



John A. Dillow.

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JUDGE JOHN F. DILLON.

BY EDWARD H. STILES.*

I venture to say that no son of Iowa has conferred a more substantial and enduring honor upon her name, or more justly deserves to be embalmed in her historic archives, than John F. Dillon; successively Judge of one of her District Courts; Judge and Chief Justice of her Supreme Court; Judge of the United States Circuit Court for the Eighth Judicial Circuit, in which Iowa with other States was embraced; Professor of Real Estate and Equity Jurisprudence in the Columbia College Law School; Storrs-Professor of Yale University; author of *Dillon on Municipal Corporations*; of *Removal of Causes from the State to the Federal Courts*; of *Dillon's Reports of the United States Circuit Courts for the Eighth Circuit*; of *Laws and Jurisprudence of England and America*; of various opinions, essays, lectures, addresses and papers; member of L'Institut de Droit International; lawyer, author and publicist of conspicuous international fame.

*Edward H. Stiles commenced the practice of his profession at the city of Ottumwa where he resided for a period of nearly thirty years and was during that time a leading member of the Iowa bar. In 1859 he was chosen City Counsellor. In 1861, County Attorney. He was elected to the Iowa House of Representatives for the session of 1864, and to the State Senate in the autumn of 1865. He served in the regular session of 1866, but in the autumn of that year he resigned the Senatorship, to accept the position of Reporter of the Supreme Court of the State. He served in this position until 1875. His Reports fill 16 octavo volumes. He also prepared and published in four volumes a Digest of the Decisions of the Supreme Court of Iowa from the earliest territorial period. He was the Republican candidate for Congress in General Weaver's district, the Sixth Iowa, then a Democratic stronghold, in 1883 and came within a few votes of election. He was the attorney of the Chicago, Burlington & Quincy Railroad Company, and of the Chicago, Rock Island & Pacific Railroad Company, for twenty years in the Ottumwa district. In 1886 he removed to Kansas City, Mo., where he has since practiced his profession, and is a leading member of that bar. He was the Republican candidate for Circuit Judge in 1892, and since November of that year has been Master in Chancery of the United States Circuit Court for the Western Division of the Western District of Missouri. In 1882 at the request of the then judges of the Supreme Court, he commenced to gather material for biographical sketches of the lawyers, judges and leading public men of early Iowa. He is now engaged in utilizing the material thus compiled, the result of which we are authorized to say he expects in the near future to place before the public in book form.

The causes which led to this high distinction and those, as well, which established him in the universal esteem and veneration of his compeers, it will be my endeavor faithfully, though but in outline, to trace.

When upwards of forty-two years ago, in January, 1867, I became Reporter of the Supreme Court of Iowa, the Judges composing its bench were John F. Dillon, George G. Wright, Ralph P. Lowe and Chester C. Cole. The Court then ranked as one of the strongest in the nation and its decisions were held in high esteem. Under the then existing law it became the duty of the Reporter to be present at each session of the Court for the purpose of observing the proceedings and hearing the arguments of counsel, with the view of his gaining thereby a more accurate knowledge of the cases he was to report. The Court, so to speak, was perambulatory, for while its principal sessions were held at the capital, Des Moines, both spring and fall terms were held respectively at Davenport and Dubuque, whither the Reporter went with the Judges. In this wise it was my good fortune to come in personal touch and association with the Judges, and thus began my personal acquaintance with Judge Dillon.

I may be pardoned for these self-allusions. I make them as tending to show my acquaintance with the personality as well as the career of which I purpose to write.

In the execution of this purpose I shall confine myself to an impartial narration of the leading circumstances and achievements of his life; for upon these, aided by the judgment of his contemporaries, rather than upon the tributes of a friendly biographer, must rest all proper estimates concerning him.

At the time of which I have spoken, Judge Dillon was thirty-six years of age; in the very flush of his splendid manhood. In figure he was rather above the medium height; rotund in person, placid in temperament, active but not nervous in movement. His features were strikingly attractive and well chiseled, though, much to his disadvantage, as I always thought, partially concealed by a full beard, save the upper lip which was always cleanly shaven. His ample

head was well poised on shapely shoulders; his forehead broad and full; his hair dark, his nose prominent, his upper lip wide and handsomely curved, his mouth firm and characteristic; his dark eyes, deeply set under heavy brows, full, lustrous and penetrating. His whole expression beamed with the superbly intellectual, patient, kindly, but heroic forces which unflinchingly supplied him.

In the latter period of his life his appearance had somewhat changed, from the inroads of time, from his having adopted an entirely full beard which had faded from its dark hue to one of gray, from the effects of long years of close and trying intellectual labors, and, more than all, from the unspeakable grief flowing from the loss of his devoted wife and daughter, who perished at sea while making passage to Europe on the ill-fated French liner, *La Bourgogne*, in 1898.

But his mind relaxed not in the least its pristine vigor. He kept up his daily office rounds, and continued in the performance of professional and literary work of the greatest importance until a very advanced age, as we shall hereinafter see.

His manner on the bench, while not lacking in firmness or dignity, was considerably urbane on all occasions and under all circumstances. He seemed to be utterly devoid of that acerbity of temper and precipitancy of action which occasionally mar the Judicial Office. In return he was respected and beloved by the entire bar, and by the suitors and witnesses who came before him. Counting in round numbers he was on the bench twenty-one years; five on the State District bench, six on that of the State Supreme Court, and ten on that of the United States Circuit Court for the Eighth Judicial Circuit.

Though born in the State of New York he was essentially a product of Iowa. He came here as a child. His home was in Davenport. Here he lived for forty-one years, until his removal to the City of New York. His affection for Davenport and indeed for all of Iowa and her institutions, was constant and profound, and no man did more to build substantially and strong their foundations. In 1838 Iowa was organ-

ized as a territory out of what was previously a part of the territory of Wisconsin. In that year the family, attracted by the possibilities of the distant west, removed from their eastern home to Davenport, then but an unorganized village or settlement on the Mississippi. As the interior of Iowa was then for the most part an unbroken wilderness, and Davenport but an outpost of civilization, his means of education were necessarily limited. He had, however, the irrepressible instincts of a scholar and that insatiable thirst for knowledge which deeply characterized his whole life, and brought forth fruits which will durably perpetuate his name.

His original purpose, like that of his distinguished associate, the late Mr. Justice Miller of the Supreme Court of the United States, was to be a physician; and, indeed, such was the actual calling of both for a time. He commenced the study of medicine when but seventeen years of age, and two years thereafter, in 1850, was graduated as a physician at the College of Physicians and Surgeons at Davenport. In June of that year he was one of the regular physicians of the State who met at Burlington to organize the Iowa State Medical Society. The organizers of this Society, many of whom had already gained eminence in their profession, were as follows:

Drs. E. Lowe, G. R. Henry, Phillip Harvey, E. D. Ransom, J. H. Rauch, J. W. Brookbank, H. M. Matthews, Burlington; John F. Sanford, J. C. Hughes, D. L. McGugin, E. R. Ford, Josiah Haines, Keokuk; N. Steele, J. Robinson, J. F. Moberry, Fairfield; *John P. Dillon*, Farmington; J. D. Elbert, J. E. Evans, James Flint, Keosauqua; J. J. Ellison, Wapello; E. G. Fountain, Davenport; J. H. Hershey, George Reeder, Muscatine; M. J. Morseman, Iowa City; W. H. Rosseau, Washington. I have given these names because of their historic interest and because I thought it would pleasantly stir the memories of many who knew or in family converse had heard of, at least some of them.

Judge Dillon is the only survivor of that group, and of the charter members of that Society, which still flourishes. Though then but nineteen years of age, his talents must have attracted the attention of that distinguished body, for

he was elected Librarian of the Society. He also had the honor of writing the first article in the first number of the first medical journal published in Iowa, "The Western Medico-Chirurgical Journal," published at Keokuk. The article is entitled "Rheumatic Carditis, Autopsical Examination, by John Forrest Dillon, M. D., Farmington, Iowa." The foregoing general facts are gathered from the address of Dr. George S. Jenkins, president of the Keokuk College of Physicians and Surgeons, appearing in the February, 1908, number of the "Iowa Medical Journal," published at Des Moines.

Dr. Dillon evidently had a taste and a fitness for the medical profession, and had he remained therein he would undoubtedly have attained high professional rank. How the shift from medicine to law came about we shall presently see. In tracing his early life we happily meet along the line occasional autobiographical sprinklings that serve authentically to light the way and invest the narrative with a charm that would be wanting in the mere recitals of a biographer. I will, therefore, in great measure let them tell this part of the story.

Dr. Jenkins, in preparing the address hereinbefore referred to, wrote to Judge Dillon for some data respecting himself and his early connection with the Society. In response he received the following letter from Judge Dillon which I am sure will of itself invest this sketch with interest:

NEW YORK, February 1, 1907.

PROF. GEORGE F. JENKINS, M. D.

KEOKUK, IOWA.

My Dear Doctor:—

I duly received your letter stating that you expect to make an address before the Iowa State Medical Society at its next meeting in which you will consider the history of that society since 1850, when the society was formed, down to the present. You remind me in your letter that I was one of the charter members of the first Iowa State Medical Society, organized in Burlington in June, 1850, and that I was for a time connected with the medical profession in the State, and you ask me for some personal recollections in respect of that meeting and of my own connections with the medical profession.

I feel sure that anything I can say will have very little intrinsic value and I fear very little interest to the members of the profes-

sion who are now upon the scene fifty-seven years distant. I shall make my response as brief as I can and you may use any portion of the same that you may deem suitable to the purposes of the occasion.

I was born in the State of New York on December 25, 1831. My father moved with his family, of which I was the eldest, to Davenport, Iowa, in July, 1838, I being then a little less than seven years of age. I lived in Davenport from that time until 1879, when I came to New York to accept a professorship of law in Columbia University and the position of general counsel of the Union Pacific Railroad Company.

I commenced the study of medicine when about seventeen years of age in the office of Dr. E. S. Barrows, at Davenport, Iowa. Dr. Barrows was a prominent physician and successful surgeon, having been a surgeon in the United States Army in the Seminole Indian war. He had wonderful skill in diagnosis and was a bold and successful practitioner. He made very little use in his ordinary practice of any other remedies but calomel, blue mass, Dover's powder and compound cathartic pills.

A year or so after I entered the office of Dr. Barrows as a student, was formed the Rock Island Medical School, the prototype or original, as I understand it, of the present College of Physicians and Surgeons of Keokuk, Iowa, of which you are President.

I attended one course of lectures at Rock Island. The next year the college was removed to Davenport, Iowa, where I attended a second course and was regularly graduated in the spring of 1850 an M. D.

The professors as a body were able men, some of them men of great learning and even genius. Abler teachers than Professor Richards, who taught Practice, Professor Sanford who taught Surgery and Professor Armor who taught Physiology, it would have been difficult to find in the chairs of any contemporary medical institution.

I happened to attend the first meeting of the Iowa Medical Society in 1850, at Burlington, in this way. Having been graduated I desired to seek a place in which to practice my profession and I consulted Professor Sanford, having an admiration and affection for him. He said, "I have lived many years in Farmington, Van Buren County, a small place on the Des Moines river, but my duties in connection with the medical college are such that I have resolved to change my residence and follow the college to Keokuk." Dr. Sanford had obtained great celebrity as a surgeon and indeed had outgrown the little town of Farmington. He suggested to me that his leaving Farmington would create a vacancy which would perhaps make that town a desirable place for me in which to locate. When I reflect that I was really under twenty years of age,

without experience, the idea that I could go to Farmington and occupy in any degree the place which Dr. Sanford left seems now to me almost amusing. I resolved, however, to take his advice and so arranged my journey from Davenport to Farmington as to enable me to attend the first meeting of the Iowa Medical Society in Burlington in June, 1850.

After the lapse of fifty and seven years I distinctly recall that meeting and I regarded it then, as I have regarded it ever since, as an assemblage of men of remarkable learning and ability. Among those present were Sanford, Hughes, McGugin, Henry, Elbert, Fountain, Haines, Lowe, Ransom, Rauch, all distinguished names.

My exchequer was far from plethoric and I was obliged to practice strict economy. I rented for an office a small brick building on the crumbling bank of the Des Moines river, one story high, about twenty feet square, in a dilapidated condition, at a cost of \$4.00 per month. I engaged board and lodging at a boarding house kept by Mrs. Corwin, where I made my home during the three or four months I remained at Farmington at a cost of \$3.50 per week. Among the boarders was a young lawyer by the name of Howe, who had resided in Farmington some little time. We became well acquainted and spent nearly every evening walking up and down the banks of the Des Moines river, speculating upon what the future had in reserve for us. He was almost as destitute of clients as I was of patients.

There were at least two old established physicians in this little place, Dr. Barton and Dr. Lane. How could a young man under twenty years of age expect to find employment under these circumstances unless both of these physicians were engaged or out of the place? I will mention one case with a little particularity since it was epochal, having had the effect of changing the whole current and career of my life. On the hills near Farmington, about two miles distant, there was a large brick yard. On a hot August day the men worked hard, and their skin being relaxed and their appetite vigorous, they ate a hearty supper, when a cool and grateful breeze sprang up and swept the valley. These workmen sat out in it, became chilled and two or three hours afterwards were seized with violent attacks of cholera morbus. They sent post haste to town for a physician, but both Dr. Barton and Dr. Lane were absent and there was nothing to do but to call on me. I had no horse or buggy of my own and if I had I would have found it difficult to have driven over the rough roads, and as I had been troubled with inguinal hernia for many years, I could not ride on horseback. The last time I attempted to do so nearly cost me my life. There was no alternative but walk to the brick yard where I found the men in great suffering, requiring liberal doses of laudanum and stimulants and my personal attention for several hours. Weary and exhausted I

sought my way home on foot, and I saw the sun rising over the eastern hills just as I was reaching my lodgings. Maybe it was the sun of Austerlitz but I didn't so regard it at that time.

Two or three years ago when Dr. Lorenz of Vienna was in this country he took lunch with myself and several gentlemen, one of whom mentioned I had formerly been a physician, whereupon Dr. Lorenz evinced curiosity to know why I had left the profession, and I proceeded to give him the narrative that I am now relating. When I had finished one of the gentlemen said, "Now that you have told all about this there is one thing you have not mentioned, did these men live or die?" to which I responded, "That question has been more than once asked but I have always evaded an answer."

This night's experience set me thinking and the next evening when young lawyer Howe and myself were taking our regular walk up and down the banks of the Des Moines river I turned to him and said, "Howe, I have made a great mistake, I cannot practice medicine in this country without being able to ride on horseback, which I am utterly unable to do. I might as well admit the mistake and turn my mind to something else. I shall read law. Tell me, what is the first book that a student of the law requires?" He answered, "Blackstone's Commentaries." "Have you got them?" He replied, "Yes, I have them and the Iowa Blue book of laws, and those are the only books I have." He was kind enough to loan me his Blackstone and I began at once to read law in my little dilapidated office.

Another event in my brief medical career at Farmington is chronicled in the first number of the *Medico-Chirurgical Journal of Keokuk*, of September 1, 1850. It is the first article and first number of that publication, entitled, "Rheumatic Carditis, Autopsical Examination, by John Forrest Dillon, M. D., Farmington, Iowa," thus connecting me in a slight way with the earliest medical literature of the State.

On inquiry of the present officers of the Keokuk Medical College I learned that they had no copy of the publication and I only succeeded in obtaining one through the kindness and courtesy of the Historical Department of Iowa.

I shall not undertake to re-state the substance of that article; briefly outlined it is this: A laborer on the public works at the small town of Croton, about five miles distant from Farmington, suddenly died under circumstances that led to a very general belief among the people of Croton that he died from malpractice. The postmortem examination disclosed, however, that he died of apoplexy caused by hypertrophy of the heart. The heart was found to be nearly double the normal size and double the weight. It fell to my lot after conducting the examination to take the organ in my hand and

explain to the excited citizens the cause of the death and thus allay public excitement. The article concluded as follows:

"Before taking my departure from Croton, I took occasion to give the botanic physician some salutary advice—adverted to the unenviable predicament in which his ignorance had plunged him, and endeavored to inspire him with a love for scientific knowledge, by following the example of *Le Maitre de Philosophie*, in a *Comedie* of the celebrated *Moliere*, in which he endeavors to impress the truth of the following sentiment upon the mind of *Monsieur Jourdain* 'sans la science, la vie est presque une image de la mort.' Whether I succeeded in convincing him of it, so readily as was the case with *Le Bourgeoise gentilhomme*, the future must determine.

I have drawn up this hasty sketch of the above case for two prominent reasons; in the first place to present your readers with some additional testimony confirmatory of the frequent connection between arthritic and cardiac disease; and in the second place, to illustrate the great benefit often derivable from necroscopic examination. The one is frequently overlooked, the other too sadly neglected."

In the fall of 1850 I concluded to return to Davenport where my mother and sister lived and take up my home with them and utilize my little knowledge of drugs and medicine and get a livelihood by opening a small drug store, which would also afford leisure time to enable me to read law. This I continued to do until the spring of 1852, when I applied for admission to the bar of the District Court of Scott County, Iowa, and on motion of Mr. Austin Corbin, a man very well-known afterwards in Iowa and elsewhere, I was admitted. The same year I was elected prosecuting attorney for the county and practiced law in Scott and adjoining counties until 1858, when I was elected Judge of the District Court of the Seventh Judicial District for the Counties of Muscatine, Scott, Clinton and Jackson; re-elected four years afterwards. Was then transferred to the Supreme bench of the State and was re-elected six years afterwards. Before qualifying for my second term I was appointed by President Grant, United States Circuit Judge for the Eighth Judicial Circuit, comprising the States of Minnesota, Iowa, Missouri, Arkansas, Kansas, Nebraska, and afterwards Colorado. I held the last mentioned office for ten years, until 1879, when I resigned the same to accept the professorship of law at Columbia University and removed east, where I have ever since practiced my profession. I find the little knowledge that I acquired of medicine and its principles not only to be a great satisfaction to me throughout my life but at times to be of utility, and I maintained a nominal connection with the medical profession until about the period when I came to New York by delivering each year lectures on medical jurisprudence at the Iowa

University to the combined law and medical classes of that institution.

I fear the foregoing is a weary waste of way but I relieve myself of all responsibility because you asked me for it and because you are under no compulsion to use the same, except so far as it may meet the purposes of the occasion for which you desire it. It gratifies me exceedingly to know that the small gathering at the first Medical Society in 1850 has grown into 2,000 members, and I wish with all my heart the Iowa State Medical Society a long and continued career of usefulness. I am, dear Doctor,

Very sincerely yours,

JOHN F. DILLON.

In the further utilization of autobiographical data touching his early life, as well as the primitive conditions and character of the times, which necessarily constitute a part of his environments, I give the following excerpts from a letter written by him to the editor of *The Davenport Democrat* in October, 1905, on the occasion of the semi-centennial of that paper:

You remind me that I am a Davenport, and ask me to send you for the Half-Century number reminiscences of Davenport of 1855 and of an earlier day,—not history, which you say your readers can look up for themselves, but something personal concerning myself and others. If what I shall say has too personal a flavor, put not the blame on me but yourself. * * * * Yes; you are right! I am a Davenport and always expect to be in my memories, my sentiments and my affections. It was my home and my only home for the long period of 41 years—from early boyhood to beyond the meridian of life. Though absent it is and will ever remain to me the city of the heart. What wonderful changes, general and local, have I witnessed! In 1831, the year of my birth, what is now known as Iowa was an uninhabited region filled with savages. In 1837, my father left his young family in Herkimer county, New York, and in company with his brother-in-law, John Forrest, sought a home in the far West and finally fixed upon Davenport, and in August, 1838, my father brought his family to Davenport, and thus became one of the pioneer settlers. In 1839, when the town was incorporated, my father became one of the first trustees or councilmen of the infant place. Its population at that time probably did not number 500 people. Such was the humble beginning of the present large and prosperous city of Davenport.

Though I well remember, I shall not recount the privations and struggles of the early settlers for many years after 1838. Money was there almost none. Everything was done on a traffic or trade

basis. My father kept a hotel on the bank of the river near Western Avenue, for the accommodation of travelers and especially of the farmers in the surrounding country, who, coming to town with their produce or on business, had to remain over night. The standard charge for supper, lodging and breakfast for man, and stable accommodation for beast for the night, was 50 cents, for which we were paid not in money, but in store orders on Burrows, or Burrows & Pretymen, Charles Lesslie, or other merchants who bought the farmers' produce, "payable in store goods." I well recollect this, for it fell to my lot to help take care of the farmers' horses, and to take in my hand the store orders, go to the store for sugar, coffee, or what not, have the amount of each purchase endorsed on the order, and to carry home the articles purchased. We were passing through the hard times of 1837.

In the campaign of 1840, "Tippecanoe and Tyler too," General Harrison was elected president on the alluring cry of "two dollars and roast beef." Davenport, thrilled with the excitement of the hard cider campaign, built a log cabin at the southeast corner of Third and Harrison streets, which was used afterwards for a schoolhouse and in which I attended school. When my grandfather, Timothy Dillon, with his family followed my father to Davenport in 1840, he brought some silver money with him, and he gave to me a new coined silver dime, the first I ever saw. How rich I felt! It was many years afterwards before business got on a cash basis. Not long ago there still remained on the Iowa side opposite Moline and its mills a warehouse with a conspicuous sign, "Cash for Wheat." This meant at that time a good deal more than the passing traveler of today would think. It meant that at last the time had come when the farmer could get cash and not merely store goods.

During the period of 1838 to 1841, the *Iowa Sun*, a small weekly Democratic sheet, was the only newspaper, but like the greater *Sun* of a later date in New York, the *Iowa Sun* shone for all. The first number was issued in the very month my father and his family arrived in Davenport. Andrew Logan was proprietor and editor, and his sons set up the paper, and carried it around the streets on publication day and sold it. It was as eagerly sought for as the *Democrat* of today. I hope your anniversary number will contain from some correspondent a fitting notice of the *Sun* and its proprietor, Andrew Logan. He did a good work in his day. The last time I saw him was in 1858, at the first annual meeting of the Pioneer Settlers' Association of Scott County.

The *Sun* continued to shine until 1841, which year marked the advent to Davenport of Alfred Sanders and Levi Davis, and the establishment of a Whig newspaper—the *Davenport Gazette*—with which these gentlemen from the first, and later Gen. Add. H. Sanders, were so long, honorably and usefully connected. The *Gazette* was

afterwards absorbed by the more prosperous *Democrat*, but it was, throughout its existence, a most respectable and influential paper, ably edited, and standing always for the right as Alfred and Addison Sanders saw the right.

I have many pleasant memories of the *Gazette*—too many to recount. I saw the press when it landed. I have seen Levi Davis, after setting up the type and working off the paper, carry it around the streets to distribute and sell. I have sat hour after hour in the press room and watched Levi Davis wet down the paper, put it on the old Franklin hand press, and himself work it off, sheet after sheet, on one side, and the next day repeat the same process on the other side. The proprietors were very proud of the record of their paper, and justly so. In 1858, at the Old Settlers' meeting, I heard Alfred Sanders (who was an elocutionist, and who gave lessons in elocution gratis to young men, myself included) swell with pride when, in sonorous voice, speaking of the pioneer press of Scott County, he exclaimed:

"With pride I say it—as I presume it to be the only instance on record in the West—that although we had to purchase all our paper and material in the East, and have them brought out by the slow and tedious course of the Ohio and Mississippi rivers, and although we had our paper sunk, and burned, and delayed by accidents, and although my assistants were sick, and I alone had to fill every department of the paper—editorial, typesetting, working the press, and rolling the paper, yet during the sixteen and a half years I have controlled the *Gazette*, it never has missed a single number."

It may be expected, perhaps, that I shall say something concerning the old and early bar of Davenport. A few words must suffice. Of the earliest territorial bar of Iowa, say from 1837 to 1846, its high order of ability has often been remarked,—for example, Grimes, Starr, Rorer, Mason, Hall, Darwin, Browning of Burlington; Hastings, Lowe, Woodward, Richman of Muscatine; Folsom, Byington, Carleton of Iowa City; Leffingwell of Lyons; Platt Smith, Hempstead, Bissell, Samuels of Dubuque; Smythe of Marion; Knapp, Wright of Keosauqua; Love, Beck, D. F. Miller of Lee County, etc., etc.

In Davenport we had Judge Grant, Judge Mitchell, Ebenezer Cook, and afterward John P. Cook, who were, in all respects, the peers of the Iowa lawyers above named. The semi-annual terms of court in Davenport were also regularly attended by Knox and Drury of Rock Island, and often by lawyers from other places. Court week, to hear the lawyers plead, ranked with the annual circus as one of the few entertainments possible in this new and distant region. In early life I have spent many an hour in the old brick courthouse on Fourth street, listening to the trial of cases, at a time when I had

no fixed purpose of becoming a lawyer myself. Every day I used to see the erect form of Ebenezer Cook as he passed my father's house, walking to and fro, cane in hand, between his home on the Cook farm and his office in the town. One day he was kind enough to stop and say to my mother that when I was old enough he wished me to enter his office and become a lawyer, which (after a detour by way of Dr. Barrow's office and a short course of medical instruction) came to pass in 1851. In 1850 and 1851 I studied law by myself whilst keeping, for a livelihood, a small drug store at the corner of Third and Brady. I had no instructor or aid in my studies. As a law student I was never in a law office or law school. Of law schools there were but few in the country at the time, and none within my reach or means. I recollect when reading in Kent about mortgages, I wished to see the form of such a document, and that I was compelled to walk down to the courthouse, where Hiram Price was the recorder, and there had, on the records, my first inspection of this important instrument.* In 1851, Austin Corbin came to Davenport, bearing with him a letter of introduction to me from Judge Grant, who was holding court in Dubuque. In May, 1852, Corbin moved my admission to the bar. The last time I saw him in New York, just before his tragic accidental death, he pleasantly admonished me, as we parted at the corner of Cortlandt and Broadway: "John, don't forget I am your godfather in the law."

The old bar of Scott county by 1855, and soon afterward, had been much enlarged, and contained lawyers whose ability and character are an honor and an ornament to the city, the State, and the profession. I cannot name them all, but may mention Davison, True, Hubbell, Lane, Bills, Putnam, Rogers, Corbin, Dow, Cook, Waterman, French—and there were many others.

Noted as the bar of Davenport has ever been for its character, talents and learning, the present bar may look back with a sort of ancestral pride upon the first and oldest bar: Knox, the most eloquent jury lawyer I have ever heard; Drury, the judicious counsellor; Grant, the intrepid and fearless advocate; Mitchell, the comprehensive and well poised lawyer; Ebenezer Cook, whose judgment on legal questions and problems was as sure-footed as that of any man I ever knew; John P. Cook, a natural born trial lawyer, aggressive, bold, courageous, who, like General Taylor, was generally victorious, and who, like him, never knew when he was whipped.

*Colonel J. H. Benton, one of the leaders of the New England bar, in speaking recently of Judge Dillon said:

"He told me many years ago that when he was reading Kent, trying to learn law, he did not get a clear idea of what a mortgage was and in order to do so went to the courthouse, asked permission to look at the Register of Mortgages in order to copy one and did copy it in full, and then he said to me, 'I *knew* what a mortgage was; I had read it and handled it.'"

"This," says Colonel Benton, "impressed me very much and I used it in my lectures in the law schools as an illustration of the qualities of mind which make a man a great lawyer, that is what I call the *instinct of the concrete*."

Along the same lines and as further showing his deep and abiding affection for Iowa and for all that concerns her welfare, the following extract is given from the address delivered by him on the invitation of the faculty before the graduating class of the law department of the Iowa State University in 1893:

Coming once more into the State, and into this academic city, with whose University not a little of my uneventful career has been connected, the memories and associations of half a century, re-awakened and refreshed, throng around me! I recall the happy days, when a barefoot boy with stone bruised feet I hunted carnelians on the shores of the Mississippi, swam and sailed and fished in its waters, and skated upon its frozen and burnished surface. Fifty years ago in a spring that issued from its banks, I saw mirrored the first eclipse of the sun my youthful eyes ever beheld. The Indians were then more numerous than the white men. The wolf's long howl was a familiar sound. Behold the wonderful contrast and transformation!—the Iowa of 1838 and the Iowa of 1893! When the Supreme Court of the State was held in yonder building—the old Capitol,—I argued therein with fear and trembling my first causes—*Stanchfield vs. Palmer* (4 G. Greene's Rep. 23, 1853), and *McManus vs. Carmichael* (3 Iowa Rep. 1, 1856). In my judicial capacity I have held courts in this city in exchange with your former fellow citizen, Judge William E. Miller. I was afterwards honored with an appointment as one of the Regents of this University, and for several years, and down to the date of my removal from the State, I filled the chair of Medical Jurisprudence, lecturing to the combined Law and Medical classes. I therefore feel as you may well suppose a deep and abiding interest in all that concerns the weal of the State and its University. Their growth and prosperity truly rejoice me. I know and feel that they are a large part of my own life, and I love to cherish the pleasing hope, however illusory it may be, that in some humble, albeit unperceived degree, I, too, am some part of their history. I never come into the State of my love and affection without going down to the banks of the great river, there to meditate in age where I sported in youth, and to dip my hands lovingly into its waters and therewith bathe and cool my fevered brow.

For the same purpose and as throwing additional light upon his early years I give the following excerpt from his address at the dedication of the Davenport Free Public Library in May, 1904:

From early boyhood Davenport was my home. "The mystic chords of memory" here bind me to the past by the sweetest and the saddest of ties. Other days and scenes involuntarily rise before me. I see the little town of 1838 with its few hundred people, without schools, without libraries, without many of the comforts and with few of the luxuries of modern life, when the Indians were thicker than white men, when packs of wolves coming out on the ice from the island below the town were a familiar sight and their long, dismal howl a familiar sound. The earliest school was kept in a small log cabin near the river below Western Avenue by the aged father of Alexander W. McGregor. There it was that I received from him my earliest lesson in astronomy. In those days the banks of the stream abounded in springs. With our hands we scooped out the sand and gravel, rudely walled up the space, and behold there was living water bubbling up from below at which we slaked our thirst, the girls mediately by the use of a gourd cup, the boys immediately by laying down flat and drinking directly from the crystal spring. A partial eclipse of the sun occurred near mid-day and the teacher, good, albeit severe, having no smoked glass in readiness, led us to the spring, showed us the sun in eclipse mirrored in the waters, and explained as best he could the wonderful phenomenon. It was a miracle to us small boys then, and it seems to me to be a miracle still that finite man on this atom of the Universe called the Earth, which to the inhabitants of the planet in the eclipse would seem no larger than the diamond that sparkles on a lady's finger,—can foretell years and years ahead the very day and hour when such a phenomenon will recur or appear.

Later some years and before there were any public schools in Iowa, on the very site where this library edifice stands, a school for girls and boys was kept by James Thoringtón. For his kindly nature I hold his name in affectionate remembrance. This school I attended with many other pupils, and among them one* who in after years was actively connected with the Davenport Library Association and to whom that institution, next to Mrs. Clarissa C. Cook, is as much if not more indebted than to anyone else, but who, though the heart and memory are fraught with tender and insurgent recollections, shall be nameless in this connection further than to say that the Trustees of the new building have fitly voted to place the portrait of this rare and gifted woman upon its walls.

And now, when everything is changed except the overarching sky, the majestic river and the encompassing hills, when the small town of those early days has grown into a city of 40,000 people, a city of wondrous beauty, prosperous, well ordered, well governed and with undimmed hopes for the future, it has the good fortune to

*Anna Price, afterward Mrs. Dillon.

become and be the owner of this noble structure, consecrated to noble ends. * * *

The distinct personal note which I find runs through these remarks I have sought neither to encourage nor repress. It seemed natural under the circumstances, and I feel confident that your friendship will not ascribe it either to the reminiscential propensity of age or to personal vanity, but will rather regard it as spontaneous and not unfitting in an address to my former fellow-townsmen and to friends of a lifetime. As recollections of the past must percolate through the memory they are necessarily flavored by the character of the soil through which they have passed, and this quality I have made no attempt to neutralize or eliminate.

These delightful papers throw a flood of light on his personality and character, and it only remains to summarize the events thus disclosed and place them with others not yet told in their proper settings.

In 1850 he commenced the study of law. In 1852 he was admitted to the bar, and soon thereafter became associated with John P. Cook, one of the most widely known and distinguished lawyers of the State, under the firm name of Cook & Dillon. In the same year he was elected prosecuting attorney of Scott County. He displayed abilities of a high order. As a result he was chosen by the Republicans in 1858 as their candidate and elected by an overwhelming majority of the people Judge of the District Court of the Seventh Judicial District. He performed the duties of this position with such signal ability and general satisfaction, that at the end of his term he was requested by the entire bar, without distinction of party, to accept another term and was elected thereto without opposition. In 1863 his exalted abilities and supreme fitness for high judicial position had become so conspicuous that in the fall election of that year, he was chosen Judge of the Supreme Court of the State for a term of six years, to accept which he resigned his position on the District bench. In 1869 he was re-elected for another term. Before qualifying therefor he was appointed by President Grant, and confirmed by the Senate, Judge of the United States Circuit Court for the Eighth Judicial Circuit, comprising the States of Iowa, Minnesota, Nebraska, Missouri, Kansas, Arkansas and, soon after, Colorado.

After a decade of the most distinguished service on the Federal bench, in the fall of 1879, he tendered his resignation to accept the position of Professor of Real Estate and Equity Jurisprudence in the Law School of Columbia College, and that of General Counsel of the Union Pacific Railroad tendered him at the same time. This resulted in his removal to New York, and thus ended his official and professional career in the State which he so deeply loved and had so highly honored. Let us briefly review it before touching upon subsequent events.

For the repeated honors which had been bestowed upon him he was indebted to no political stratagems. His rapid advancements did not spring from that source. They were gained by the steady display of those superlative qualities that inhere in and, as it were, create great lawyers and judges, and of which the instinct of unremitting toil is the greatest. He recognized with Carlyle that "there is a perennial nobleness and even sacredness in work," and that rare excellence can be attained only by its exercise. A more constant observance of these principles has rarely been so well exemplified in any other public man.

Of his labors on the State District bench and the superior abilities he there displayed as a *nisi prius* Judge, no attestation need be added to those carried in what has already been said.* While Judge of that Court he prepared and gave to the profession the first Digest of Iowa Reports, known as "Dillon's Digest." How this came about he once related to me, and as it illustrates the searching industry and thoroughness he gave to every undertaking, I give that relation. He told me that when he was elected District Judge he entered upon the careful study of each and every case that had been before and decided by the Supreme Court, as they appeared in the Reports, making notes as he proceeded and placing each under its appropriate head. That his sole purpose in doing this was to familiarize himself with what the Court had decided in order that he might not run contrary thereto, and be

*No less authority than Judge Henry C. Caldwell has said of him, that he was the best *nisi prius* judge he had ever seen on the Bench. ANNALS OF IOWA, 3d Series, Vol. 3, p. 630.

in harmony therewith. That he kept this up and added to it as additional reports appeared. That it then occurred to him that by a little remoulding and enlarging it might be useful to the profession. This he did, and that is the way the lawyers of Iowa came to have what at that time was of the greatest convenience to them. I cannot refrain from remarking as I pass that if all our judges would so qualify themselves we should have far less incongruity in our Jurisprudence.

When at the age of thirty-three he came to be Judge and afterward Chief Justice of the Supreme Court, he brought to that bench, notwithstanding his lack of years, equipments of the highest order; his fitting experience on the District bench; a thorough knowledge of the State, her history and people; a virile and well poised intellect; a thoroughly judicial temperament; a keen and unerring sense of justice; a mind disciplined by years of the closest legal study, and, as the result of scholarly promptings and wide reading, enriched with varied learning.

His opinions from that bench, as well as from that of the United States Circuit Court are, by reason of his name and fame, as well as the general soundness of the opinions themselves, deferred to as authority by all the courts of this country. Those of the State Supreme Court run through fourteen volumes of the Iowa Reports. The first case is that of Welton vs. Tizzard, 15 Iowa (7th of Withrow) 495; the last one Greenwald vs. Metcalf-Graham & Co., 28 Iowa (7th of Stiles) 363. Those of the Federal Court will be found in volumes 1, 2, 3, 4, 5, of Dillon's Circuit Court Reports. There they will stand as perpetual memorials of a great Judge and as beacon lights in judicial history.

(To be Continued.)

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