

# BACK STORY

## JOHN FORREST DILLON, THE MAN BEHIND DILLON'S RULE

BY PATRICIA D. CAFFERATA, ESQ.

In 1838, when John Dillon was six, his family moved from New York State to Iowa. His father Thomas managed a hotel in Davenport, and John attended a private school for children (before public schools). Originally, Dillon studied to be a doctor, but after graduating from the College of Physicians and Surgeons in 1850, he realized he could not be a doctor; an inguinal hernia prevented him from making the necessary trips, on horseback, to visit patients on farms outside of town.

While Dillon sought another career, a lawyer friend encouraged him to study law. He recommended Dillon begin by reading *Blackstone's Commentaries*. Unlike other lawyers at the time, Dillon did not study with another attorney or attend law school. He taught himself the law by reading legal treatises and cases and by studying legal documents.

Admitted to the Scott County Bar in Iowa in 1852, Dillon was soon elected prosecuting attorney. In 1858, the voters elected him to the district court bench. He began writing up notes on all the Iowa Supreme Court cases, so he could rule in compliance with the court's precedents. In 1860, he published his first book, *Digest of the Decisions of the Supreme Court of the State of Iowa*, known as *Dillon's Digest*.

The voters elected him to the Iowa Supreme Court in 1863. He was reelected in 1869, but before his term began, President Ulysses S. Grant appointed him as a U.S. Circuit Judge for the Eighth Circuit Judicial Circuit.

As a judge, Dillon frequently faced questions relating to municipalities. He could find no American reference books on the subject, and the books from England could not be adapted to the American courts because the UK had only a few municipal institutions. On the other hand, Dillon found that municipalities were the most striking feature of American government; they

numbered in the thousands by the 1870s.

In 1872, after researching decisions for eight years, Dillon published the first edition of his *Municipal Corporations*. The treatise quickly sold out, so, he added some new chapters, and a second edition was printed the next year. Dillon also found time to compile other works, including the *Removal of Cases from State to Federal Courts* and *Municipal Bonds* in 1876. He published *Dillon's Reports of the United States Circuit Courts of the Eighth Circuit* in 1878.

In 1879, John resigned from the bench, accepted a Columbia Law School professorship, and opened private law practice in New York City. As judges across the country continued to decide cases, Dillon added to his *Municipal Corporations*. He analyzed more than 3,000 cases for the third edition published in 1881. The fourth edition appeared in 1890; his final and fifth edition was released in 1911.

In the final edition, Dillon analyzed all the federal courts' decisions and cases from the then 46 states. He enlarged the two volumes to five by adding new chapters on various topics.

In 1882, Dillon's practice required him to resign his Columbia professorship, but he continued to publish legal treatises, including *The Laws and Jurisprudence of England and America* in 1895. He also compiled a four-volume work on *John Marshall: Life, Character and Judicial Service*. Judge John F. Dillon devoted his life, studies and writing to improving the legal profession. ■



Nevada Lawyer Editorial Board Chair **PATRICIA DILLON CAFFERATA'S** late step-father, and Reno attorney, Kenneth Dillon was the great-grandson of John Forrest Dillon.

### The life of John Forrest Dillon

- 1831** Born, New York State
- 1838** Moved to Iowa
- 1850** Graduated College of Physicians in Davenport, Iowa
- 1852** Admitted to the Scott County, Iowa Bar
- 1852** Elected Prosecuting Attorney – Scott County, Iowa
- 1853** Married Anna Price, a former schoolmate, Iowa
- 1858, 1862** Elected to Seventh Judicial District Court, Iowa
- 1862 and 1868** Elected to Iowa Supreme Court
- 1867 - 1868** Chief Justice Iowa Supreme Court
- 1869** Appointed by President Ulysses S. Grant as a U.S. Circuit Judge for Eighth Judicial Circuit for Minnesota, Iowa, Missouri, Arkansas, Kansas, Nebraska and later Colorado
- 1879** Resigned and served as a professor at Columbia Law School and opened his private practice in New York
- 1891 - 1892** President of the American Bar Association and professor at Yale Law School
- 1898** Wife Anna and daughter Annie perished when the S.S. La Bourgogne sank in a collision off the coast of Nova Scotia
- 1914** Died in New York and is buried in Iowa.