



JOHN F. DILLON

1831-1914

Chief Justice Iowa Supreme Court

ANNALS OF IOWA

ESTABLISHED 1863

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JOHN FORREST DILLON, LAWYER AND MAN

By Gov. GEORGE W. CLARKE

Fifty years ago last fall (1875) I entered the University of Iowa to study law. Some ninety other young men apparently like minded did the same thing. I have often thought since that they, or by far the greater number of them, did it because somewhat bewildered, facing life, they didn't just know what else to do. Nearly all of them were from the northern states of the Mississippi valley west of the great river. There were a few, however, from the Atlantic states—graduates of Yale and Harvard.

The impression which I received during the early opening weeks, and which has not faded in the least through the intervening half century, was that the isolated hundred, a cross-section of the prairie homes of the west, had a slight conception of the magnitude of the task they were entering upon or what it really meant. As I recall, not many of them had ever spent a day in the atmosphere of a college or university. They were out of their element, were hesitant, timid, diffident—nearly all except the Yale and Harvard men. These had come to the west as a new, raw world, ripe for the thrust of their polished sickle, albeit they were gentlemen exhibiting no air of superiority. The prairie-bred, like Cincinnatus of the far away centuries or Israel Putnam of near century, had left their plows in the furrows, or, more accurately, dumped them in the fence corners, and precipitately gone away to the university to study law. Victories were easier and quicker for Cincinnatus and Putnam in their day than for

these youths in their effort to assimilate and make their own the accumulated legal learning and experience of the ages gone. With time their timidity and diffidence began to wear away and give place to an awakening appreciation of the life task they had cut out and to sober reflection upon what the study of the law and the profession of the law really meant. Some gave it up and, metaphorically speaking, dragged the plows from the fence corners. They had not read very far in the first volume of Kent until they came upon this from the great Chancellor:

The whole body of the civil law will excite never failing curiosity and receive the homage of scholars as a singular monument of wisdom. It fills such a large space in the eye of human reason, it regulates so many interests of man as a social and civilized being; it embodies so much thought, reflection, experience and labor; it leads us so far into the recesses of antiquity and it has stood so long against the waves and weathers of time that it is impossible, while engaged in the contemplation of the system, not to be struck with some portion of the awe and veneration which are felt in the midst of the solitude of a majestic ruin.

To some this was an eloquent apotheosis to the law, an exciting stimulus to proceed into this wondrous field of the accumulated wisdom of the ages. To others, as once it was to one of old, it was: "Behold thy wisdom, it is too great for me; I cannot understand it," and back to the plow.

Not all of that hundred, like any other promiscuous hundred of that time and of their years, graduated. Some, although persistent, courageous, fell just outside of the goal. Last June I attended the fiftieth anniversary of the remnant of this class—just sixteen, after the most searching effort for months before.

LECTURERS TO CLASS OF 1877-8

It has always been a most pleasing memory to recall those who taught by lectures only, the class fifty years ago, as the case method, a much better mode, did not come into vogue until a long time after. I very much doubt

whether a better or abler corps of teachers could be named now or in any school at that time or since. I think I have only to name them to have this statement gain immediate and enthusiastic acquiescence. I name them promiscuously and without any reference to ability: Judge Austin Adams of Dubuque, John N. Rogers of Davenport, Wm. G. Hammond of Iowa City, James M. Love of Keokuk, and John F. Dillon of Davenport.

Judge Adams and Professor Rogers were both highly educated and cultured men; refined, dignified and of elegant manners; clear, sound and accurate of statement; profound lawyers and, withal, of very high character. The one was educated at Dartmouth and at the Harvard law school, the other was educated in New York City and graduated from the New York University and was one-time professor of law in the State and National law school in Poughkeepsie, New York.

Chancellor Hammond was at the head of the law department. That is the reason he was called the chancellor. Now he would be called the dean. Always faultlessly dressed, superbly nice, lived, I thought, somewhat apart. His atmosphere was all his own, yet he was unassuming, modest and well liked. His learning was wide and of a very high order. He reveled in the history of the law, its growth and development. He seldom got by a lecture without referring to the year books, getting us back to the time between Edward the First and Henry the Eighth.

He was educated at Amherst College, practiced law a little while in New York City and then for further education went for two years to Heidelberg in Germany. Coming to Des Moines in 1866 he became associated with Judges Wright and Cole in the Iowa College of Law, which they had established there, as professor of law and as secretary of the college. This institution was moved to Iowa City in 1868 and became the law depart-

ment of the State University; hence Hammond's connection with it until 1881.

Judge James M. Love was judge of the United States district court for Iowa. Not the slightest suggestion of self-assertiveness about him, but rather extreme diffidence. Not capable of estimation readily, either as to general ability as a man or as to learning in the law. A man slow of revelation but constantly unfolding, revealing, he found a place in the sincere esteem of everyone. He always had his lecture before him in full notes and he always passed through it on a dead level, never particularly emphasizing anything. He was then fifty-eight years of age.

Judge John Forrest Dillon, too was judge of the United States circuit court. It was in the setting I have outlined that I first saw Judge Dillon and there I saw him the last time. In fact I never saw him anywhere else. No other man ever impressed me for rugged, physical forcefulness, intellectual vigor and concentration of all his powers as he did. He seemed absolutely lost to everything else in consideration of the matter in hand. It was simply the man that overwhelmed. I readily confess, and it has been my outstanding recollection of him through all the years, that very often I lost his lecture because of the captivating force and personal influence and power of the presence of the man. I conceived a most profound admiration of him and it has grown rather than diminished through a half century of very, very frequent recalling of those by-gone days. I do not find him equalled by comparison with other men I have known in those outstanding qualities referred to. I saw him only in the classroom, only from my desk to the rostrum, but this was often enough to compel the thought, what sincerity, what concentration, nothing for effect, the man lost in his theme, a superior man. It was my admiration of him that led me to the title of this paper, "Dillon, Lawyer and Man." It was the same thing that instantly prompted

me years ago to add as my contribution to the decoration of the new court room the picture of Judge Dillon.*

COMMANDING IN STRENGTH AND DIGNITY

In personal appearance Judge Dillon looked the tremendously rugged, strong man physically; rather stocky in person, dark eyes, almost black hair and beard, always a full beard except the upper lip, a mouth indicating firmness, withal intellectual in general expression, never wanting in dignity, a bearing always commanding respect. During all the years it has been a great pleasure to me to indulge my memory of him. There was an atmosphere of intellectual force, power, about him suggestive of all that he was reputed to be, and more. I can see him yet, right now; as promptly, exactly on the minute, he came, it seemed to me, almost rushing down along the east side of the lecture room, in the house of representatives chamber of the old Iowa capitol, the memory of which in all of its history and best traditions his very being seemed to typify, to the rostrum beginning his lecture almost before he had fully settled down in his chair. His life was all activity, action, a human dynamo, if there ever was one. Time up, he was gone in the same tremendous manner, so to speak. It is so I visualize him still.

As lawyers we are all somewhat familiar with Judge Dillon's career on the bench and as a practitioner in his later years. Personally I was anxious to know more of him intimately, of his home and social life, of his early beginnings, the foundations of him, how he came up to his great fame. I knew I would fail utterly to portray the man in the all-roundness of him unless I found the man who none but his intimates knew. Here was a man who loomed large among the great lawyers and judges of his day. What about the obscurities of him, the traits

*Reference is to the gift by Governor Clarke to the Dallas county courthouse of a fine portrait of Judge John F. Dillon, the occasion for the delivery of this address by the governor in 1926. In 1945 a fine oil portrait of Clarke was presented by his family and placed in the same courthouse.

that might be lost in the shadows of his fame. This could not but be intensely interesting to have produced such manliness supporting such a career. So that we might know and appreciate him better I went to the State Historical Department of Iowa and had search made for anything and everything that would aid in revealing the man. I give the results.

Judge Dillon was born in Herkimer county, New York, on the 25th day of December, 1831. His father brought his family to Davenport, in July 1838, while Iowa was a territory and Davenport an unorganized village on the outpost of civilization; and when years after the future father-in-law of the judge in a letter said a dozen dressed quail could still be bought for thirty-seven and a half cents. No money; everything done on a traffic or trade basis. His father kept a hotel on the river bank. A letter written by the judge many years after said for the accommodation of travelers and especially farmers who came to town with produce and had to stay all night. Lodging, supper and breakfast for man and stable for horses fifty cents paid in store orders. And the judge as a boy had to care for the horses. A little while after a paper was established there and he writes that he used to sit hour after hour and watch the publisher wet down the paper and work it off the press, sheet after sheet, and the next day go through the same process for the other side. In this same letter he relates how he spent many an hour in the old brick courthouse listening to the trial of cases at a time when he had no fixed purpose of becoming a lawyer; recalls the happy days, when a bare-foot boy with stone-bruised feet he hunted cornelians on the shores of the Mississippi, swam and fished in its waters and skated upon its frozen surface; how fifty years before he saw mirrored in a spring that issued from its banks the first eclipse of the sun his youthful eyes ever beheld, tell how much more numerous the Indians were than the white men; refers to the familiar sound of the wolf's long dismal howl, and how packs of them would

come out on the ice; speaks of the earliest school in a small log cabin near the river and a later one for boys and girls which he also attended and which also was attended by Anna Price who years later became his wife. This much as to his early environment and his early education, which was only such as the schools of Davenport in that early day afforded and which was very limited. The fact as to Judge Dillon is that from his earliest youth he had an insatiable thirst for knowledge. This is shown by the whole course of his life and by all that I can find that has been said and written of him.

SOUGHT TO BE A PHYSICIAN

It was the original purpose of Judge Dillon, as it also was of Judge Samuel F. Miller of Iowa, who later reached the bench of the supreme court of the United States, to be a physician. He, therefore, began the study of medicine when but seventeen years of age in a doctor's office in Davenport. A year or so after a medical school was formed in Rock Island. He attended a course of lectures there. This school was then moved to Davenport where he attended a second course, and graduated in the spring of 1850. In that year he attended the first meeting of the Iowa Medical society at Burlington, where notwithstanding his youth and that he had never yet had a day of practice, he was elected librarian of the society and 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*, the title of which was "Rheumatic Carditis, Autopsical Examination, by John Forrest Dillon, M. D."

An old practitioner had just changed his location from Farmington, Iowa, to Keokuk. Dillon was advised that this would make a good opening for him and he went there. He tells about it in a writing still extant, saying: "I was obliged to practice the strictest economy, rented a one-story brick building, twenty by twenty, in a dilapidated condition on the crumbling banks of the Des

Moines river at \$4.00 per month, and secured board and lodging at \$3.50 per week." One evening there was a call for a doctor to attend several men who were sick at a brick-yard two miles out. As both the other physicians were out of town he only remained for the emergency. He had no horse and buggy. He had no horse and if he had he could not ride, he writes, because "I have been troubled with inguinal hernia for many years and the last time I attempted, it nearly cost me my life." There was no alternative but to walk and he did walk. They had cholera morbus. He stayed with them nearly all night and, walking, got back to his lodging "just as the sun was appearing over the eastern hills."

There was a young lawyer in Farmington named Howe and he and Dillon used to take walks together along the banks of the river. Dillon writes that as they were walking the evening after his experience at the brick-yard: "I 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 entirely unable to do. I might as well admit the mistake, I shall read law. Tell me the first book.' He said, 'Blackstone's Commentaries. Have you got them?' 'Yes,' replied Howe, 'and I have the Iowa Blue book of the law and these are all.' He loaned them to me and I began to read in my little dilapidated office. 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 and in leisure time read law. This continued until the spring of 1852 when I applied for admission to the bar in the district court of Scott county. Of course I was admitted."

Long after, referring to his study of the law, he wrote: "I studied law by myself while keeping a small drug store. As a law student I was never in a law office or law school." Colonel Benton relates that Dillon once said to

him: "When reading Kent about mortgages I wished to see the form of such a document. I did not get a clear idea as to what a mortgage was until I went to the courthouse one day and asked permission to see the record of one and to copy it which I did in full. I then knew what a mortgage was. I had read it and handled it." This shows the quality of his mind and his self-insistence on thoroughness.

BECAME A JUDGE AT TWENTY-SIX

The same year a partnership was formed under the name of Cook & Dillon, Mr. Cook being widely known as one of the most distinguished lawyers of the state, and the same year also Dillon was elected prosecuting attorney for the county. He practiced law in Scott and adjoining counties until 1858 and, it is said, "displaying abilities of a high order." When twenty-six years of age he was elected judge of the Seventh Judicial district composed of Muscatine, Scott, Clinton and Jackson counties, and was re-elected four years after.

Referring once in an address in Iowa City to his years of practice in Davenport he said: "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 (41 Greene, 23, in 1853) and McManus vs. Carmichael (3 Iowa, 1, in 1856)," showing that he had the same trepidation before the supreme court that every young lawyer has.

Not long after his second election as district judge he was chosen in 1863, at thirty-two years of age, judge of the Iowa supreme court in recognition of his very superior abilities, and afterwards became chief justice. He resigned from the district bench in order to accept this position. Sixty-five years ago when he went upon the supreme bench the court was composed of John F. Dillon, George G. Wright, Ralph P. Love and Chester C. Cole, and was ranked very high throughout the nation. The

spring and fall terms were held at Davenport and Dubuque. His first opinion reported is *Welton vs. Tizzard*, 15 Iowa 495, and his last is *Greenwald vs. Mitcalf-Graham & Co.*, 28 Iowa, 363.

Judge Dillon was a man who was never satisfied with his attainments. He had great intellectual powers. He was indeed a tremendous intellectual force and an incessant worker. His joy was in achievement and the physical basis of him was such that all his life he could work without restraint. This is evidenced by all that I could find out about him. He believed in work—in work not half done but work thoroughly done—and his happiness, his reward, was in the completion of a task in which no effort had been withheld. His insatiable appetite for work and unsundering determination to constantly increase his equipment as a man, a lawyer and a judge may be seen in his preparation of the first digest of Iowa Reports, known as *Dillon's Digest*. Hon. E. H. Stiles, a distinguished member of the Iowa bar and one time reporter of the supreme court, has told how Judge Dillon came to prepare this digest. "He (Dillon) told me," wrote Mr. Stiles, "that when he was elected district judge he entered upon a 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 in harmony therewith. He kept this up and added to it as additional reports appeared. It occurred to him that with a little remoulding and enlarging it might be useful to the profession. This he did and thus came about *Dillon's Digest*." This was done while he was supreme justice of the court. Recall his youth! At thirty-two called to the supreme court and afterward chief justice.

NAMED JUDGE ON U. S. CIRCUIT COURT

Before Judge Dillon had qualified after his second election to the Iowa Supreme bench, President Grant appointed him United States circuit judge for the Eighth Circuit composed of the states of Minnesota, Iowa, Missouri, Arkansas, Kansas, Nebraska, and Colorado when he was thirty-seven years of age.

It is universally said and written of him that his unparalleled advancement from the beginning of his career was not due to any political work or influence, but was due wholly "to the steady display of those superlative qualities that inhere in and make great lawyers and judges and of which the instinct of unremitting toil is the greatest." One, very intimate with his life and work, has said: "A more constant observance of these principles has rarely been so well exemplified in any other public man." His election was both times by overwhelming majorities.

All estimates that I find of his career on the bench from the beginning to the end are that "he had an exceedingly well-poised intellect, a thoroughly judicial temperament, a keen and unerring sense of justice, a mind disciplined by years of closest legal study." The mere careful reading of his opinions compel assent to their clearness and soundness. Another, himself a distinguished judge, has said: "His opinions in the state, as well as the United States court, are, by reason of his name and fame as well as general soundness of the opinions themselves deferred to as authority by all the courts of this country."

Judge Caldwell, judge of the United States court said of him, "that he was the best *nisi prius* judge he had ever seen on the bench."

Hon. Josiah H. Benton, one of the leading lawyers of Boston, in an address upon "The Qualification of Judges," referring to Judge Dillon said, "whom I regard as, perhaps, in all respects the leader of the bar in the United

States." A distinguished Maryland lawyer and president of the state bar association made like reference. A justice of the supreme court of Florida in an opinion referred to a decision as coming from Judge Dillon, "one of the most eminent of American jurists and law authors now living." By high authority it was said of him "that he came to be regarded as one of the ablest lawyers and one of the most profound jurists of the American bar and ranked as its foremost leader, and, taken all in all—the depth and comprehensiveness of his learning, his distinction as a judge, the accuracy of his opinions, his strength of argument, his judicial aptness, his fame as an author, his felicity of speech, his general literary merit; in short, upon the whole of his varied accomplishments he justly may be so regarded."

Many have commented as to his manner on the bench, all testifying that he did not lack firmness or dignity, but was patient and urbane under all circumstances. No acerbity of temper or hasty action. He was very much respected by bar suitors and witnesses. On the whole he seems to have been regarded as an ideal judge.

In all, Judge Dillon served twenty-one years on the bench—five years on the state district bench, six on the supreme court bench and ten years on the United States circuit bench.

AN EDUCATOR AND WRITER

In the spring of 1879 he was tendered a law professorship in Columbia College, New York, at a salary considerably larger than he was receiving as federal judge. (It may be remarked here that while Judge Dillon was serving on the bench the salary on the state district bench was \$1,300.00 per year, on the state supreme court bench \$2,000.00 and on the federal bench \$6,000.00.) He and Mrs. Dillon visited New York to examine into the matter. The object of the change, he wrote, was to secure an adequate provision for the family in case of the father's

death. They found that owing to the greater cost of living the increased compensation of the professorship would not materially aid in effecting the desired result and it was at first decided to decline the offer. Then the college offer was supplemented with the tender of a place of general counsel to important railway companies at a liberal salary, with the added privilege of arguing cases in the appellate courts of the state and in the supreme court of the United States. Thereupon removal to New York was decided upon and on the 26th day of May, 1879, he tendered his resignation to the president to take effect September first.

Judge Dillon's great work on "Municipal Corporations" was entered upon and completed and greatly enlarged and improved through as many as five editions and possibly more, while he was engaged with the arduous duties on the bench and afterwards as a lawyer in New York with a clientage probably never equalled by any other man of his time. It was very interesting to me, and I shall assume it will be to you, to hear from him just how he did it. He told it in an address at the dedication of the Davenport library. He said:

It so changed in the course of time that I found myself on the bench of the supreme court of the state, with an ambition not unnatural to write a work upon some subject that I hoped might be useful to the profession. The first indispensable requisite to such an undertaking was access to a full law library. That of Judge Grant, which was one of the largest private law libraries in this country, supplied this condition. The next requisite equally indispensable, was the needed leisure for study and research, and the only leisure possible to a judge was in the intervals of uncertain length between terms of court. The library being at hand in my own city, enabled me to do what otherwise I could not have done at all, that is, utilize my days, snatched from judicial labor, by working in the Grant library, collecting material for my projected book.

I selected my subject, "Municipal Corporations", and entered upon the work of thorough and systematic preparation. Without the aid of stenographer or typewriter, I began an examination, one by one of the thousands of law reports, commencing with Vol.

1 of the state of Maine and continuing down through successive reports to date, and so on, in like manner, the reports of every one of the states, and of the Federal and English courts, occupying all of my available time for about six years. The result I have never had occasion to regret. It has profoundly affected my whole professional career.

He wrote of the edition then in press as follows :

Forty years and over have elapsed since the preparation was begun and more than thirty-five years since the publication of the first edition. The work is thus not only a child, but the companion, of the far larger part of a prolonged professional career. Any justifiable satisfaction I might feel in its success is somewhat subdued, by the reflection that in this edition I am taking my final leave of a work which is so intimately incorporated with the studies and labors of so many years. We must, however, accept, as I do, without murmur or regret, the inevitable.

A MARVELOUS RANGE OF AUTHORSHIP

It is wonderful that he could find the time for this great work, but it is still more astounding that he did so much more of a literary character. I dare to submit a list which may not be complete. His writings include :

Historical Evidence of the Origin and Nature of the Government of the United States.

The Inns of Court of Westminster Hall.

Iowa's Contribution to the Constitutional Jurisprudence of the United States.

Early Iowa Lawyers and Judges.

Dedication Address Davenport Free Public Library.

Chancellor Kent—His Career and Labors.

Uncertainty in Our Laws.

Law Reports and Law Reporting.

American Institution and Laws.

Commemoration Address on Chief Justice Marshall.

Opening Address First General Meeting New York Lawyers Association.

Century of American Law.

Law of Municipal Bonds.

Property.

Bentham and His School of Jurisprudence.

Our Law; Its Essential Nature, Ethical Foundations and Relations.

Bentham's Influence on the Reforms of the Nineteenth Century.

John Marshall, Life, Character and Judicial Services. 3 Vols.

Laws and Jurisprudence of England and America. A series of Lectures.

Removal of Causes from State to Federal Courts. A number of editions.

Dillon's Reports of United States Circuit Courts for 8th Circuit, consisting of five volumes.

Anna Price Dillon: Memoir and Memorials. A book of 480 pages.

He also delivered addresses before the Columbian exposition at Chicago in 1893 and the St. Louis exposition in 1904.

He was lecturer for a number of years in the law college of the State University of Iowa. For three years he was lecturer on legal subjects in Columbia college, New York, and at the same time had a very large practice as a lawyer. His practice became so increasingly burdensome that he gave up his professorship and devoted himself to it wholly for the remainder of his life, a little more than thirty years. The extent of his clientage covering such interests as those of the Union Pacific, the Missouri Pacific, the Texas Pacific, the Manhattan Elevated, the Western Union Telegraph company, the Jay Gould estate and of the different members of that family.

Mr. Dillon was also a member of the commission appointed to prepare the charter for the Greater City of New York, uniting into one city the three cities of New York, Brooklyn and Long Island City, each living under

local laws and each with defferent charters and bringing into the enlarged city a considerable area of new territory, besides that still remaining under town and village government. These cities were in three different islands and the mainland with distinct histories and antecedents. The vastness of the work may thus be seen and also when the charter consists of 1620 sections and covers 742 pages. How could he possibly do all he did and at the same time so well?

Here I cannot forbear quoting very briefly from two letters to Judge Dillon, the first from Judge Rose, formerly a federal judge, president of the American Bar Association, American representative at the Hague Peace Conference and a finished scholar. Closing his letter he said: "Is it not time that you and I were leaving off the courts and the law, with all the turmoil of this weary and unintelligible world, forever incorrigible, both to precept and example? I am beginning to think so and to long for rest, like the overworked steer. Still, the future is not quite clear to me; perhaps it will never be."

To this Judge Dillon replied: "Whether it is not time for us to leave off courts and the law and the turmoil and burden of professional life, opens a question which constantly recurs, seriously demanding solution, but one which is too large to enter upon here. I hardly know what it is best to do. I sometimes gloomily think that old age is almost an unmixed misfortune, and that there is nothing for one of my years to do but to keep drifting on and on 'till Fate settles what the man cannot decide for himself. Idleness to me would be intolerable, and as much as I love books, I fear that if left with them only, I should feel as Gibbon expressed it, that I would be done in Paradise."

ENJOYMENT OF HOME AND FAMILY

The foregoing is an effort to present Judge Dillon in the environment of his early life and his professional

life as a lawyer, to lawyers. But we shall not know him without taking a brief survey of his social and home and family life. His home for forty-one years of his life was in Davenport. After that it was in New York City where he died at the age of eighty-three years on the 5th day of May, 1914. He was buried in Oakdale cemetery at Davenport on the 9th of May. It was here that he was married at twenty-two years of age to Anna Price, whom he had known from childhood and with whom he had attended the Davenport school. Here their children, two boys and two girls, were born.

Mrs. Dillon was a daughter of Hiram Price, one of Iowa's most able, scholarly and notable men. She was a most gifted woman. She and one of her daughters lost their lives, with 500 others in a shipwreck on the 4th day of July, 1898. Judge Dillon's book "Anna Price Dillon: Memoir and Memorials," was, as he writes "not published, although printed and is intended only for distribution among Mrs. Dillon's family, kindred and friends." It consists, almost entirely of her letters written to the judge and to her friends which he collected after her death. They, fortunately, had preserved them and must have done so because they prized them. Well they may for their high literary value and because they reveal the warm and sincere friendship of a most rare and highly gifted woman.

"Yesterday," she writes, "my husband left. It took all the fortitude I could muster to have him go and when I bade him good-bye, although I could leave him calmly, I broke down and cried outright. Johnnie (her son) and I took a cab and drove back from the depot and though it was a ride for an hour, neither of us spoke for the whole hour, but just sat and cried."

The judge wrote her: "I've had some of the furniture varnished, the cellar cleaned and things are now in pretty good shape for your coming. I hope to see you soon. May God fold you all in the arms of his love and care."

Again, when she was away: "We miss you more and more and look for you by Saturday."

Writing a friend she said: "I am glad you are going to take my poor forlorn husband for the few days he will be in Davenport."

Mrs. Dillon made some five or six trips to Europe with the children and spent some time there, partly on account of the very ill health of a daughter and that she might secure highly skilled medical treatment there. In nearly all of her letters to the judge she addressed his as "Dear Johnnie." She writes: "In case any accident should occur, and we never meet on earth, I must assure you that the children and I are all jubilant in the hope of getting home to you."

He writes: "I have finished my article for the 'Law Journal,' 150 pages of manuscript, and will send it off soon."

To a friend she writes: "I am happy in the thought that my poor afflicted daughter is, possibly, nearly cured."

He writes to "My dear Wife:" "I have put in the day writing letters to Justice Miller and Ashbel Green. The evening has been given to reading Lamartine." Here is a good place to say that Judge Dillon read widely and constantly of the best literature.

Her son John, then a "chunk" of a boy was with her in Paris. She wrote, "John is going on well with his studies. He learns French very fast and has taken a violent fancy for practicing on the violin. He plays 'The Last Rose of Summer' like an artist. He said the other night, "If I could play that for papa I'll bet he'd get me a new violin, for that is his tune." That boy's remark let me into the heart of Judge Dillon. "The Last Rose of Summer."

He writes: "I have made and enclose a memorandum which I think you ought to have in case of my death either on land or ocean before I see you. It shows my

property, and where it is and all of it, so that you would not be uncertain about it. It is not a very large amount as the result of the vast deal of hard work and a life of much self-denial on the part of both of us; but if carefully husbanded it would serve to keep the wolf from the door. I hope I may be long spared to you and the children, but death comes in so many forms and so unexpectedly, that it is prudent at my age—it is a duty—to be prepared." It may be remarked that at that time he was only fifty-two.

Here is one in which she keenly criticizes him. It shows the judge in the role in which everybody has always recognized him, that of hard work. He had gone to Texas in hot August in connection with a long and particularly trying piece of work.

The letter you wrote in Texas was received. I am glad you are again at home and no worse for the trip. I think no sane man would ever have consented to do such a thing for any amount of money. For a long time at this season of the year I have watched you and have seen unmistakable signs of insanity in you where work is concerned. It is not with you as with other men who work hard, and then relax perfectly and try to regain by absolute rest what has been lost by application and great strain upon the brain. After you have accomplished some stupendous undertaking, instead of the rest you require, which should be obtained by a change of air, climate and scenery, you at once jump into something else harder and demanding more work than what you had just finished. Then you pitifully say you "find you can't stand what you once stood." Is it any wonder? You have never known the respite from work and thought that aids in keeping other men well and strong and fully able to tussle with the world. Hymie (son named Hiram, but they always called him Hymie) and I long ago concluded that work was your recreation and that we might as well let you alone.

Ever Affectionately yours,

ANNA P. DILLON.

A faithful and accurate epitome of Judge Dillon's life-work. She writes: "I was put to it to know what little thing to send you. So I settled on a knife, a pair of 'shearers' for your whiskers and a watch rest; the rest can be adjusted (by means of the ring on the back) to

stand at an angle of 45 degrees and thus hold the watch just in the right position to strike the eye. The little book—Longfellow's 'Nuremberg'—I knew would please you and at the same time remind you of the delightful old city."

He writes: "I have been hard at work for a month on my manuscript and it is nearly ready for the printer"—his "Yale University Law Lectures." "This is my last book and it will be dedicated to you." It was and the following is the dedication:

"The years of professional studies, circuit journeyings and judicial itinerancies, whereof this book is in some measure the outcome, as well as the time required for its preparation, have been taken from your society and companionship. The only reparation possible is to lay these imperfect fruits upon your lap. As to you, indeed, they justly belong, this formal 'Dedication' serves alike to accredit your title and to manifest my grateful sense of obligation and affectionate regard."

VICTIMS OF A SEA DISASTER

Mrs. Dillon and her daughter sailed Saturday at 11 a.m., July 2nd, in the hope of bettering the health of both at health resorts in Europe, on the French Steamer *Bourgogne*. At 5 a.m., July 4th the steamer sank. Judge Dillon not yet knowing of the disaster wrote his last letter to her July 5th. He wrote: "I sent Hymie a dispatch that I saw you safely embarked. When I got home Saturday I both saw and felt the difference. The motor power of the house was gone; the wheels were all standing still. There was a persistent vacuum, the light seemed extinguished and I realized that I was alone. * * * I shall write you when I can and you must let me hear from you as often as you feel able to write. But do not tire yourself with writing long letters. Write a few lines just saying how you are."

In 1894-5 they had built a very fine residence, named *Knollcrest*, at *Far Hills*, New Jersey, on a beautiful com-

manding eminence. It was from this Mrs. Dillon sailed and to this the judge returned after he had seen her "safely embarked". At the close of his "Memorials" of her, he writes:

Knollcrest, the home of heart and love, still stands a domestic ruin, with its light gone out, never to be relumed; and concerning which he whom she left behind and who with fondest love and care hath prepared this imperfect memorial can only say—

O palace desolate:
 O house of houses, once so richly dight
 O palace empty and desolate;
 Thou lamp, of which distinguished is the light;
 O palace once day, that now art night
 Thou ought'st to fall, and I to die, since she
 Is gone who held us both in sovereignty.

A memorial religious service was held at Knollcrest. The judge's last words in his "Memorial" are, "Nothing but the infinite pity is sufficient for the infinite pathos of human life."

We can only exclaim: Oh! why do such as John Forrest Dillon and Anna Price Dillon have to die?

With no prestige of parenthood; most humble environment; friends? Yes, but no assistance by the aid or influence of any; arriving at the front in very early youth, the peer of men twice or almost thrice his age; a scholar in literature, profoundly learned in the law; a great lawyer, a great judge, of high rank in legal authorship; in all so recognized in both America and Great Britain; or, as one writer says, among Anglo-Saxon people everywhere; not coldly intellectual and exclusive, but companionable with a heart of warmth toward all classes and full of love and devotion for wife and children; such was Judge Dillon.

Never in a high school, or college, or university—never a student in a law office or law college, yet this nineteen year old boy walked out of the little one-story, one-room, dilapidated brick office in a village on the banks of the Des Moines river, never halting, straight to fame.

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