

THE PALIMPSEST

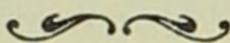
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A Rare Man

Early in 1839 the Dubuque *Iowa News* printed some observations of a "Wolverine among the Hawkeyes". The ostensible traveller invariably alluded to the residents of the Territory of Iowa as "Hawkeyes" and always in a complimentary fashion. This article was reprinted in other Iowa newspapers and attracted much attention. As the Wolverine continued his journey from Dubuque to Burlington and through Lee County to Mount Pleasant, he contributed further comments on the character and politics of the Hawkeyes in contrast to the Buckeyes of Ohio, the Hoosiers of Indiana, and the Suckers of Illinois. By the time his fourth and last letter appeared in April, his nickname for Iowans was well known.

David Rorer, of Burlington, who used the title "Wolverine" as an alibi to conceal his identity, wrote the stories primarily to confirm the usage of Hawkeyes as the proper appellation for the inhabitants of Iowa. He wanted to prevent the adop-

tion of some derisive name, such as the "Pukes" of Missouri. Apparently his efforts were influential in accomplishing his purpose.

There is considerable evidence that he was not alone in the desire to secure a popular name for Iowans that would have a favorable connotation. In the fall of 1838 several leading citizens discussed the subject in the office of Governor Robert Lucas and "Hawkeyes" was agreed upon as the most appropriate sobriquet. Perhaps Rorer was present. J. G. Edwards, who had proposed the nickname in the first issue of his *Fort Madison Patriot* on March 24, 1838, was in the group, and maybe Rorer suggested it to him. Certainly Rorer did as much as anyone to popularize the term, though Edwards, on September 5, 1839, incorporated the word in the title of his *Burlington Hawk-Eye & Patriot*, where it has remained ever since.

David Rorer was by nature a promoter, exceptionally well qualified by ability and inclination to participate effectively in the development of a frontier community. Born on a farm in Pittsylvania County, Virginia, on May 12, 1806, he studied law in the office of Nathaniel H. Claiborne, was admitted to the Virginia bar before he was twenty years old, and decided to seek his fortune in the West. Accompanied by a slave, he set out on

horseback in the fall of 1826 for Little Rock, the capital of the Territory of Arkansas. In that frontier town of less than five hundred inhabitants, overlooking the Arkansas River, he began the practice of law and the exploitation of political and economic opportunities.

As a lawyer he was probably not very busy for a few years. He lived across the river on a farm which he cultivated. For the benefit of himself and neighbors he operated a ferry. Very likely these enterprises commanded most of his attention, but meanwhile he must have been earning a favorable reputation for he served as county judge from 1830 to 1832. The title of Judge clung to his name the rest of his life. After presiding over the local court he became the prosecuting attorney for Pulaski County.

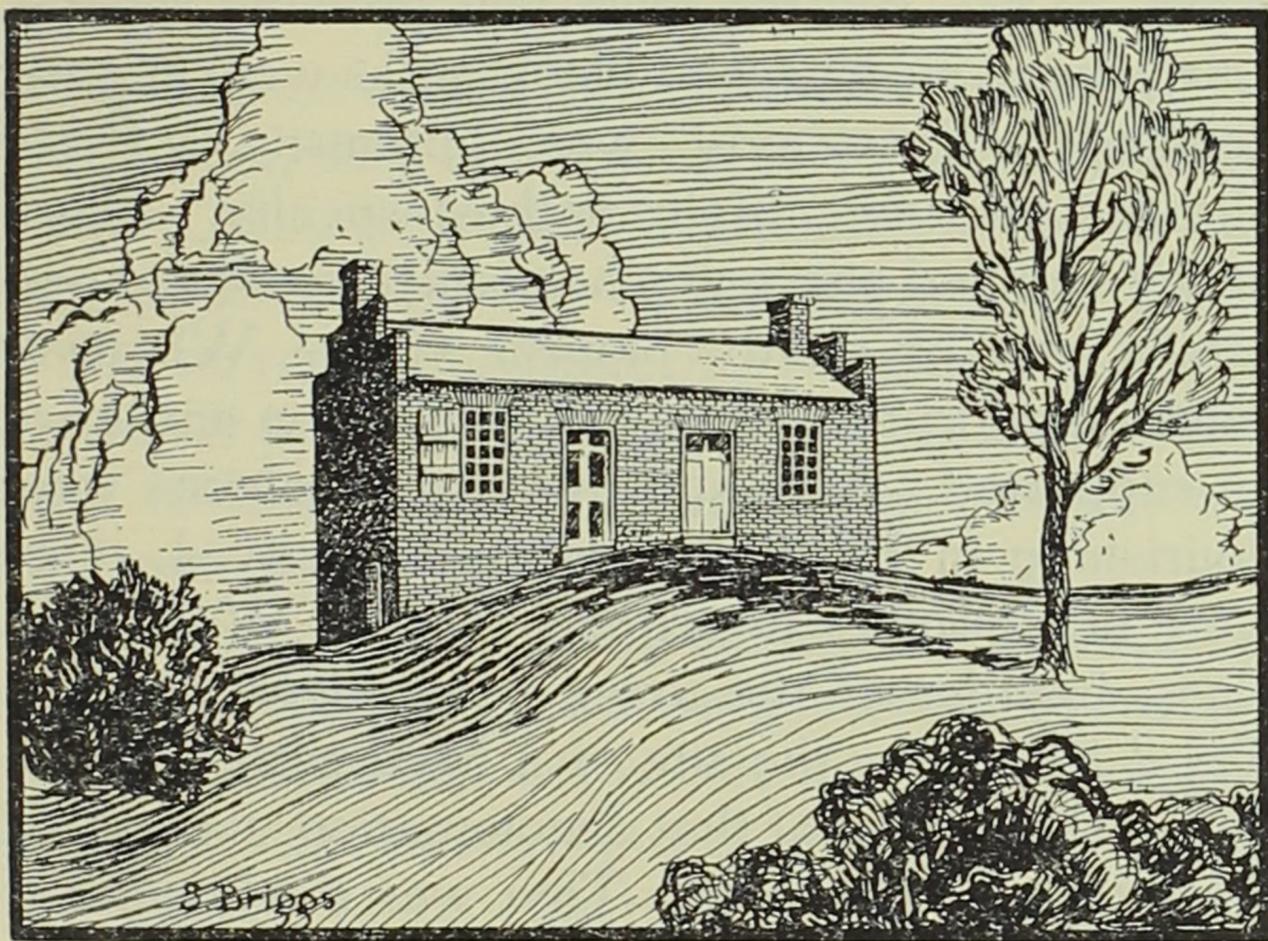
Meanwhile, romance entered the career of the young attorney. He fell in love with a young widow, Mrs. Martha Daniel Martin, and presently in 1827 they were married. Both the Daniel and Martin families were prominent among the pioneers of Pulaski County. The first son was named Daniel for his mother's folks and the second was named Claiborne, apparently in honor of his father's legal mentor in Virginia. The first daughter was called Martha like her mother. Frances was their second daughter.

Little Rock, being the capital of Arkansas, was the center of politics. It was inevitable that an ambitious lawyer should be interested in the affairs of Territorial government. Internal improvements constituted a vital issue for the early settlers, and the pioneers of Arkansas were no exception. When Congress appropriated funds to build a military road from Memphis to Little Rock, Rorer superintended construction of the western portion. He also participated in the removal of the Indians to the region reserved for them farther west. As special agent in the fall of 1834 he visited the country designated for the Seneca Indians, reported on the character of the land, and made contracts for supplies.

Though he was southern born and bred, David Rorer deplored some of the social and economic conditions that prevailed. He yearned for better opportunity. In the fall of 1835 he manumitted his slaves and set out with his family to seek a new home on free soil. Having tarried during the winter in St. Louis, he proceeded by steamboat up the Mississippi River when navigation was resumed and arrived at Burlington on March 27, 1836.

The little community of about forty houses on the west bank of the Mississippi then in the Territory of Michigan, was less than three years old. But Burlington was a bustling town, the metrop-

olis of the southern part of the Iowa country which, about three months after Rorer established his home there, became the most populous part of newly created Wisconsin Territory. Early in



SKETCHED FROM AN OLD PHOTOGRAPH

THE FIRST BRICK HOUSE IN IOWA

July, Congress authorized Burlington to be platted and fixed the government price of lots at ten, twenty, and forty dollars, though some were then selling for as much as \$500. Rorer chose a site for his residence and office at the southeast corner of what became Fourth and Columbia streets. There, during the summer of 1836, he built the first brick house in Iowa. "Let me show you how a lawyer

can lay a brick", he told the mason as he took the trowel and placed the first brick in position.

Only four lawyers, including Rorer, were in Burlington when James W. Grimes arrived in April, 1836. But the town was growing rapidly. Carpenters, masons, and blacksmiths were in great demand. Everybody was optimistic. Rorer plunged into civic affairs enthusiastically. Short, heavy-set, and energetic, he seemed to be the personification of sturdy pioneer vigor. Whatever contributed to the welfare of Burlington and Iowa he supported. Although five or six saloons were flourishing in Burlington when he arrived, there were no churches or schools. When William R. Ross, founder of the town, donated two lots on Third Street for the site of a Methodist Church, Rorer, though not of that denomination, subscribed more than anyone else. That was the beginning of Old Zion.

Problems of community sanitation, fire protection, and street improvement were beginning to demand solution. In response to the authority granted by the legislature of the Territory, the citizens of Burlington decided to organize a town government in the spring of 1837. At the election of officers, David Rorer was chosen to be one of five trustees. Their first meeting was held in his office on April 29, 1837, the town boundaries were

defined, and plans were made to draft some ordinances.

In the course of the summer of 1837 the settlers west of the Mississippi began to talk about separating from Wisconsin. On November 6, 1837, delegates from the Iowa country convened in Burlington, then the capital of Wisconsin Territory. Cyrus S. Jacobs, a prominent lawyer and newspaper editor, was chosen to preside. David Rorer served as chairman of a committee to draft a memorial petitioning Congress to create the Territory of Iowa. In eight months that object was accomplished.

Meanwhile, the leading citizens were convinced that the simple form of town government provided by general statute was poorly adapted to municipal functions and the power of the trustees was too limited to be effective. With the needs of Burlington in mind, Rorer drafted a special charter providing for a mayor, representative council, and other officials. This plan was approved by the Legislative Assembly on January 19, 1838, and adopted "by a very large majority" of the voters in Burlington on January 30th. With the election of new officers six days later, the first city government in Iowa went into operation. But Rorer did not share in the final adoption and application of his plan. An epidemic of disease had settled like a

pall upon the town in the fall. It seemed as if everybody had chills and fever. On January 6th, Mrs. Rorer, "a lady estimable and exemplary in every relation of life", died. It was a hard blow, just when hopes for the future seemed brightest. With four small children to rear amid the hazards of frontier conditions, David Rorer must have felt depressed. He seems to have dropped out of civic affairs for several months. But he was not one to despair. Confident of his own ability and determined to fulfill his responsibilities, he accepted his sorrow and went about his business with increased devotion. On Friday, July 13th, he formed a partnership with W. Henry Starr.

With his law practice arranged, he announced his candidacy for Delegate to Congress on the following day, and began a vigorous campaign by addressing, with Cyrus S. Jacobs, "a large and respectable meeting" of Taney Town prairie voters. Maintaining an independent attitude, he spoke at the principal towns, often sharing the platform with rival candidates. On August 23rd he and two opponents took advantage of the crowd attracted to Fort Madison by a circus, and explained their opinions on Federal aid for schools and roads, the location of the capital, revision of the preemption laws, and settlement of the Iowa-Missouri boundary dispute.

W. W. Chapman seemed to make the most effective appeal to the voters. On one occasion, when several candidates were stumping together, Rorer arranged to speak first. Much to the surprise of Chapman and the amusement of the others, he made Chapman's usual speech. Chapman remarked that he was "fortunate in at least converting Rorer to his policy." Rorer jumped up and retorted, in his impetuous manner, bobbing his head, "Yes, gentlemen, the speech just delivered by me was Chapman's speech, and it was the poorest speech that I ever made."

Apparently his own speeches were not good enough. When the voters cast their ballots on September 10th, Chapman was elected. Rorer ran a poor fourth, receiving only 605 votes. He accepted defeat graciously, however, saying he had made \$500 by the canvass: it cost him \$500 but he had \$1000 worth of fun.

The campaign, characteristic of the times, was bitterly partisan and full of personal vituperation. Cyrus S. Jacobs, erstwhile editor of the *Burlington Gazette* and successful candidate for the Territorial legislature, criticized Rorer severely and published scathing denunciations of him. His invectives were sharply answered by the pugnacious Rorer. On October 29, 1838, they met on the street and Jacobs demanded an explanation of

certain charges against him. Rorer indignantly refused, whereupon Jacobs tried to cane him. This was more than a man of Rorer's resolute temperament would take without retribution. Incensed at such an attack, he borrowed a pistol, walked up to Jacobs, and shot him.

The wounded man was taken home and the ball, which had entered his left side and lodged against his spine, was extracted. For a while it seemed that he might survive, but the injury proved to be fatal. After suffering the "most intense and excruciating pain" for two days, he died on November 1st. The funeral was attended by "one of the most numerous and respectable concourses of people" Burlington had witnessed. Jacobs's newspaper associate, James Clarke, deplored the "sad and awful" tragedy because he thought the reputation of the town would suffer. "We confess that it looks bad", he wrote, "but we think we read in the sorrowful countenances of our citizens, and the universal condemnation which the occurrence has elicited, a determination, in future, to prevent a repetition of like affrays."

In spite of the general shock to the community, Rorer's prestige was not injured. No criminal indictment was filed against him. He went about his business as usual. The fatal quarrel seemed to be regarded as a private affair. But this was the

end of Rorer's career in politics, for which he had little talent or inclination. "If the quest for public office provokes such feeling," he declared, "I will never again campaign for election." He kept his vow, though he served three years, 1847 to 1849, as city solicitor, an appointed officer.

Rigorous self-discipline was characteristic of the man. He worked hard, devoting himself without reservation to the interests of his clients. No personal sacrifice for the benefit of his family was considered too onerous. When he accidentally burned his grandson's cheek with a cigar, he was so remorseful that he swore he would never smoke again. He never did.

David Rorer was thirty-two years old when he shot Cyrus Jacobs. Henceforth, until the day of his death on July 7, 1884, at the age of seventy-eight, he devoted his intellectual power, his dynamic energy, and his deep affection to his family, his clients, and his profession. No name appeared more frequently among the attorneys at the bar of the district court in Burlington. He argued for human liberty in the first case heard by the Supreme Court of the Territory in 1839. During the next thirty-seven years the Supreme Court of Iowa held scarcely a session in which he did not appear.

Through the legal complications of the transition from Territory to State, the turmoil of the

Civil War, and the construction of the railroads, he led the way. In the spring of 1846 during the early stages of devising an agreed case which would present the issues of the Iowa-Missouri boundary dispute in a justiciable manner to the United States Supreme Court, he acted as the attorney for the Territory. Later in the year, however, Iowa became a State and Congress provided for the adjudication of the dispute. Opposed to slavery and secession, he supported the Union cause in the Civil War though he deplored the resort to arms. His most distinguished achievements were in the jurisprudence of interstate commerce. With the development of his mastery of that field of law, the respect of his associates grew apace.

In March, 1839, he married Delia Marie Viele, sister of his friend Philip Viele of Fort Madison. They had three daughters — Mary Louisa, Delia M., and Virginia Douglas. In 1841 he built the big stone house at the corner of Fourth and Washington streets and filled it with books and works of art. His library on legal subjects, especially old works of Spanish and French origin, was said to be the best in Iowa, and he used it to good advantage. As the years passed, he loved to sit with his family before the blazing logs of the fireplace. His hospitality was as expansive as the spacious, high-

ceilinged rooms of the old home where he and his wife entertained their friends.

By contemporary lawyers, he was held in high esteem as one of the most scholarly and talented members of the bar, "in some respects, a genius." Aggressive, stubborn, and serious, he was nevertheless courteous and affable, a worthy exponent of the shoulder-cape and green-bag era. David Rorer was unique in appearance, manner, and spirit — "a rare man" in the opinion of all who knew him well.

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