

# The **P**ALIMPSEST

APRIL 1929

## CONTENTS

**Captain Joseph Throckmorton 129**  
WILLIAM J. PETERSEN

**The Forest City Meteor 145**  
BEN HUR WILSON

**Comment 156**  
THE EDITOR

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### THE PURPOSE OF THIS MAGAZINE

THE PALIMPSEST, issued monthly by the State Historical Society of Iowa, is devoted to the dissemination of Iowa History. Supplementing the other publications of this Society, it aims to present the materials of Iowa History in a form that is attractive and a style that is popular in the best sense—to the end that the story of our Commonwealth may be more widely read and cherished.

BENJ. F. SHAMBAUGH

*Superintendent*

### THE MEANING OF PALIMPSESTS

In early times palimpsests were parchments or other materials from which one or more writings had been erased to give room for later records. But the erasures were not always complete; and so it became the fascinating task of scholars not only to translate the later records but also to reconstruct the original writings by deciphering the dim fragments of letters partly erased and partly covered by subsequent texts.

The history of Iowa may be likened to a palimpsest which holds the records of successive generations. To decipher these records of the past, reconstruct them, and tell the stories which they contain is the task of those who write history.

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FROM A PHOTOGRAPH IN THE POSSESSION OF THE MISSOURI HISTORICAL SOCIETY

CAPTAIN JOSEPH THROCKMORTON



# THE PALIMPSEST

EDITED BY JOHN ELY BRIGGS

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## Captain Joseph Throckmorton

Prior to the advent of the railroad no type of pioneer was more influential than the steamboat captain in expanding the frontier and building an empire in the West. Adventurous, hardy, ambitious, he brought his crude craft into waters frequented only by the transitory visit of the keelboat, and offered a means of communication and transportation to the Indian agent, the missionary, the fur trader, and the soldier, as well as to the pioneers who were slowly straggling into the West with their families and few worldly possessions. He formed an integral part in the economic life of the Mississippi Valley.

Of all the pioneer river captains on the Upper Mississippi, none was better known than Joseph Throckmorton who during twenty years of activity commanded a dozen boats and probably had a financial interest in as many more. Efficient, prudential,



and every inch a gentleman, he won the respect of those he served and established a high standard for steamboat transportation.

Little is known of the early life of this picturesque riverman. Born in Monmouth County, New Jersey, on June 16, 1800, he made his first venture in the business world as a youngster with a mercantile firm in New York City. He soon tired of this work, however, and in 1828 moved to Pittsburgh where, in company with several other young men, he bought a part interest in the steamboat *Red Rover*. While plying between Pittsburgh and Zanesville, Ohio, the boat collided with another vessel and sank. After she was raised Throckmorton seems to have acquired a controlling interest and brought his steamer around to St. Louis where he immediately engaged in the upriver trade.

The *Red Rover* arrived at St. Louis late in the month of June, 1828, just five years after the *Virginia* made the maiden steamboat trip above the Des Moines (or Lower) Rapids to Fort Snelling. A few scattered villages were cropping up on both sides of the river below the rapids and farm houses were beginning to appear above the rapids on the Illinois shore. The western side was a wilderness broken only by an occasional Indian village or the rude hut of a half-breed. Except for the few military outposts and fur-trading establishments along the Mississippi and the lead mines huddled about Fevre River, the country was still a virgin estate.



Scarcely two dozen steamboats had preceded the *Red Rover* in the five years that had elapsed since the trip of the *Virginia*, and most of these were transient craft. Lead shipments had just reached a point where captains could look for a plentiful cargo and Throckmorton was not slow in taking advantage of this opportunity. Occasionally a boat load of supplies or a detachment of troops afforded a profitable trip to Fort Crawford at Prairie du Chien or Fort Snelling at St. Peter's. The transportation of Indian annuities and delegations also brought a tidy sum to the ever watchful steamboat captain. But the year of 1828 was rather unprofitable and Throckmorton was forced to make several trips to the Illinois and Missouri rivers. When winter shut him off from this trade he went around to the Ohio and engaged in the commerce of that river with the Lower Mississippi.

Navigation opened early in 1829. The *Red Rover* was lying at the St. Louis levee on April 14th, having already completed one trip to Fevre River. Midsummer found the *Red Rover* at the head of the Lower Rapids, unable to proceed downstream on account of low water and hopefully waiting for a cargo with which to return to the mines. Here Caleb Atwater, one of the three commissioners appointed by the government to treat with the Indians at Prairie du Chien, came upon the impatient Throckmorton. The low stage of the water had abruptly ended Atwater's voyage on the steamboat



*Missouri* at the foot of the rapids. While making his way on foot along the river from Fort Edwards to the head of the rapids, he found many of the packages which he had forwarded several weeks before scattered along the banks and exposed to the elements. The sight of the *Red Rover* must have been as pleasing to Atwater as the prospects of a lucrative trip were to Throckmorton.

By sunset most of the goods were on board and provision was made for the shipment of the remainder on the next trip. Darkness set in before the *Red Rover* had gone many miles and orders were given to tie up for the night. It was not until noon of the third day that Throckmorton was able to reach Rock Island. Low water and innumerable sandbars made steamboating extremely hazardous. In order to lighten the boat so that she might more easily twist and squirm her way to the head of the Upper Rapids all passengers were required to walk along the shore. Only Brigadier General John McNeil and the ladies on board were excepted. All afternoon was spent in bringing the boat to the head of the Rock Island Rapids where the captain tied up for the night. Two days later the *Red Rover* reached the mouth of Fevre River. After visiting the lead mines at both Galena and Dubuque, the boat proceeded to Prairie du Chien where the commissioners were landed, and then Throckmorton steamed down to pick up a cargo of lead and return with the remaining annuity goods which had been



left at the head of the Lower Rapids. In the middle of August the *Red Rover* again carried all of the commissioners to St. Louis except Atwater who returned overland to his home.

In 1830 the first coöperative association of steamboat captains on the Upper Mississippi was formed by Throckmorton and Captain S. Shallcross. During the period of low water Captain Shallcross operated the *Chieftain* between St. Louis and the Lower Rapids while the *Red Rover* plied the river above. To avoid delay in the transit of goods, keels were provided to transport freight over the rapids, in the event of extreme low water. Previous to this agreement, about the first of August, Throckmorton had made six trips to the lead district and had thus covered a distance of nearly seven thousand miles. The new plan met with immediate success since both passengers and shippers were disposed to patronize the boat which could guarantee the completion of a trip.

In 1831 Throckmorton bought the *Winnebago* and formed a similar combination with Captain James May of the *Enterprise*. Late in the fall, however, he sold his interest in the *Winnebago* and went over on the Ohio River to build the steamboat *Warrior*. Subsequent events proved the fitness of this name. She was a side-wheel steamboat and towed a safety barge for passengers instead of having a cabin on deck. Such an innovation served both as a protection to the passengers from explosions and as a



means of decreasing the draft of the boat to facilitate passing over the rapids in low water. An exact description of the *Warrior's* safety barge is unavailable but it was probably modeled after the pioneer of its kind which had been used on the Ohio River by the *Merchant* in 1826. The *Merchant's* safety barge had fifty-two berths, three cabins, and drew but twenty inches of water. Captain Throckmorton was the third to bring this type of craft to the Upper Mississippi: Captain Shallcross of the steamboat *St. Louis and Galena Packet* had introduced one as early as 1827.

Early in the spring of 1832 the rumblings of the approaching Black Hawk War were daily becoming more threatening and when the storm finally broke the steamboats on the Upper Mississippi and Illinois rivers were soon busily engaged in transporting troops and supplies. Steamboating on these waters became so hazardous that it was necessary to barricade the cabins and pilot house against the Indians who frequently lay in ambush along the shore and fired upon the passing boats. It was midsummer before Throckmorton brought the *Warrior* and her barge to St. Louis whence he immediately set out for the seat of war.

The *Warrior* arrived at Prairie du Chien just as Black Hawk and his band were retreating toward the Mississippi. She was immediately pressed into service and the captain was given orders to patrol the river above the fort to prevent the Indians



from crossing. Lieutenants James W. Kingsbury and Reuben Holmes, together with a company of fifteen regulars and six volunteers, were sent aboard and a small six-pounder was placed in the bow of the boat. The *Warrior* first steamed to Wabasha's village where about a hundred and fifty Winnebago Indians were enlisted to help patrol the river. Thence Throckmorton proceeded downstream and reached the spot where De Soto now stands just as Black Hawk and his warriors were pouring down through the hills to the river. A white flag was raised by Black Hawk and Throckmorton was invited to land, but he promptly refused. Black Hawk in turn refused to board the *Warrior*, whereupon hostilities began. During the brief engagement the Indians fired hundreds of shots, only sixty of which reached their mark. One man was wounded. Four shots of grape from the six-pounder sent the Indians scurrying for shelter where they continued a desultory fire.

Having halted the advance of the Indians the *Warrior* steamed grimly down to Fort Crawford for a fresh supply of fuel. While this brief skirmish was of no great significance in itself it served to check the Indians sufficiently to allow the troops to come up and completely rout them at Bad Axe a short time later. After the battle of Bad Axe Brigadier General Henry Atkinson took passage on the *Warrior* to Jefferson Barracks. A short time later Throckmorton's old boat, the *Winnebago*,



brought down Black Hawk and eleven of his head men as prisoners to Jefferson Barracks.

While the skirmish with Black Hawk and his warriors must have been replete with thrills, it was not merely the vicissitudes of war which presented perils to steamboat men. In 1833 an event occurred on board the *Warrior* which might have proved far more fatal. This elicited "A Gentle Caution" from Throckmorton which was published in the *St. Louis Missouri Republican*.

"We have many hardships to encounter, and are exposed to many dangers, which of course we submit to without a murmur;" wrote the captain, "but we would respectfully request our friends not to heap upon us, through their *kindness*, more than we can conveniently endure. Now, *a short story at a woodpile*. On loading my boat at a place of this kind last trip, I discovered several black marks upon the deck, which, on examination, I found to be gunpowder, from a box which my men were about to store away as dry goods, which in part did contain dry goods, but in the middle, concealed, was a considerable quantity of powder, so carelessly placed, that it was strewn throughout the package. Now, I have only to request, that whenever any of my customers have powder to ship, that they will not conceal it, and thereby endanger our lives, but inform us of it. I am not a little surprised that so respectable a concern should attempt a thing of this kind, particularly as the freight would not have



been more upon the article of powder than any other. I should suppose that shippers would have taken the *hint* after what has recently occurred on our western waters. At any rate, it is high time that *we* should. It is not my wish to complain, but *it is* my wish to run my boat with as much safety as possible; and I trust this gentle caution will be attended to."

This sharp but courteous letter reveals a man not afraid to lose his trade if an abuse might be corrected. The "hint" which he referred to was undoubtedly the explosion which occurred in July of the previous year on board the *Phoenix* as she was making her way up the Mississippi from New Orleans. A fire broke out on the *Phoenix* but the boat might have been saved by the strenuous efforts of the captain and crew if some gunpowder, secreted in packages, had not exploded.

Throckmorton continued in command of the *Warrior* until the close of the season of 1835. The boat remained on the upper river in command of Captain E. H. Gleim throughout the season of 1836, but thereafter she disappeared from record. Five years of active service probably made the boat unfit for further use.

The *St. Peter's*, the largest boat on the Upper Mississippi at the time, arrived at Galena in command of Captain Throckmorton on June 8, 1836. She was built at Elizabeth, Pennsylvania, in 1836. On July 2nd she tied up at Fort Snelling with a



cargo of supplies. Among the passengers were J. N. Nicollet, the French geographer, and several ladies from St. Louis who were on a pleasure excursion to the Falls of St. Anthony. Throckmorton continued in the upriver trade with the *St. Peter's* until early fall, when he took command of the *Ariel* and ran her until the close of that year.

In 1837 Throckmorton brought out the *Burlington* and on June 28th he had completed his third trip to Fort Snelling bringing with him one hundred and forty-six recruits of the Fifth Infantry. The *Burlington* should be remembered if only for the many notable characters who graced her deck. Early in the season came Colonel John Bliss and his family with the renowned artist George Catlin and his wife for fellow passengers. During the same year J. N. Nicollet, John C. Frémont, Henry Atkinson, Franklin Steele, and many other prominent personages took passage with Captain Throckmorton. Captain Marryat, the novelist and British sea captain, also paced the deck of the *Burlington* that year. Sweet and serene in the dignity of her eighty years came the widow of Alexander Hamilton, braving the wilderness with its many discomforts to visit her son, Colonel William S. Hamilton, then located in the lead district. Her visit caused a furor of interest wherever the boat stopped.

At the beginning of the season of 1839, Throckmorton replaced the *Burlington* with his new one hundred and sixty ton steamboat, the *Malta*, which



was built in Pittsburgh at a cost of \$18,000. She was one hundred and forty feet long, twenty-two feet beam, and had a hold five and one-half feet deep. The usual business of carrying supplies and annuities to the forts on the Upper Mississippi occupied the first season. In the summer of 1840 the *Malta* was advertised in the *Galena Gazette* to make a pleasure excursion to the Falls of St. Anthony. During the season of 1841 she made four trips to the lead district with five keels in tow, for which her receipts were estimated to be \$4000 on freight and \$4000 on passengers. Late in the fall of 1841, Throckmorton engaged the *Malta* in the Missouri River trade where she was snagged two miles above Laynesville, Missouri, at a point henceforth called Malta Bend. Within one minute she sank in fifteen feet of water. Both the boat and the cargo of furs for the American Fur Company were a total loss.

In 1842 Throckmorton brought the *General Brooke* into the Upper Mississippi trade. Receipts for five trips to the mines that year amounted to \$10,000 while in 1843 fifteen trips to the lead district produced \$25,000. During the same year she made seven trips between Galena and Fort Snelling, besides engaging for a while in the Missouri River trade. A card of thanks for the many favors extended on a trip to Galena early in 1843, signed by Henry Dodge and fourteen others, is eloquent testimony of the character and standing of Captain Throckmorton.



The *General Brooke* started the season of 1845 as a regular St. Louis, Galena and St. Peter's packet, but in midsummer Throckmorton sold her to Joseph La Barge for \$12,000. This was the first boat La Barge owned and he immediately entered her in the Missouri River trade. It was in the great fire of 1849 at St. Louis that the *General Brooke* met her fate, together with twenty-two other steamboats. She was being used at the time as a towboat by Captain A. J. Ringling, who estimated his loss at only \$1500.

After making a few trips on the *Nimrod*, an American Fur Company boat, Throckmorton took command of the *Cecelia* and ran her in the St. Peter's trade for the remainder of the season of 1845. Once she poked up the St. Croix River as far as Stillwater. Throckmorton's old boat, the *Ariel*, had been the second to navigate that tributary in the fall of 1838. When the Mexican War broke out in 1846, Throckmorton brought down the dragoons stationed at Fort Crawford and Fort Atkinson to St. Louis on the *Cecelia*, and during the remainder of the season many volunteers from the upriver region crowded her deck.

During the winter of 1845-1846 Throckmorton built the side-wheel steamboat *Cora* at Rock Island, a significant index to the development of the country in which he had been a steamboating pioneer. The *Cora* had a displacement of one hundred and forty-four tons and measured one hundred and



forty feet in length, twenty-four feet in beam, while the depth of her hold was five feet. Her engines had been built at St. Louis. Throckmorton took command of the *Cora* late in the fall of 1846 and in the following year was the first to reach Fort Snelling, battering his way through floating ice to reach that port on April 7th. The *Cora* was advertised in the Galena newspaper for the St. Peter's trade as early as the twenty-sixth of February. Throughout the season of 1848 Throckmorton continued to command the *Cora*, but in March, 1849, sold her to Captain Reilley who took her into the Missouri River trade.

When Throckmorton disposed of the *Cora* he ended his career as an active captain on the Upper Mississippi. For a few years he was agent for the Tennessee Insurance Company at St. Louis, but the urge of a pulsing steamboat overpowered him and he returned to his former occupation on the Missouri River. For three years he commanded the *Genoa* which he built in 1854. In 1857 he built the *Florence* and in 1864 the *Montana*. Four years later he purchased the *Columbia* and employed her in the trade between St. Louis and Fort Benton. After several trips on the Illinois River he sold her to the Arkansas River Packet Company.

Captain Throckmorton spent the last two years of his life as a United States engineer under Colonel John N. Macomb in the improvement of the Upper Mississippi. He died in St. Louis in December,



1872, after having engaged in river work for almost fifty years. It is said that he accumulated several fortunes during his colorful career as a river captain, but finally died a poor man.

Joseph Throckmorton showed himself to be a conservative steamboat captain during his twenty years of service on the Upper Mississippi. Unlike Daniel Smith Harris, who was continually seeking to establish new speed records or exploring hitherto unnavigated streams, Throckmorton's ambition was to establish a reliable and remunerative business. This could not be accomplished with a "nigger" hanging on the safety valve. His enterprising spirit was evidenced by his formation of the first coöperative agreement between steamboat captains on the Upper Mississippi, and again shortly afterward when he used the safety barge as a further means of gaining business. Chief Keokuk was so impressed with the personality and character of Throckmorton that it is said he offered him the site of "Flint Hills" where Burlington now stands as a token of friendship. Hercules L. Dousman, agent of the American Fur Company at Prairie du Chien, recommended Throckmorton's boats in preference to those of rival captains. His steamboats were indeed among the finest then afloat and their popularity was further attested by the type of passengers he carried. Cabin passengers rarely failed to subscribe a title to their name, so that the register became a galaxy of generals, majors, doctors, and



judges. If nothing better was available an "Esquire" was appended to lend dignity to a signature.

Throckmorton's cargoes varied widely. On April 10, 1830, for example, the *Red Rover* arrived at Galena with five hundred and thirty-seven packages, bales, and barrels in addition to a thousand feet of plank. Four hundred and sixty-three packages had been unloaded at various towns on the way. Besides the freight the boat had brought up nineteen cabin passengers and a hundred and twenty-five deck passengers. Pigs of lead constituted the main cargo downstream.

Amusements on board were as varied as human ingenuity could devise. A landing at a town or fort was always an interesting event. Indian villages were often visited and the dusky savages could usually be prevailed upon to perform their dances and sing their songs for a nominal sum. Dancing and games were popular among the cabin passengers and during the presidential years innumerable straw votes were cast.

It was the captain's duty to pass among his cabin passengers and minister to their wants in a kindly and courteous manner. At the end of the trip the cabin passengers would usually meet informally and select a committee to draw up resolutions commending the captain and his officers for their many courteous and gentlemanly qualities. These resolutions, with the names of the passengers subscribed, were then printed in a newspaper. Indeed, this practice



became so common that one English traveller humorously wrote that Mississippi steamboat captains must be an exceptionally polite and cultured class. Among the deck passengers games of chance, coarse jokes, fishing, and often drunkenness prevailed. Robberies were frequent. In 1833 some thieves carried away almost every piece of wearing apparel they could find belonging to the passengers on the *Winnebago*.

Captain Throckmorton witnessed a remarkable change in the country he helped to develop. In 1828 there were few settlements above the head of the Lower Rapids. Eight years later the Galena newspaper advertised the sale of lots at Port Byron, New York, Oquawka, Rockingham, Paris, Platteville, Pauquette, Van Buren, Bloomington, Parkhurst, Illinois City, Burlington, New Rochester, Keithsburg, and Rockport, some of which are probably unknown even to the oldest inhabitants of this region.

Within this broad valley to-day there dwell many people, the descendants of those pioneers who were carried on the decks of the *Red Rover*, the *Winnebago*, the *Warrior*, the *St. Peter's*, the *Ariel*, the *Burlington*, the *Malta*, the *General Brooke*, the *Nimrod*, the *Cecelia*, and the *Cora*. Such boats in landing their cosmopolitan passengers left their tribute of farmers, landseekers, tradesmen, soldiers, and others who helped to settle the Middle West.

WILLIAM J. PETERSEN



## The Forest City Meteor

Among the regions that have been unusually favored in the number and importance of their meteoric visitations, Iowa ranks high as a field for the investigation of such phenomena, for within the borders of this State have occurred four of the most noteworthy "falls" ever witnessed in modern times. The earliest recorded Iowa meteorite fell in the vicinity of Marion in Linn County on February 25, 1847. It attracted considerable attention and comment throughout the scientific world. On the evening of February 12, 1875, came the great Amana meteor, which for sheer beauty and the brilliance of its pyrotechnic display has seldom been surpassed. The Estherville meteoric shower of May 10, 1879, was in several respects the most remarkable ever seen. Not only was this the largest observed American meteorite, but it was the largest iron-stone type whose fall has been witnessed anywhere. Moreover, the principal mass, which weighed four hundred and thirty-one pounds, penetrated the earth farther than any other in the world.

By the frequent appearance of meteors the people of Iowa became accustomed to such phenomena and so educated in respect to their true significance that the passing of a great meteor was no longer viewed with fear and apprehension but rather with a lively



interest and curiosity. This greatly aided scientists in their subsequent investigations carried on within the meteoric field for the purpose of ascertaining the course, orbit, and other vital information pertaining to meteors.

During the spring of 1890, northern Iowa experienced singularly good weather: the snows of a rigorous winter had receded before the advancing sun and the frost was rapidly coming out of the ground. The second of May found the farmers going about their usual duties, the larks were nesting on the prairie, buds were swelling, and the atmosphere of spring was luring people out of doors.

Late in the afternoon, when the sun was hanging low in the western sky, little more than an hour above the horizon, many farmers were coming in from the fields preparatory to commencing their evening chores. Women and children were bringing in the cows, when suddenly a great fire-ball appeared in the west, eclipsing for a moment the sunlight of an almost cloudless sky. Travelling at incredible speed from the southwest, came the roaring meteor, "sputtering" and throwing off a long train of sparks. The dazzling head, likened to the moon in size, left a heavy line of black smoke in its wake, distinctly marking the meteor's course through the heavens.

The velocity of the fire-ball was such that, as viewed by faculty and students from the campus at Grinnell College, where a baseball game was in

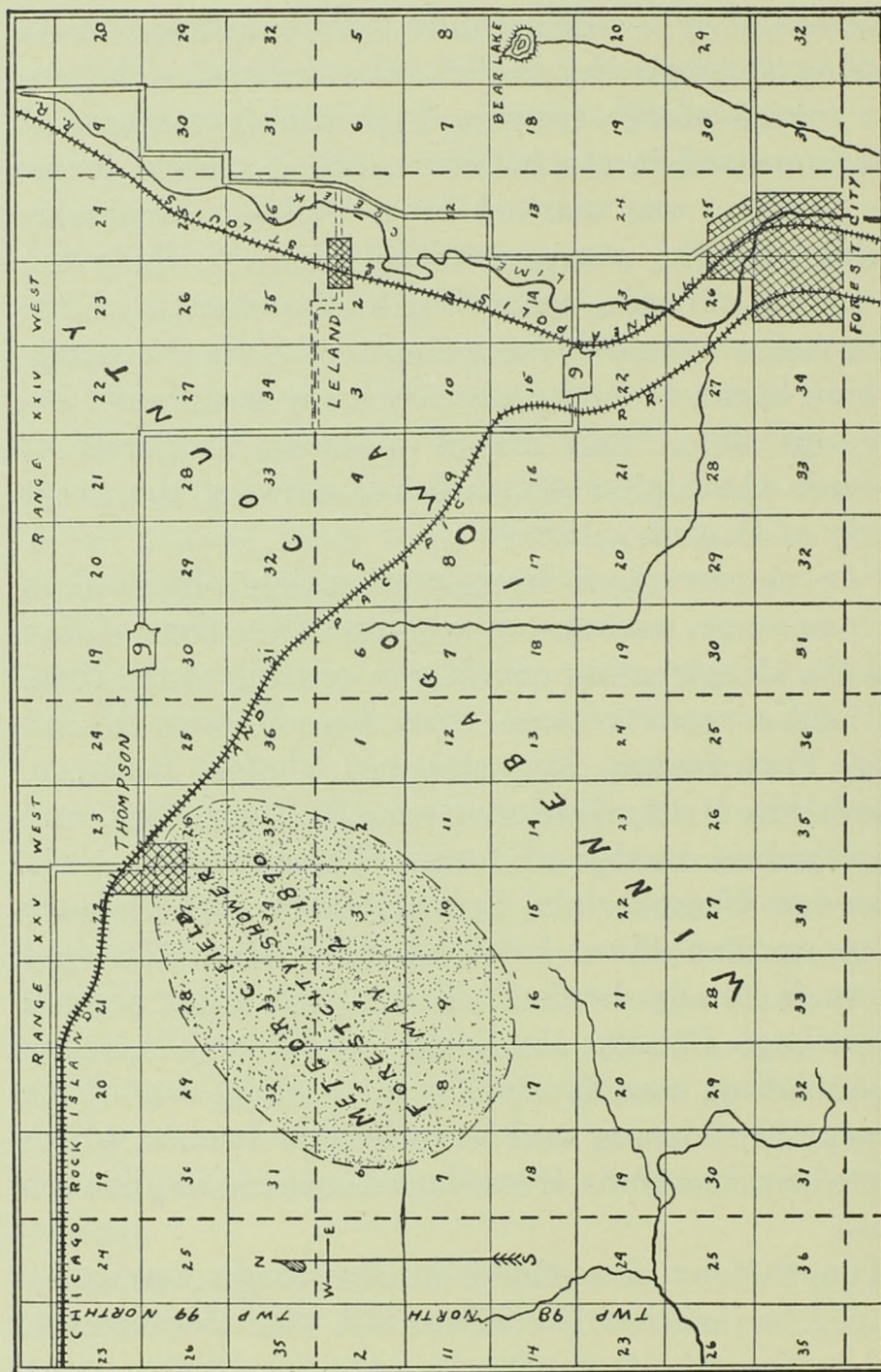


progress, only a few seconds were consumed in its passing through the earth's atmosphere. The entire course of the meteor, from the spot where it first appeared in the heavens until it passed below the horizon, was marked by a "ribbon of smoke, having straight, sharply defined edges." Fully ten or fifteen minutes, according to the station of the observer, was said to have elapsed before the smoke column began to curl gradually away and finally became invisible. This ribbon of smoke, "tapered off towards the higher atmosphere, showing the great rarity at that elevation."

Few meteors have been more widely observed in their passage, perhaps on account of the time of day and the ideal weather conditions existing at the time. Authentic reports came from Des Moines, Mason City, Fort Dodge, Emmetsburg, Algona, Ruthven, Humboldt, Britt, Garner, Grinnell, Sioux City, and other points outside of Iowa. The meteor was observed at Chamberlain, South Dakota, at a distance of more than three hundred miles from the spot where it finally landed. For many miles around Winnebago County, the noise was likened to heavy cannonading, accompanied by a "rushing sound" or "unearthly hissing and a noticeable tremor which caused citizens to fly from their houses to inquire the cause."

The meteor descended at an angle variously judged to incline from  $50^{\circ}$  to  $55^{\circ}$  with the horizon, and to the eye its course was apparently from the





FROM A MANUSCRIPT MAP BY BEN HUR WILSON AFTER A SKETCH BY TORREY AND BARBOUR IN 1891  
THE GEOGRAPHY OF THE FOREST CITY METEORIC SHOWER



southwest toward the northeast, its fiery "comet-like" tail appearing to be from  $3^{\circ}$  to  $4^{\circ}$  in length. The final explosion occurred over Winnebago County, about eleven miles northwest of Forest City. An area some three to four miles in length and from one and one-half to two miles in breadth was showered with meteorites. Although this meteoric field was adjacent to the new town of Thompson, it was readily accessible from Forest City, the county seat. Inasmuch as most of the publicity emanated from the latter place, the meteor became known as the Forest City meteor, though Thompson would have been a more accurate geographical designation.

As usual there was some discrepancy in determining the exact time of the fall, due probably to variation in the timepieces of individual observers. Some said that the meteor arrived at 5:15 o'clock and others fixed the time as much as fifteen minutes later.

According to Joseph Torrey and Erwin H. Barbour who first reported the event in the *American Journal of Science* in 1890, it appears "that the phenomenon was rather in the nature of a meteoric shower, judging by the appearances and the fact that several complete meteorites of considerable size were found at long distances from each other with a number of smaller ones." Of the larger meteorites, two were found weighing approximately four pounds each, one of ten pounds, another sixty-six, and the largest eighty-one pounds. Several hundred smaller



pieces scattered over the meteoric field were recovered, ranging in weight from less than an ounce to almost a pound.

A few small meteorites may have fallen across the State line in Minnesota, but it is not definitely recorded that any such were ever recovered. Another so-called "Kossuth County Aerolite", which was purported to have fallen in the adjoining county, figured prominently in the early reports. This stone, which weighed one hundred and four pounds, was sold to speculatively inclined parties in Forest City, but was subsequently discovered to be nothing but a granitic boulder, commonly called a "nigger-head", so abundant in the glacial drift of that region.

The Forest City meteorites were typically chondritic, the common stony-iron type. Practically all pieces were covered with a dark reddish-brown coating or incrustation formed by fusion, the result of the friction of the meteoric material with the atmosphere of the earth.

Contrary to popular belief, the meteorites were not hot when they reached the earth. While their surfaces undoubtedly became heated to a state of fusion, the duration of their flight through the air was so brief that the interior portion remained at approximately the same extremely cold temperature of outer space, and thus the surface cooled almost instantly after the final explosion when the velocity was greatly reduced. The sixty-six pound mass, which buried itself more than three feet in the hard



prairie soil, was not hot when removed the next day, "notwithstanding all reports to the contrary." A geologist who visited the spot shortly afterward reported that "the clay around it was neither baked nor in any way changed;" and that the eighty-one pound stone "fell on old turf, where last year's grass remained dry, and after the stone was taken out, portions of the grass carried down by it, adhered to the surface unburned."

One of the smaller meteorites, about as large as a cake of soap, which fell upon a straw stack, did not ignite it, and the boy close by who picked it up immediately dropped it, saying that it was "so cold that it burned his hand". At one place the falling fragments bombarded the roof of a farm house like "stones of hail". Many of those who resided within the meteoric field said they detected the odor of sulphur.

Newspapers throughout the surrounding country carried reports of the meteor and persons most interested in scientific pursuits were at once alert for information that might lead them to the exact location of the meteorite. To a Norwegian farmer named Hans Matterson who lived in the neighborhood must go the credit of turning in the earliest reliable information, for within a day or two after the meteor was seen he brought to Forest City a few broken fragments and left them on display at a local hardware store. In thrifty Norwegian fashion he had "pounded them open with an ax in search of silver". In



this he was apparently justified, for the stones "contained fine specks and filaments of bright nickel-iron much like silver in appearance."

Matterson said that a neighbor, Peter Hoagland, had found a stone "as large as a water-bucket". About this time, Horace V. Winchell, assistant State geologist representing the University of Minnesota, arrived in Forest City and went directly to the Hoagland farm. Peter and his wife were quite willing to sell the stone which they believed was a direct gift of God.

It appears that they had been embarrassed "by their inability to contribute to the cost of building a new church" in the community, and on the evening of May 2nd Mrs. Hoagland and her niece "were driving in the cattle when a cloud, making a loud noise, passed over, and out of it dropped this stone", almost at her feet.

Before terms could be agreed upon, a second purchaser arrived. In the three-cornered dickering which ensued the bidding became spirited to a degree of recklessness. When it became evident, however, that Winchell was not to be thwarted in his desire, the newcomer ceased bidding and the stone was sold to the geologist for more than a hundred dollars.

Having paid Hoagland in cash and taken a receipt, Winchell hurriedly placed the meteorite in the back of his buggy and drove back to town, stopping on the way to purchase some of the smaller



pieces at the farm where the stones had fallen upon the roof. At Forest City he lost no time in securing a strong box in which the meteorites were carefully packed. He then took the box to the station, expressed it to Minneapolis, and returned to the tavern with a distinct feeling of satisfaction to await the coming of the early morning train.

It appears, however, that Winchell's erstwhile competitor had his wits about him and had decided to pursue a different course of strategy. He had observed that the meteorite had fallen, not upon land owned by Hoagland, but in a pasture or meadow across the road. And thereby hangs a tale!

The records showed that the meadow land was the property of John Goddard of Greensburg, Indiana, and leased to James Elickson. Since quick action was imperative, a writ of replevin was sworn out in the name of Goddard and signed by his agent residing in the neighboring town of Britt. Armed with this writ, the sheriff went to the local express office in the middle of the night, took possession of the box, and removed it to a vault where it was stored for safe keeping, awaiting the disposition of the courts.

Alas! Peter Hoagland was compelled to surrender the money which he had deposited in a local bank, and no doubt his faith in the providence of the Lord was tremendously shaken, for the district court in Winnebago County decided that the stone had no owner prior to its fall; but since it actually



entered the soil and became a part thereof it belonged to the owner of the land, and that the act of Hoagland in removing it, even with the consent of the tenant, was wrongful.

The case was appealed to the Supreme Court of Iowa, but before this tribunal had rendered a decision the University of Minnesota again obtained possession of the meteorite through an action of replevin and immediately removed it across the line into Minnesota, where it was thrown aboard a moving freight train which carried it to Albert Lea and thence by night express to Minneapolis. There it was buried in a vacant shed, to remain interred for nearly two years. In October, 1892, the Supreme Court of Iowa sustained the lower court in the opinion that meteorites, like coal or any other mineral resources, belong to the owner of the land where they lie.

After this decision, the University of Minnesota was sued on its replevin bond in the district court at Forest City. The jury assessed the value of the meteorite at nearly five times the original value fixed by the court, which sum was cheerfully paid and the stone was deposited in the museum of the University where it has remained unmolested to this day.

The Forest City meteorites are well distributed in various museums. Besides the sixty-six pound stone in Minneapolis the eighty-one pound meteorite reposes in the American Museum of Natural History,



the Field Museum in Chicago possesses the ten-pound mass and more than seven hundred of the smaller fragments, and the Peabody Museum at Yale likewise exhibits between two and three hundred of these smaller pieces. Through various channels of exchange, many of the smaller specimens have found their way into private American collections and European museums.

Both the Forest City and the Estherville meteor of 1879 were apparently aimed from the battlements of heaven toward the State of Minnesota, but both fell some several miles short of the target. This faulty marksmanship, however, did not deter enterprising citizens of Minnesota from obtaining some of the missiles. It is indeed fortunate that important specimens of these rare meteorites are preserved in the Middle West where they fell, as objects of special interest to the people of this region.

BEN HUR WILSON



## Comment by the Editor

### THE JURISPRUDENCE OF METEORITES

"I've been a-turnin' the bis'ness over in my mind," said the elder Mr. Weller, referring to Mrs. Bardell's breach of promise suit against Mr. Pickwick, "and I s'pose he'll want to call some witnesses to speak to his character, or p'raps to prove a alleybi. Now my advice 'ud be this here — never mind the character, and stick to the alleybi. Nothing like a alleybi, Sammy, nothing."

The younger Mr. Weller tried to explain that the circumstances in this case made the use of an alibi impossible. But the faith of his father remained unshaken in the universal efficacy of that means of defense, insisting that "a alleybi's the thing to get him off." And after the trial, when Mr. Pickwick was ordered to pay seven hundred and fifty pounds damages or go to prison, Mr. Weller shook his head mournfully. "I know'd what 'ud come o' this here mode o' doin' bis'ness. Oh, Sammy, vy worn't there a alleybi!"

However desirable an alibi may be in some instances, a writ of replevin seems to be the favorite instrument for determining the ownership of meteorites. At least Iowa lawyers have usually resorted to that device — and this State appears to



have a monopoly of legal precedents on the subject. Not that there has been any conspiracy to exclude other jurisdictions from this peculiar litigation, but because providence has cast upon Iowa soil the three largest meteorites that have been seen to fall in North America.

In the spring of 1876 Henry Maas found a heavy black stone by the side of the road near Homestead. It was just what he wanted to hold down the lid of his kraut barrel, so he took it home and put it to work with the kraut. There the stone was discovered and claimed as a meteorite by the Amana Society on whose land it had fallen. Some time afterward, at the instigation of speculators, Maas obtained a writ of replevin and sued the Amana Society to recover his kraut weight, claiming title by right of finding an object that had no prior owner, at least within the jurisdiction of mundane courts. The defendants maintained that the stone was a natural accretion and as such belonged to the owner of the land. This meteorite, they argued, "coming with great dignity in a chariot of fire" was no less a part of their land on that account than if it had been dragged there on an ice floe before man had developed a taste for sauer kraut. Such reasoning convinced the court and the Amana Society still owns the meteorite.

Within two years after the Amana meteorite case had been decided, another celestial visitor arrived at Estherville. Again the question of ownership arose.



The largest of the Estherville meteorites fell into the hands of some boys who hid it for a while. Eventually, however, the owner of the land where the stone was dug up obtained possession of it on a writ of replevin. The case was not contested.

When the agents of John Goddard undertook to replevy the meteorite which fell on his land near Forest City in 1890, they met legal resistance. H. V. Winchell, who had purchased the stone from the finder, did not propose to surrender his prize without a struggle. When the district court decided against him, he appealed to the Supreme Court of Iowa where, for the first and only time apparently, the law applicable to the ownership of meteorites was reviewed and a decision rendered by a tribunal of final resort.

Attorneys for Winchell contended that the ancient rule of "occupancy" governed the case, whereby a movable object belongs to the finder against all the world except its former owner because by being lost or abandoned it is deemed to have returned to the common stock and mass of unowned things and therefore belongs as in a state of nature to the first occupant or finder. "Before this aerolite reached the earth it unquestionably belonged to the 'common stock and mass of things,' and, therefore, was not the property of anyone. It was not realty, in the legal sense of the term, and no more belonged to the owner of the land on which it was destined to fall, than it belonged to the man who was afterwards



destined to find it there. Now was its character changed from that of a chattel to that of realty, and its *status* changed from that of a thing unowned to that of a thing held in fee simple, the instant it struck and buried itself in the surface of the soil?" Even though it penetrated the ground to a depth of three feet it did not become a part of the soil but remained a solid ball of metallic stone, "as useless for any practical end, as though it had remained in the sky." But to decide that things of "such peculiar and singularly scientific value belong to the fee", the plaintiff concluded, "is to discourage research, and retard progress in scientific knowledge."

On behalf of the defendant an equally venerable rule of law was invoked — *quidquid plantatur solo, solo credit*, or in modern form, a thing in itself personal which is affixed to the soil becomes a part of the realty. According to this doctrine the meteorite, being down in and a part of the soil, would belong to the owner of the land. What difference would there be, argued the attorneys for Goddard, between this aerolite, buried three feet, and the bones of a mammoth or fossils embedded in a ledge of rock at the same depth? There was nothing in the substance of the meteorite to make it foreign to the soil. Even the manner of its coming was natural, though unusual. Like alluvial accretions, meteoric material should belong to the owner of the land where it is deposited. Even if an aerolite were assumed to be a chattel, the finder's title to it would depend upon



its being unclaimed by a former owner, whereas this stone was claimed by the land owner.

After thoughtful consideration of the principles of law involved and due appreciation of the significance of the case, the court decided that meteorites belong to the owner of the land on which they fall. Justice Charles T. Granger, who wrote the opinion, reviewed the legal nature of the question and expressed some uncertainty as to the validity of the decision. His doubts arose, however, "not so much from the application of known rules of law to proper facts as from the absence of defined rules for these particular cases." Nevertheless the conclusions of the court seemed most nearly "analagous to the generally accepted rules of law bearing on kindred questions, and to subserve the ends of substantial justice."

Meanwhile Mr. Winchell had been pondering the devious ways of justice. If a meteorite could be lost in replevin, perhaps it could be retrieved by the same process. Upon his suggestion the University of Minnesota obtained a writ of replevin and contrived to get possession of the stone. When the ownership of the aerolite had been determined, a suit was brought to recover it, but the University chose to forfeit its bond and keep the specimen.

Verily it would seem that he who would have a meteorite should be familiar with the uses of replevin.

J. E. B.



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