wounds Practical Aspects of Firearms, Ballistics, and Forensic Techniques* (NY: Elsevier Science Publishing Co., Inc., 1985) 213-215.

37 Authors' Note: As the bullet travels along its trajectory, it loses velocity; therefore, the amount of KE in ft-lbs also decreases. The amount of KE lost for each bullet has to be calculated based on the velocity and bullet weight at the muzzle. These calculations are initially made at the muzzle of a firearm because that is where they can be measured with instruments. For the bullets fired at Northfield, the estimated KE lost for a bullet that traveled 100 yards would have been about 30% of the KE produced at the end of the muzzle of the weapon. So a 30% loss for traveling 250 feet and a 20% loss from the ricochet would have given a bullet about 50% of the KE from the muzzle by the time it reached 5th Street. This, of course, is only a rule of thumb for extrapolating estimated values. Sam Fadala. *The Complete Blackpowder Handbook* (Iola WI: Krause Publications, 2006) 5th ed., 116-117.

38 Authors' Note: Following are bullet weights in grains (gr.) and muzzle velocities in feet per second (fps) used to calculate the kinetic energy in foot pounds (ft-lbs). The reported energy is based on a reduced velocity after ricochet and traveling a distance of 100 yards. The Smith Carbine, 363 gr at a MV of 950 fps = 363 ft lbs, Remington Rolling Block Rifle, 500 gr at a MV of 1,100 fps = 671 ft-lbs, Double barreled Shotgun 53 gr per pellet

at a MV of 900 fps = 47 ft-lbs, Smith & Wesson second model American Revolver, 205 gr at a MV of 682 fps = 106 ft-lbs, Smith & Wesson Model #3 Russian Revolver, 246 gr at a MV of 750 fps = 155 ft-lbs, Smith & Wesson Schofield Revolver, 235 gr at a MV of 690 fps = 164 ft-lbs, and a Smith & Wesson Model 3 revolver, 235 gr at a MV of 845 fps = 186 ft-lbs.

39 Abdullah Fatteh. *Handbook of Forensic Pathology* (Philadelphia, PA: J.B. Lippincott Company, 1973) 97-130.

40 Authors' Note: The pattern is circular in shape when the muzzle of the firearm is perpendicular or nearly perpendicular to the wound site. The pattern can be asymmetrical depending on the angle of the muzzle to the injury.

41 Vincent J.M. DiMaio. *Gunshot Wounds Practical Aspects of Firearms, Ballistics, and Forensic Techniques* (NY: Elsevier Science Publishing Co., Inc., 1985), 51-73.

42 William Bathurst Woodman and Charles Meymott Tidy. *Forensic Medicine and Toxicology* (Philadelphia, PA: Lindsay & Blakiston Publishers, 1877), 1006.

43 "What Some of Our Citizens Saw Twenty-one Years Ago," op. cit.

44. John Jay Lemon. *The Northfield Tragedy* (London: Westerners Publications Ltd, 2001) 23-24.

45 John Dixon Mann. *Forensic Medicine and Toxicology* (London: Charles Griffin and Company Limited, 1893) 282-283.

46 Lemon, op. cit. 23.

47 Ibid.

48 Authors' Note: Trephining, a procedure to remove a portion of the skull in order to relieve cerebral edema or swelling of the brain caused by trauma, was practiced in 1876 and continues to be practiced.

49 Authors' Note: Within the cranial vault, the brain is covered in a thick membrane called the dura. Subdural is below or under the dura.

50 Thomas K. Resk MD, Forensic Pathologist, Correspondence to authors, Chico, CA, October 9, 2009.

51 Darwin Ferry, M.D., Neurosurgeon, Interview, Wilmington, North Carolina. December 4, 2012.

52 Pieter Van Driessche, MD, Netherlands Forensic Institute, Forensic Pathologist, Interview, February 24, 2010.

53 Authors' Note: Family historian Delbert Gustafson notes Nicolaus is often referred to as "Claus." in *The Gustafsons From Sweden to America: Our Family Story*, Delbert Gustafson (Dennison, MN: Self-Published, 2001) 38.

54 Authors' Note: August F. Seastrand, Pastor Christdala Church, 1940-1947, St. John's Lutheran Church, Northfield, MN referred to Nicolaus Gustafson as "Claus Gustafson" in an account of the Northfield Raid in the Christdala Church records.

55 Walter N. Trenerry, *Murder in Minnesota: A Collection of True Cases* (St. Paul, MN: Minnesota Historical Society, 1962), 100.

56 W.C. Bronaugh, *The Youngers' Fight for Freedom* (Columbia, Missouri: E.W. Stephens Publishing Company, 1906) 205.

57 John T. Ames, Correspondence to George N. Baxter, Rice County Prosecutor, Northfield, MN, November 14, 1876.

58 Mohn, op. cit.

59 John T. Ames, op. cit.

60 Authors' Note: Some writers extrapolate information from the 1876 raid accounts and distort the facts to support their view of specific details. For example, if the account stated, "I thought Cole Younger shot Gustafson," some writers exclude the pertinent phrase, "I thought..." and write "Cole Younger shot

- Gustafson.” This is an abbreviated example to illustrate text taken out of context to prove an invalid point.
- 61 “The Bank Robbers,” *Pioneer Press and Tribune* (St. Paul, MN) September 30, 1876, 2.
- 62 “The Robbers: A Pen Picture of the Lawyers Who Will Prosecute and Defend the Youngers,” *Minneapolis Journal* (Minneapolis, MN) November 15, 1876, 1.
- 63 Ibid.
- 64 “The Younger Bandits Indicted for Murder: They Plead Guilty, and Escape the Gallows,” *Faribault Republican* (Faribault, MN) November 22, 1876, 1.
- 65 John D. Bessler, *Legacy of Violence: Lynch Mobs and Executions in Minnesota* (Minneapolis: University of Minnesota Press, 2006) 102.
- 66 “The Younger Bandits Indicted for Murder” op. cit.
- 67 Ibid.
- 68 “Imprisoned for Life: The Last Scene in the Case of the Younger Brothers All Plead Guilty of Murder in the First Degree,” *Daily Inter Ocean* (Chicago, IL) November 21, 1876, 5.
- 69 “The Missouri Bandits: The Closing Scene of the Trial – Interview with the Prisoners,” *Winona Daily Republican* (Winona, MN) November 23, 1876 1.
- 70 “The Younger Bandits Indicted for Murder” op. cit.
- 71 Authors’ Note: Twenty-eight letters, seven petitions, and six affidavits were submitted and filed with the Board of Pardons against the Youngers’ parole. The seven petitions contained 734 signatures and some citizens signed more than once. Three of the affidavits contained evidence pertaining to Gustafson. Those were submitted by John Morton, P. S. Dougherty, and Ellen Ames. None of these were witnesses at the 1876 indictment proceedings. Fifty-seven letters; four telegrams, one of which contained ten names; and four petitions containing 165 signatures recommended clemency for the Youngers. Some petitioners signed twice.
- 72 Authors’ Note: In the 1880 US Census, Northfield Township, MN, Ellen Ames, sixty-seven years old, married, was born in Maine, and a housewife; Andrew H. Bjoraker, forty years old, married, born in Norway, and a merchant. Also, in a memorial for Andrew H. Bjoraker written by his brother, Henry H. Bjoraker, Henry noted the Bjoraker family emigrated from Lerdals Parish, Bergens Stift, Norway to the United States in the summer of 1854. Andrew settled in Northfield, MN in 1870. Obituaries, Dalby Database Last Accessed January 6, 2015. <http://www.dalbydata.com/user.php?action=resultobits>. In the 1900 US Census, Northfield Township, MN, John Olson, sixty-six years, widowed, was born in Sweden, emigrated from Sweden to the United States in 1869 and was a carpenter.
- 73 Ellen M. Ames, Affidavit, op. cit.
- 74 “What Some of Our Citizens Saw Twenty-One Years Ago,” op. cit.
- 75 Ibid.
- 76 State of Minnesota District Court Fifth Judicial District Rice County, op. cit.
- 77 July 12, 1897, Northfield Citizens Petition Against Parole to Minnesota Board of Pardons, filed July 12, 1897. The Northfield (Minnesota) Bank Robbery of 1876 (M468) Reel 3, St. Paul, MN, Minnesota Historical Society.
- 78 July 8, 1897 John Morton, Affidavit to the Minnesota State Board of Pardons, Filed July 12, 1897. The Northfield (Minnesota) Bank Robbery of 1876 (M468) Reel 3, St. Paul, MN, Minnesota Historical Society.
- 79 July 8, 1897 P. S. Dougherty, Affidavit to the Minnesota State Board of Pardons, Filed July 12, 1897. The Northfield (Minnesota) Bank Robbery of 1876 (M468) Reel 3, St. Paul, MN, Minnesota Historical Society.
- 80 Ellen M. Ames, Affidavit, op. cit.
- 81 *Gazetteer and Directory of the Chicago, Milwaukee & St. Paul Railway & Branches* (Detroit, MI: Polk, Murphy & Co., Publishers, 1875) 247-249.
- 82 *Minnesota State Gazetteer and Business Directory 1878-1879* (Detroit, MI: R. L. Polk & Co. and A. C. Danser Publishers, 1875) Vol. I 412-416.
- 83 Authors’ Note: In an unpublished paper entitled “Personalities in Northfield History” presented by W. W. Pye at the Carlton College Tea Room, May 7, 1930 commemorating Northfield’s 75 Anniversary, Pye described “in the next block the store building on the corner was built and owned by Knute Thorson, half-brother of Harold Thorson, noted for having started St. Olaf College. Knute was a “saloon” keeper and delighted in doing things to annoy his more aristocratic brother.” William Watts Pye, born December 25, 1871 was five years old at the time of the robbery and without references to his work, there is no way to verify his claims that Knute operated a saloon in the Thorson Building in 1876. A saloon was listed in the *1874 Historical Atlas of Minnesota* in the vicinity that was operated by Thomas Anderson, proprietor of the Norman House on Division Street located between 5th and 6th Streets. Interestingly, Anderson was also listed in this atlas as the proprietor of the Norsk Hotel on Division Street, which in 1876 was the lodging house Gustafson was taken to for treatment of his injury. It is noted, Knute Thorson operated a saloon during an unspecified time in the basement of the Bjorakers building in *Northfield Downtown Guidebook: Heritage Preservation in the Historic District*, Steve Edwins, Editor, (Northfield, MN: Heritage Preservation Commission, 1982) 20.
- 84 Authors’ Note: Location of the stairs was taken from Robert Thorson’s information about the robbery and description of the Thorson building [Bjorakers store]. Robert Thorson was the grandson of Harold Thorson, original builder and occupant of the limestone building located on the southwest corner at the intersection of Division and 5th Streets.
- 85 “What Some of Our Citizens Saw Twenty-one Years Ago,” op. cit.
- 86 Authors’ Note: Robert Thorson’s notes about the robbery and description of Thorson building [Bjorakers Store].
- 87 “What Some of Our Citizens Saw Twenty-one Years Ago,” op. cit.
- 88 July 13, 1897, Telegram from George N. Baxter, Rice County Prosecuting Attorney, to Governor David Marston Clough, The Northfield (Minnesota) Bank Robbery of 1876 (M468) Reel 3, St. Paul, MN, Minnesota Historical Society.
- 89 William Casper Heilbron. *Convict Life at the Minnesota State Prison Stillwater, Minnesota* (St. Paul, MN: W. C. Heilbron Publishers, 1909) 2d ed., 136.