



Remembering
**JUDGE
MORRIS**

University of Delaware Library
University of Delaware Library Associates

REMEMBERING JUDGE MORRIS
COLLECTIONS, Volume VIII

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Publication of *Collections*, Volume VIII

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Photographs:	Unless otherwise credited, Photographic Services, Public Relations, University of Delaware

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ISSN 8755-3473

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UNIVERSITY OF DELAWARE LIBRARY ASSOCIATES

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COLLECTIONS
Volume VIII

Remembering Judge Morris

PUBLISHED BY
THE UNIVERSITY OF DELAWARE LIBRARY ASSOCIATES
1993



Oil portrait of Judge Hugh M. Morris done in 1954 by Frank E. Schoonover which hangs in the Board Room of Hulliher Hall, University of Delaware. Used with permission of Permanent Collection, University of Delaware.

Dedication

This volume of *Collections* is dedicated to the memory of the Honorable Hugh M. Morris after whom the University of Delaware Hugh M. Morris Library is named.

The original Morris Library was completed in 1963 and in 1993 the Morris Library marks its 30th anniversary.

REMEMBERING JUDGE MORRIS

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THE UNIVERSITY OF DELAWARE LIBRARY ASSOCIATES
Collections, Volume VIII Newark, Delaware

1993

Acknowledgments

Many persons assisted in the making of this volume and I wish to acknowledge their time and generosity. I believe for most it was a labor of love and I hope this endeavor meets with their approval as together we give honor to a great man.

I have personally enjoyed the project very much and feel even more privileged than before to serve in Judge Morris's Library. I especially appreciated the opportunity to discuss Judge Morris with so many individuals who knew him and to hear personally some incidents and anecdotes of Judge Morris's life. I thank them for those conversations and for their participation in this joint effort.

I wish also to offer here a most gentle reminder to all readers. Having perused numerous unidentified photographs of Judge Morris and the Morris family, I implore all readers to label their family photographs with a date and with subjects identified. Future generations—and including possibly your own biographer!—will appreciate it.

I wish to thank Andy Kirkpatrick and Sam Arsht for their wise counsel about the project and for their patience in confirming facts and locating information. I also wish to thank Judge G. Burton Pearson, Jr. for his suggestions and advice. I was extremely moved by the beautiful writing of these three individuals.

Marjorie Tilghman and Marian Pigford were delightfully responsive to my request to meet a tight deadline and Margaret Perkins's personally delivered reminiscences were much appreciated and I thank them very much. I thank my predecessor, John Dawson, who initially shared his admiration for Judge Morris with me in 1980 upon my arrival at the University of Delaware and then re-visited it more than a decade later for this publication. I thank Jack Biggs and Tyler Coulson for sharing their memories with a wider audience. I also thank Carol Hoffecker and the Historical Society for the United States District Court for the District of Delaware for allowing her scholarly piece on Judge Morris's judicial career to be reprinted.

I thank the University of Delaware Library staff who were involved with the creation of this volume, Julia T. Hamm, L. Rebecca Johnson Melvin, Patricia Lesniczak, Joan McManus, Timothy Murray, and Craig Wilson. The reference assistance of University of Delaware Library staff including Rebecca Knight, David Langenberg, Linda Stein, and Catherine Wojewodzki, was also appreciated. I thank Jean K. Brown, Director of Records Management and Archives Services, for fact verification and Professor Charles Robinson of the English Department who supplied the Shelley citation. Of course, we all thank John Munroe for his *The University of Delaware: A History* published in 1986 which provided such a comprehensive and superb source of information. His personal memories herein enrich the considerable mention of Judge Morris in that scholarly work.

I give special thanks to Julia T. Hamm, the coordinator for the project, who



Photograph of Judge Hugh M. Morris (1959)
©Karsh, Ottawa. Framed Judge Morris photograph
by Karsh hangs in the Office of the Director, Hugh
M. Morris Library.
With permission of photographer, Yousuf Karsh.

most ably moved it forward and fostered it to completion. Without her dedication and skill this publication would not exist.

I welcome the identification of flaws and inaccuracies from any reader. Some initial readers have already done so and I thank them for their suggested corrections made with infinite clarity.

The University of Delaware Library Associates under President Frances O. Allmond continue to provide generous assistance to the University of Delaware Library. In addition, David P. Roselle, President of the University of Delaware, Richard B. Murray, Interim Provost, and Margaret L. Andersen, Vice Provost for Academic Affairs, are strong supporters of University of Delaware Library collections and services. I thank these individuals and all members of the University of Delaware Library Associates for their contributions to the collections and programs of the University of Delaware Library.

Susan Brynteson
Director of Libraries

Serving in Judge Morris's Library

SUSAN BRYNTESON

The Morris Library, completed and opened in 1963, was named after Judge Hugh Martin Morris (1878-1966), respected attorney, eminent jurist, graduate of Delaware College, long time Trustee and then President of the Board of Trustees of the University of Delaware, and also generous benefactor of the University.

From the earliest days of my arrival at the University of Delaware Morris Library I heard stories about Judge Morris, stories which filled me with both respect and awe. It was clear to me that he had touched so many lives and that he stood for those splendid principles of integrity, dedication, perseverance and industry. A man of strong determination and with a great love for the University of Delaware, he was someone who exemplified character and wisdom. In fact, I do not think I have ever heard mention of Judge Morris, either by those who knew him well or by those who had only a general association with him, when the individual did not mention what a man of principle he was and one in whom we are reminded of Sir Philip Sydney's definition of a gentleman, "High thoughts, seated in a heart of courtesy."

As President of the Board of Trustees, Judge Morris saw the University of Delaware expand approximately five-fold by the size of its enrollment and physical plant. The period during which he served was one of great change and growth for the University of Delaware including the completion of many major buildings; the restructuring of the University with the merge of the Womens College and the resulting establishment of coeducation; the enduring of the World War II years and years immediately following which brought an increasing number of students and a different kind of student; the opening of the University to African Americans; and the major expansion of the academic program including the establishment of centers for support and research. Judge Morris also had a principal role in establishing important resources that would come to the University ranging from the major gifts of H. Rodney Sharp, of Amy DuPont in establishing the Unidel Foundation, and the gift of 47 Kent Way from Caleb Wright which serves as the President's House.

Judge Morris worked with five presidents or acting presidents including: Walter Hullihen (1920-1944); Wilbur Owen Sypherd (1944-1945); William Samuel Carlson (1946-1950); Allan P. Colburn (1950); and John A. Perkins (1950-1967).



Above: A new building plaque was installed to commemorate the initial dedication date of 1963 and the rededication date of 1986. The Hugh M. Morris Library, where the main collection of the University of Delaware Library is held, marks its 30th anniversary in 1993. Below: The Hugh M. Morris Library was photographed in the mid-1980s with the magnolias in bloom.



When the Hugh M. Morris Library was formally dedicated on April 4, 1964, Judge Morris, although quite elderly, was able to attend the ceremony. He died two years later on March 19, 1966, three weeks before his eighty-eighth birthday.

In 1959, when he was eighty years old, Judge Morris was photographed by Yousuf Karsh, the eminent Canadian photographer known for his careful, classic style. According to a story told me by Judge G. Burton Pearson, Judge Morris did not wish his picture taken but was prevailed upon by Mr. James Tunnell for the pleasure it would give to others. Two variations of these posed photographs, which measure eleven by fourteen inches, both black and white, now hang in my office in the Morris Library and I look at them and enjoy them literally every day. In one of the Karsh photographs Judge Morris is seated leaning slightly forward on elbows with hands folded beneath the chin. He is in his office with his law books behind him and with volume one of the *Delaware Code Annotated* on the table before him. His face is carefully lighted which is the unmistakable style of Karsh. He has a gentle smile, almost as if he is listening intently to someone. It is a warm portrait, yet also heroic and not at all stiff, and it is a pleasure to have this photograph appear on the cover of this publication.

I often work late at night in my office, and, over the years, I have dealt with numerous and diverse matters including vexing problems ranging from budgetary allocations, to building design, to technology implementation, to personnel decisions, to dealing with unhappy members of the public; in short, all those complexities which comprise administering a large research library which is undergoing great change.

I have gazed at length at these two kind photographs of Judge Morris on my wall and Judge Morris has gazed steadfastly back. Indeed, through these photographs Judge Morris has given me excellent advice, and wise counsel, and occasionally gentle admonishment. He has always been understanding and pushed me on to uphold dedication to service, to intellectual honesty, and to meet all those commitments which make for a great library. In his essay in this publication, Mr. Andrew Kirkpatrick mentions the great influence of Judge Morris's invisible persona on a colleague. I, too, have felt that same mystique.

A larger version of one of these Karsh photographs is also displayed on a Morris Library south wall on the second floor near the administrative office, accompanied by a bronze commemorative plaque. In this same alcove hangs a formal portrait of Judge Morris by Bjorn Egeli done in 1959 upon the occasion of his retirement from the Board of Trustees. It is a formal portrait with a dark background and the painter gives detailed examination to Judge Morris's long tapered fingers holding eye glasses. His face has a serious expression and I believe his years of experience and responsibility are reflected in contrast to the Karsh photograph which is much more serene.

Across from the Egeli portrait is a portrait of Mrs. Morris in a rather formal



Photograph of the cover of Mary Smith Morris's book entitled *October and Other Expressions* (Kells Press, Wilmington, DE, 1965) accompanied by Judge Morris's courtesy card.

From Special Collections, University of Delaware Library.



The bronze bust of Judge Hugh M. Morris, sculpted by Charles Parks, resides in entrance to the Hugh M. Morris Library. The bust was the gift of the Class of 1932.

blue suit with a blue blouse with a single strand of pearls. She faces right, and her expression, both serious and pleasant, reflects a gentle nature. This portrait, somewhat damaged by age, was recently restored by the University and was hung in the Morris Library in 1993.

I have been told how much Judge Morris believed in the life of the mind and that he considered libraries as the symbol of what is great and important about education. He viewed the library as the repository for intellectual endeavor and the history of recorded knowledge where the fire of inspiration could burn brightly. He is said to have called the library both the jewel of the University and also its heart. At the turn of the century he studied in a Delaware College Library which had less than 10,000 volumes. The Morris Library which bore his name in 1965 had more than 500,000 volumes. I believe he would be justly proud of the milestone which the University of Delaware Library marked on October 9, 1991 when it added its two-millionth volume, a Shakespeare Second Folio.

It pleases me also to know that Judge Morris's sister, May Morris, was a librarian serving for many years as Head Librarian at Dickinson College in Carlisle, Pennsylvania.

Remembrances of the building's namesake grace the Morris Library. The Morris Family Papers are retained in the Special Collections Department and cover the period 1794-1985. The University of Delaware Library is fortunate to have this rather modest collection of the Morris Family Papers, since the larger part of Judge Morris's papers were destroyed.

The Library possesses *October and Other Expressions* by Mary Smith Morris, Judge Morris's only child who died October 17, 1964. The book, distributed posthumously by Judge Morris in memory of his daughter, was privately published in 1965 in a handsome white buckram binding with brightly colored autumn leaves on its cover. It contains short pieces of fiction and nonfiction ranging from a story about diamonds to one about Lewes sand dunes and marching soldiers.

A bronze bust of Judge Morris, sculpted by Charles Parks, was a gift to the University of Delaware by the Class of 1932. The bust given on the class's fiftieth anniversary in 1982 enriches the handsome oak-paneled entrance to the Morris Library that provides a warm welcome to library users.

A tradition has grown since the installation of the bust of Judge Morris and is now truly imbedded in student mythology. Students believe that Judge Morris via the bronze bust imparts prosperity and wisdom; therefore, they rub his nose so they too may have these traits. During exam times, it is not unusual to see hundreds of students touch the Judge Morris bust no doubt hoping his learning and wisdom is contagious.

By the mid-1970s with the growth of the University into a research institution accompanied by the growth of the student population and the Library collection, the Morris Library was extremely crowded. Seating was systematically removed to make room for the expanding collection of books, journals, and other library materials in multiple formats.

When in the early 1980s the decision was made, led by Dr. Samuel Lenher, Chairman of the Board of Trustees, Dr. E. Arthur Trabant, President of the University of Delaware, and Dr. L. Leon Campbell, Provost, to expand and enhance the Morris Library, the Morris Library had virtually reached its total capacity. Shifting of thousands of volumes and the related expense for the shifting was constant as any vacant space on a shelf was immediately filled. Decisions as to whether to buy a multi-volume set were sometimes affected by the reality of having no space to place it.

It was my privilege to participate in the planning, design, and program development for the enhanced and enlarged Morris Library which essentially doubled it in size. Most of the new space went for users, new services, and the implementation of technology. Very little space was assigned to the growth of the collection and the present Morris Library is beginning now to feel the effects of crowded stacks.

It was decided when the new library was built that it would be constructed as a "total Morris Library" and that the enlarged Morris Library should conceptually



Oil portrait of Judge Hugh M. Morris done in 1959 by Bjorn Egeli which hangs in the Hugh M. Morris Library.

Used with permission of Permanent Collection, University of Delaware.



Photograph taken in 1959 at the unveiling of the portrait of Judge Hugh M. Morris painted by Bjorn Egeli. Left to right: Judge Hugh M. Morris, President of the Board of the University of Delaware from 1939 to 1959, and Walter S. Carpenter, Jr. who succeeded Judge Morris as President of the Board of the University of Delaware and served in that capacity from 1959 to 1962.

Used with permission of University Archives, University of Delaware.

and programmatically be one complete library, and not the “old library with a new wing.” It was agreed that to do otherwise would take away from the majesty of Judge Morris’s namesake and the unity of purpose of the library.

And that is what we have today, a library having broad and strong traditional collections coupled with the very latest in the use of information technology and a staff dedicated to service, the kind of service that Judge Morris revered. Together a climate is provided for intellectual stimulation, scholarly achievement, and enrichment for all who use the Library’s vast resources and capabilities.

The Morris Family Papers in the Morris Library

L. REBECCA JOHNSON MELVIN

The University of Delaware Morris Library has in its Special Collections papers of the Morris Family which span the dates 1794-1985, with the bulk of the material dating from 1864 to 1875 and 1919 to 1925. The small collection includes legal deeds, account books, personal and business correspondence, legal briefs, and photographs. The papers were acquired in three separate accessions: general correspondence and papers were received as a gift after the death of Judge Morris in 1966, miscellaneous William Wilkinson Morris letters were received as a gift in 1974, and a single letter was donated in 1985.

There are three groups of material in the Morris Family Papers: material relating to Morris family land holdings, correspondence of William Wilkinson Morris, and personal papers of Hugh M. Morris. The material relating to the Morris family land holdings includes both original and photoreproductions of deeds and indentures of Greenwood, Northwest Fork Hundred, and other Morris land holdings. The documents are from 1794 to the 1890s.

The William Wilkinson Morris correspondence includes letters, 1865-1867, from M.N. Gray, a friend who was making better wages working at a store in Greensborough, Maryland, than he could make on the farm in Delaware; the courting letters, 1874-1875, from Mary Luther Collison to her intended; and letters, 1864-1868, from cousin W.H. Brokaw in Fair Hill, Maryland.

The personal papers of Hugh M. Morris include bank account books of Emma Carter Smith and her father, James A. Smith, 1896, 1917, 1922-1924; and Morris's books of class notes from the University of Delaware, 1896-1898. Personal correspondence includes ca. 100 letters of congratulations and carbons of replies upon Morris's appointment to the Federal Bench, 1919. Miscellaneous business correspondence includes letters to Senator Willard Saulsbury; a passport signed by U.S. Secretary of State William Jennings Bryan, prepared for Saulsbury's 1915 trip to Japan and China; and a memo reflecting a political difference between Delaware Governor Cox and P.S. DuPont. Among other legal documents is a brief *in re* Pusey & Jones submitted by Saulsbury to Judge Morris, 1923-1925.

The Morris Family papers also include photographs of family members, family pets, the Polly Drummond Hill home, and other items. Further documenting the Newark home are landscaping notes and plans of Mary Smith Morris, 1960.

University of Delaware Board of Trustees Memorial

G. BURTON PEARSON, JR.

Judge Morris served on the University of Delaware Board of Trustees from 1929 to 1959 including as its President from 1939 to 1959. Following his death, the Board passed a memorial tribute to him. The tribute was written by Judge G. Burton Pearson, Jr. and also read by him at the meeting.

*Memorial to the Honorable Hugh Martin Morris
Meeting of the Board of Trustees of
University of Delaware
June 11, 1966*

It was a truism that the accomplishment of an institution which fulfills its purpose is essentially the joint product of an indefinite number of individuals who have labored long and with consecration. Without their combined anonymous effort, nothing significant would result. It is, perhaps, also characteristic of an organization which becomes pre-eminent, that in its annals a handful of stalwart souls stand out as mountain peaks. Their contributions are so extraordinary as to alter and channel its entire course of development and attainment. Looking back at the record of the University of Delaware, one of the greater of such personages is, and will always be, the Honorable Hugh Martin Morris.

Judge Morris was born in 1878 in Greenwood, Delaware. His birthplace, known as "Morris' Pleasure," had been occupied by his forbears for more than six generations. He was graduated from this University, then Delaware College, in the Class of 1898. He studied law, was admitted to the Delaware Bar and practiced law in Wilmington in the law firm of Senator Willard Saulsbury. For some time Judge Richard S. Rodney was a member of this firm, which was known as Saulsbury, Morris and Rodney. In 1919, President Woodrow Wilson appointed Hugh M. Morris Judge of the District Court of the United States for the District of Delaware. Almost immediately he was recognized as one of the foremost jurists of this nation.

One has but to read his opinions to be aware of their fearlessness, clarity, accuracy, and soundness. It was because of his sagacity and innate fairness that many litigants chose the federal district court here, in preference to courts in other available jurisdictions, for the trial of their cases.

In 1930, Judge Morris resigned his judgeship and resumed the private practice of law. Not only from Delaware but from a score of other states, clients came to seek his advice and engage his services. He was one of the country's most distinguished attorneys. He practiced law with a love and enthusiasm for it. Even failing health in the latter years of his life did not cause him to give up going to his law office, until his very last illness.

Judge Morris was a man of great strength and courage. He was kind, considerate, patient, and courteous. He was a devoted husband and father. His brother and sisters meant much to him. He enjoyed people and was a delightful companion and friend. His personality was captivating to young and old alike. He took an active and helpful part in many philanthropic causes. This, however, did not lessen the vast number of acts of direct, private charity which his warm and sympathetic heart impelled.

In 1928, this University conferred on him the honorary degree of Doctor of Laws. The following year, he became a member of the Board of Trustees. He served as a trustee for thirty years, and of this term, twenty years as President of the Board. He retired in 1959, and on this occasion the Board appointed him Honorary Counselor of the University as a token of gratitude for his long and important services. The Board also adopted a special resolution of appreciation from which I shall quote a part:

During his incumbency, great betterments of the University have come about. There has been a tremendous physical expansion. Everywhere on the enlarged campus are evident more and better dormitory, dining, classroom and laboratory quarters. There are new and different facilities. Provisions for athletic activities have been improved. There has been a five-fold increase in the number of students taught through on- or off-campus programs. Fields of instruction have been widened, with more intensive cultivation and consequent greater enrichment of the intellectual lives of those affected by the University. Its repute is more favorable and more widespread than ever before.

The direction which this metamorphosis has taken has been profoundly influenced and guided by Judge Morris. His wisdom and resourcefulness have been relied on to solve an amazing variety of problems. He has had an almost magical capacity to make dreams come true.

Following his retirement, he maintained a keen interest in the University. In 1960, he was elected to the Delaware Chapter of Phi Beta Kappa. In 1963 he was able to attend the dedication of our library which was named in his honor.

His affection for the University so ably manifested during his life did not cease

with his death. Under his Will, after certain life interests, he left the bulk of his estate to the University of Delaware.

The good that he has done continues to bear fruit. Memory of him will long remain an inspiration for all those having an interest in the welfare and accomplishment of this University.

Shortly after his death on March 19, 1966, there was brought to my attention a slip of paper which he had kept underneath the glass cover of his desk. It seems that this quotation gives a hint of the lofty ideals and profound thoughts of Judge Morris. It reads thus:

To suffer woes which Hope thinks infinite;
To forgive wrongs darker than death or night;
To defy Power, which seems omnipotent;
To love, and bear; to hope till Hope creates
From its own wreck the thing it contemplates;
Neither to change, nor falter, nor repent;
This, like thy glory, . . .,¹ is to be
Good, great and joyous, beautiful and free;
This is alone Life, Joy, Empire and Victory!²

¹ Judge Hugh M. Morris's version omitted the word Titan.

² These are the final lines of *Prometheus Unbound* by Percy Bysshe Shelley.

Wilmington Trust Company Memorial³

G. BURTON PEARSON, JR.

Judge Morris served on the Board of Directors of the Wilmington Trust Company from 1930 to 1966. Following his death, the Board passed a memorial tribute to him which was read at a meeting of the Board of Directors of the Wilmington Trust Company on April 21, 1966. The tribute was written by Judge G. Burton Pearson and also read by him at the meeting.

Memorial to the Honorable Hugh Martin Morris
Meeting of the Board of Directors of the
Wilmington Trust Company
April 21, 1966

It is a sad task to record the death of our beloved fellow member, Hugh Martin Morris. He was first elected a Director in 1930 and soon after was appointed to the Trust Committee. His service in these posts terminated just two days before his death on March 19, 1966. At the Organization Meeting in March, this Board named him a Director Emeritus in recognition and appreciation of his long and important service. He is the only person ever to be so designated by Wilmington Trust Company.

Judge Morris was one of the illustrious and brilliant personages of his age. Because of the life he led, his name connoted integrity, reason, courage and strength, together with kindness, gentleness, humor, and charm. His vast experience on the bench and at the bar, and in so many community affairs, gave him innumerable opportunities to utilize his extraordinarily good judgment. Few have had a more distinguished career. His characteristic friendliness and firm assurance were heartening to countless who knew him.

It is gratifying that the occasion arose to express to him how this Board felt about him. After he had made known that for reasons of health he could not be a candidate this year, our President wrote him a letter which concludes as follows:

³Reproduced with the permission of Mr. Leonard W. Quill, Chairman of the Board and President, Wilmington Trust Company.

. . . A few of us who were already with the Trust Company when you came, and the great majority who joined it after you, are of like mind in holding you in the highest regard and affection. In all of your associations with us you have been a wise counselor and a warm friend. You have significantly added distinction to this Company. Your place with us has been, and will remain, unique. I speak for all having any interest in the Trust Company when I say that our gratitude to you is heartfelt and unbounded.

I now move that this tribute to Judge Morris be spread upon the minutes of this meeting and that, as an expression of sympathy of this Board, a copy be sent to his family.

Some of the Things I Remember About Hugh M. Morris

S. SAMUEL ARSHT

I met Hugh M. Morris in the last week of December 1933. He was then fifty-five, about my father's age. I was twenty-three. I saw him last two days before his death on March 19, 1966, three weeks before his eighty-eighth birthday. Between those dates our association was continuous and close, with due allowance for the differences in our ages and positions.

He had been the Judge of the United States District Court of Delaware from March 1, 1919 until his resignation became effective on June 30, 1930. The following day he opened his own law office on the third floor of the Du Pont Building in Wilmington, overlooking Rodney Square, from where he practiced law until his death. He had earned a reputation as a most distinguished judge; and when I first saw him, three years after he had resumed his law practice, no Delaware judge or lawyer was held in higher esteem, locally or nationally, than he.

When I met him, I was a student in my last year at the University of Pennsylvania Law School. I had become acquainted, in the summer of 1932, with Richard S. Rodney, a judge of the Supreme and Superior Courts of Delaware, who took me under his wing as an unofficial law clerk—a position which carried no stipend but gave me the distinction of being the first (and, for some years thereafter, the only) law clerk of a Delaware state court judge. Judge Rodney had discussed with me what I would do when I finished law school, and he felt I would be happy practicing law with Judge Morris, whose partner he had been in the law firm of Saulsbury, Morris & Rodney before each was appointed a judge. A few days before Christmas of 1933, Judge Rodney told me that he had spoken to Judge Morris about me and Judge Morris had asked that I see him after Christmas. When I showed up after Christmas for the interview, he put me at ease immediately by saying that Judge Rodney had told him about me and that no one could be as good as Judge Rodney had said I was. The interview lasted less than fifteen minutes. He didn't ask about my grades, class standing, or personal background. The only thing he asked was that I tell him about a law review article which Judge Rodney had told him I had written. Nothing was said about compensation or any other term or condition of



Judge Hugh M. Morris. Inscription: "To my friend and associate S.S. Arsht. With warmest regards. June 19, 1939. Hugh M. Morris."

Used with permission of S. Samuel and the Honorable Roxanna Arsht.

employment. He told me I would hear from him soon. On January 12, 1934, he wrote me:

My dear Mr. Arsht:

I should be glad to have you come into my office as of the First day of July at a compensation of \$125.00 a month—this arrangement to last for one year—if that is satisfactory to you.

Will you let me know at your early convenience whether this arrangement will be satisfactory to you.

Yours very truly,

Hugh M. Morris

On receiving Judge Morris's letter, I immediately wrote Judge Rodney who replied on January 15th with a handwritten letter as follows:

Dear Sam:

Just a line to acknowledge your letter about going with Judge Morris. I received your other letter but have not had time to answer it. This last letter however requires immediate response and congratulation. I know you will have pleasant relations with Judge Morris for I had them myself.

You may be interested in knowing that today the State Senate unanimously confirmed my appointment for a further term of twelve years.

Yours &c,

Richard S. Rodney

Although a salary of \$125 a month seems like a pittance now, in 1934, the trough of the Great Depression, it was the top starting salary in the country for law school graduates who had not yet taken a bar examination. It was matched by only the very best New York City law firms, and it was very substantially more than the pay scale of any other Delaware law firm.

When I reported for work, four years after his resignation as a judge, I became the seventh lawyer in the office: there were Judge Morris and six young associates, each of whom had been hired fresh out of law school. Two of those young lawyers (Geo. Burton Pearson, Jr., who had started with Judge Morris in 1931, and Edwin D. Steel, Jr., who had started in 1932) were later to become judges—Pearson in 1939 and Steel in 1958.

As for me, perhaps I could be best described then, simply, as raw material. I was as green, as unsophisticated as it was possible for a young man who had just finished law school to be. Except while attending law school in Philadelphia, I had lived nowhere but at home in Wilmington where I was born. I had been on a train, but only to go back and forth to school in Philadelphia. I had never been to New York. My most distant trip from Wilmington was in 1923, at age thirteen, to Washington, D.C., where I had gone by bus with other boy scouts from Wilmington to compete in a pup tent pitching contest and had slept two nights in a tent on the Mall. I had never stayed overnight in a hotel. I had worked my way through college and law school, by necessity, not by choice. My parents, orthodox Jews, had come to the United States from a backwater village in Russia in 1908, two years before I was born. My father was a paperhanger who eked out a meager living. Nothing in my background even faintly resembled the environment I entered when I went to work for Judge Morris in the summer of 1934.

I have mentioned that before they were appointed judges, Judge Morris and Judge Rodney had been partners in the law firm of Saulsbury, Morris & Rodney. That firm had its roots in the law practice of Victor du Pont who was admitted to

the bar in New Castle County on November 19, 1849. His grandfather, also named Victor du Pont, was one of the two sons of Pierre Samuel du Pont who came to the United States from France in 1799. Pierre's other son was Éleuthère Irénéé du Pont who founded the Du Pont Company in 1802. Victor du Pont's other grandfather was Nicholas Vandyke, a United States Senator and son of Nicholas Vandyke, a hero of the Revolution and an early President of the State of Delaware. Victor du Pont, the firm's founder, died May 13, 1888, at which time Willard Saulsbury, Jr. had been his law partner for six years.

Saulsbury married Mr. du Pont's daughter in 1893. Thereafter, Saulsbury was elected and re-elected to the United States Senate, as his father had been before him. His father had also been Chancellor of Delaware (the State's highest judicial officer before 1951) to which position he had been appointed by his brother-in-law, Governor James Ponder.

The du Pont-Saulsbury firm evolved into Saulsbury, Ponder⁴ & Curtis⁵; Saulsbury, Ponder & Morris; Saulsbury, Morris & Rodney; Saulsbury & Rodney; and, between Rodney's becoming a judge in 1922 and Saulsbury's death in 1927, just Willard Saulsbury, Jr.⁶ Hugh M. Morris carried on the law practice under his own name from his resumption of practice on July 1, 1930 until 1940, when the firm name became Morris, Steel, Nichols & Arsht (Geo. Burton Pearson, Jr. had been appointed a judge the previous year). In 1946, when Richard S. Rodney came off the state bench, the name was changed to Morris, Steel, Rodney, Nichols & Arsht and was changed back to Morris, Steel, Nichols & Arsht later that year when Richard S. Rodney was appointed to the federal bench. The firm's name was changed to Morris, Nichols, Arsht & Tunnell, its present name, in 1958, when Edwin D. Steel, Jr. was appointed a judge of the United States District Court of Delaware and was succeeded in the firm by James M. Tunnell, Jr., who had resigned in 1954 as a judge of the Supreme Court of Delaware to run, unsuccessfully as it turned out, for the United States Senate.

Willard Saulsbury, Jr. (whom Judge Morris invariably referred to as Senator Saulsbury) had no children. His Will appointed Judge Morris as his executor and as a co-trustee with Victor B. Woolley, then a judge of the United States Circuit Court of Appeals. Although no law or custom forbade a judge from serving as executor of

⁴ James W. Ponder, Governor Ponder's son and Willard Saulsbury, Jr.'s cousin, moved to Florida about 1915. Richard S. Rodney's name replaced his in the firm name.

⁵ Charles Minot Curtis was appointed Chancellor in 1909. Hugh M. Morris, who had been admitted to the bar in 1903, was his successor in the firm and firm name.

⁶ Before 1930, Delaware lawyers do not continue to carry the name of a deceased person in their firm name unless there was a surviving lawyer in the firm who had the same last name as the deceased lawyer. The name of a lawyer appointed to a judgeship has always been and still is dropped from the firm name upon the lawyer becoming a judge.

an estate, Judge Morris declined the appointment as executor. He did, however, serve until his death as a trustee of Senator Saulsbury's testamentary trust.

Judge Morris was born on April 9, 1878 on a farm, called "Morris' Pleasure," near Greenwood, in Sussex County, Delaware. The land had been granted to his ancestor, Daniel Morris, around 1740, and continued to be the home of Daniel's descendants until the death of the last of them, Miss May Morris (Hugh's sister) in 1967, at which time it was left to the University of Delaware, which still owns it. Judge Morris was one of four children. He was the only one who married. In 1908, he married Emma Carter Smith, also of colonial, Sussex County ancestry. They had one daughter, Mary Smith Morris, who was born in 1912. She never married. Mrs. Morris died in 1950. Mary Morris died in 1964.

Hugh Morris had not sought his appointment to the federal bench in 1919. Indeed, his preference was to continue in the practice of law and, only reluctantly, did he consent to accept the appointment. The United States District Court of Delaware had been without a judge since Edward G. Bradford's resignation became effective on May 20, 1918. Woodrow Wilson, a Democrat, was President. Both of Delaware's then United States Senators were Democrats—Willard Saulsbury, Jr. and Josiah Wolcott. Both were leaders of rival factions in Delaware's Democratic Party. They were unable to agree on whom to recommend to the President to fill the judicial vacancy. Saulsbury wanted his partner, Richard S. Rodney; Wolcott wanted James H. Hughes, of Dover, with whom he had practiced law. Neither one gave in to the other's preference. Eventually, after being importuned by the Attorney General of the United States, they agreed to recommend Hugh M. Morris, and President Wilson appointed him. He took office on March 1, 1919, one month shy of his forty-first birthday.

When he was appointed, it was his intention to remain a judge for fewer than the eleven years he actually served. However, the volume of cases increased dramatically during his tenure, and he became so wrapped up in the business of the Court that he felt there was no convenient or appropriate time to resign before he did in 1930. Senator Saulsbury's death in 1927 may also have been a contributing factor in the timing of his resignation. He was then fifty-two.

In July 1934, an event occurred which caused him great embarrassment and soured him on party politics. Although Senator Saulsbury, and his father and grandfather before him, had been important figures in the Democratic Party of Delaware, and Judge Morris's forebears had been active in the Democratic Party in Sussex County (his father had been in the State Legislature), Judge Morris himself had a strong distaste for politics (he had seen too much of it as Senator Saulsbury's partner), and when he left the bench he was determined not to become an active participant in party affairs. Notwithstanding that resolve, he agreed to deliver the keynote address at the State Democratic Party's convention in the summer of 1934 at which a candidate for the United States Senate was to be nominated. When he finished his

keynote speech and was still on the platform, a genuine “draft Morris” movement erupted on the convention floor to nominate him for the United States Senate. The convention was tied up for more than an hour with this “draft Morris” movement while the party leaders, encircling him on the platform, were beseeching him to accept the party’s nomination. When they were convinced he could not be persuaded to be the nominee, the convention, without enthusiasm, nominated a less well-known but more eager candidate who was defeated in the November election. It was generally believed that if Judge Morris had run, he would have been elected. Some said that he owed it to his party to accept its nomination and, in refusing to do so, had let the party down. His hurt was deep.

In 1937, Delaware’s seat on the United States Circuit Court of Appeals for the Third Circuit (which decided appeals from the United States District Courts in Pennsylvania, New Jersey, and Delaware) became vacant. A Democrat, Franklin D. Roosevelt, was President. The Circuit Court of Appeals judges, all of whom knew Judge Morris well from his years on the United States District Court, very much wanted Judge Morris to be appointed to their Court and used their not insignificant influence in Pennsylvania and New Jersey to bring that about. Mrs. Morris was anything but enthusiastic about the prospect of her husband again becoming a judge. Judge Morris was torn. He agonized over the matter and decided that if the judgeship were offered to him he would accept it, but he would not himself do anything that might cause the offer to be made.

He need not have agonized. There was no “draft Morris” movement in Delaware in 1937 to have him appointed to the Circuit Court of Appeals as there had been in 1934 to elect him Senator. Both of Delaware’s United States Senators were Republicans, and it was the State’s Democratic Party officials who had the prerogative of suggesting a name to the President. Judge Morris’s political standing with those party officials was less than zero. The Chairman of the State Democratic Party Committee was John Biggs, Jr. He wanted very much to be appointed to the vacant judgeship. His credentials were the very best—politically, intellectually, and otherwise. Biggs was appointed. He became Chief Judge of the Court a year or two later and served with great distinction until his death in 1979.

Judge Morris played a lead role, which turned out to be the hero’s role, in an act of high political drama which played in 1945. The terms of Daniel J. Layton as Chief Justice of the State and of Charles S. Richards, as an Associate Judge of the Supreme and Superior Courts of the State, expired on the same date in 1945. Judges of state courts of Delaware are appointed by the Governor and must be approved or confirmed by the State Senate. In 1945, the Governor was a Republican, Walter W. Bacon. A majority of the State Senate was also Republican. On the expiration of the twelve-year terms of Layton and Richards, Governor Bacon nominated them to further terms. It was generally assumed that a Republican Senate would routinely confirm a Republican governor’s nominations. However, when the nominations were brought up in the Senate for a vote, Judge Morris was granted the privilege of the

floor and spoke in opposition to the appointments of Layton and Richards because it was their practice to sit as judges in cases in which a son, brother, or nephew was the lawyer for one of the litigants. The nominations were rejected by the Senate by a narrow vote. Not long thereafter the Governor, believing the votes needed to confirm were then in hand, again submitted the same names to the Senate. Again, Judge Morris opposed, and again the Senate did not approve. Some weeks later, the Governor, having again been assured that a majority of the Senators would confirm his nominations if he resubmitted them, submitted the same names a third time. Before a vote was taken, a compromise was worked out. The Governor withdrew his nomination of Chief Justice Layton, the principal target of the opposition, nominated Judge Richards to be Chief Justice in Layton's place, and nominated someone else in Richard's place.

It was not the most prudent course—it was more an act of courage—for a practicing lawyer to oppose, against great odds, the reappointment of two of the six members of the Delaware Supreme Court. Before Judge Morris raised his voice, there had been no publicly expressed opposition to Governor Bacon's nominees. Even after Judge Morris spoke up, petitions supporting the reappointments were signed by a majority of the State's lawyers. Only a handful of lawyers were on record as opposed. The event proved historic in that it established in Delaware a principle that today seems self-evident, namely, that a judge must not sit in a case in which a near relative or the relative's law firm is the lawyer for a party. Not many years later, that principle was formally embodied in the rules which govern the conduct of Delaware judges.

A sequel to the Bacon-Layton-Richards-Morris saga was played in January 1946 upon the expiration of Judge Richard S. Rodney's second term on the State's Supreme and Superior Courts. Governor Bacon was furious with Judge Morris whom he held responsible for the Senate's rejection of his nominees. Notwithstanding that Judge Rodney was the State's most outstanding judge and was held in the highest esteem by all who knew him, Governor Bacon, remembering that Judge Rodney and Judge Morris had once been law partners, decided to punish Judge Rodney for what he, Bacon, deemed Judge Morris's sin. When Judge Rodney's term on the state bench expired, Bacon did not reappoint him.⁷ That same

⁷ Rodney's seat on the court was required by the State Constitution to be filled by a Democrat. Given Bacon's reason for not reappointing Judge Rodney, his selection and appointment of Rodney's successor would seem to have made no sense, except for the fact that the person he appointed, Geo. Burton Pearson, Jr., was already a sitting judge (Vice Chancellor) who, in his six years as Vice Chancellor, had demonstrated superior judicial qualifications. Governor Bacon must be given credit for realizing that only a person of Vice Chancellor Pearson's stature would have been confirmed by the State Senate as Judge Rodney's successor. The oddity of Bacon's action is that Pearson was a more recent associate of Judge Morris than Rodney. Bacon could not have been ignorant of the fact that Vice Chancellor Pearson had been Judge Morris's associate before he became Vice Chancellor — or maybe he was. Bacon is reported to have said that the action as governor he most regretted was his failure to reappoint Judge Rodney.

day, Judge Morris invited Judge Rodney to become a partner in the firm whose name then became Morris, Steel, Rodney, Nichols & Arsht. I could not have been happier with this turn of events. I had become my patron saint's partner.

Judge Rodney's tenure in the firm was short-lived. Congress created a second judgeship for the United States District Court of Delaware, and President Truman, on the recommendation of Delaware's Senator, James M. Tunnell, Sr., appointed Judge Rodney to the United States District Court, a position he assumed on August 7, 1946 and served with great distinction until his death on December 22, 1963, at the age of eighty-one.

When I think of Judge Morris now, it is not the events mentioned above that loom most important. For the most part, those events are largely in the public domain. They are significant background—but they were not personal to me.

What is most important to me are our shared experiences — the things that molded and shaped my *persona*; that, in the words of a once-popular song, “made me what I am today”; and they served to fulfill Judge Rodney's prediction, when he steered me to Judge Morris in 1933, that I would be happy practicing law with Judge Morris.

The day I reported for work Judge Morris handed me the file in a patent case that was pending in the United States District Court in St. Louis. He was representing the defendant, a leading manufacturer of carburetors, charged with infringing the plaintiff's patent for a carburetor. He asked me to study the file and then recommend what action our client should take. He also said that I probably knew nothing about patent law since law schools didn't teach the subject. I confirmed that. He told me not to worry, that he knew how I must feel because, before he had to decide his first patent case as a judge, he had never seen a patent and was completely ignorant of patent law and that I would find in the office library (where I had been assigned a chair) all the books I would need to make me a patent law expert. For the next three months, until the end of August (my starting date with Judge Morris had been advanced from July 1 to June 4, 1934), I worked exclusively on that case, conferring with him frequently about it. He forbade me from working on the case after September 1 and insisted that I spend my time preparing for the Delaware bar examinations that were to be given during the last week of September. When the bar examinations were finished, I resumed work on the patent case and was asked to write a brief supporting our client's motion to invalidate the patent and dismiss the action. Judge Morris changed one word, “admit” to “assume,” in my draft of the brief before sending it out to be printed. Since I had not yet passed the bar examination, my name could not appear on the brief. However, before the brief was filed I learned that I had passed the bar examination. Unbeknownst to me, Judge Morris had the cover and signature page of the brief reprinted to include my name along with his as counsel for our client. My first knowledge of this came when he presented me with a printed copy, my first brief, on the cover of which he had written: “To



The nearly 500 acre former home of Judge and Mrs. Hugh M. Morris, located on Polly Drummond Hill Road in Newark, was bequeathed by Judge Morris to the University of Delaware which still owns it. Date unknown.

From Special Collections, University of Delaware Library.



Judge Hugh M. Morris at his Polly Drummond Hill home. Date unknown.

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S. Samuel Arsht, with congratulations—Hugh M. Morris.” I still have that autographed brief. Months later, the case was decided in our client’s favor, a decision that was thereafter affirmed by the Circuit Court of Appeals. Judge Morris knew how to make a young lawyer very happy.

Judge Morris was not just a rainmaker⁸. He was a very hard worker. He put in long hours every day. He arrived at the office at 8:15 each morning (about the time the postman delivered the mail) and left at 6:00 p.m., taking home with him a briefcase packed with papers and law books which he worked on after dinner. He spent a lot of time looking up law in the office library. Today that is called “researching.” With such an example of hard work and long hours being set by the boss (a word that made him bristle if applied to him), it is no wonder that the younger lawyers followed suit. The office had a reputation, fully deserved, for hard work, long hours and thorough preparation of its cases. Judge Morris would not have it otherwise.

But it was not all work and no play with him. He owned two fine riding horses and, unless the weather was miserable, Judge Morris rode horseback every Saturday

⁸ A lawyer whose reputation attracts to his firm clients having law business that produces fees that largely support the other lawyers in the office.

afternoon and Sunday morning. He taught me to ride, and I rode with him most weekends for almost ten years, beginning in 1935. I stopped only after my wife, whom I had married in 1940 and who was frequently invited by Mrs. Morris to visit with her and her daughter while Judge Morris and I rode, suggested that I should spend some (or more) of my non-working hours with my family, which then also included two daughters. My successor as Judge Morris's regular riding companion was John A. Perkins, the then President of the University of Delaware. When riding, we never talked about matters we were working on, and only seldom about other office matters. But whatever the topic, I absorbed his every word. For the most part, he did the talking. I was content to just listen.

Not long after the brief in the carburetor patent case was filed, Judge Morris asked me to help out in another case that went on for another ten years. Judge John P. Nields, Judge Morris's successor on the U.S. District Court, had appointed him to be a reorganization co-trustee with a gentleman from Chicago of two affiliated public utility holding companies that were headquartered in Chicago and owned a half dozen or more subsidiaries that operated electric, gas, water and railroad companies, principally in Indiana. Like me, this case had started in the office on June 4, 1934. Like the patent case, its subject matter (reorganization of a corporation under a section of the bankruptcy statute that had become effective on June 1, 1934) was outside the scope of anything I had studied in law school. Four times each year, for the first three or four years thereafter, I went with Judge Morris to Chicago on this case. We used to leave our office in Wilmington about 4:00 p.m., take the train to North Philadelphia Station, transfer there to the "Broadway Limited" (an extra-fare, all-Pullman, New York-to-Chicago, Pennsylvania Railroad train which competed between those cities with the New York Central's "Century Limited") on which we had our dinner, slept the night and breakfasted before arriving in Chicago the next day at 8:00 a.m. I learned the amenities of Pullman train travel from Judge Morris on those trips, including how to get in and out of an upper berth. He always offered to take the upper berth because, he said, he feared I might fall out of bed when the train rounded Horseshoe Curve beyond Altoona. In Chicago, we stayed overnight at the Chicago Club, an exclusive men's club located within easy walking distance of the office building where our meetings were held. I thought the Chicago Club was most elegant; lots of attendants. It was Judge Morris's co-trustee, the chief executive officer of the two companies being reorganized, who arranged for us to stay at the Chicago Club of which he was a member. After his death, some two or three years later, we stayed at the Palmer House, now a Hilton Hotel. At the Chicago Club, we each occupied separate rooms. At the Palmer House, we shared a room, as was the case when I went with him to other cities over the years. On those Chicago trips, I participated with Judge Morris in conferences with the senior lawyers in leading law firms in Chicago, Indianapolis and elsewhere. He treated me as an equal. Of course, everyone knew otherwise; but it certainly made me feel good. In time, I came to be regarded as his alter ego in that case as his involvement in other

cases (particularly patent cases) made such demands on his time that he had to delegate to the young lawyers as much responsibility as they could shoulder.

When Geo. Burton Pearson, Jr. was appointed in January 1946 to succeed Judge Rodney on the Supreme/Superior Courts, Chancellor Harrington, a Democrat, had to appoint a new Vice Chancellor to succeed Pearson. Harrington asked Judge Morris, who had recommended Pearson to Harrington in 1939, whether I would have an interest in becoming Vice Chancellor. Judge Morris told Harrington he would ask me. On returning to the office from his meeting with Harrington, Judge Morris told me that he believed Chancellor Harrington would appoint me Vice Chancellor if I would accept; that he thought I would enjoy being a judge; and that, if I didn't, I could resign and return to the practice of law. Without any hesitation, I replied that I felt flattered by being considered for the judgeship but I was not interested because I could not possibly enjoy being a judge as much as I enjoyed being a lawyer. Judge Morris said he was relieved to have my answer and would tell Chancellor Harrington. He then told me that Harrington was being pressed by Ennalls Berl and Bill Potter (leading lawyers and the two top Democrats in Delaware) to appoint Dan Wolcott of their firm (then called Sutherland, Berl & Potter) but Harrington was reluctant. I then said that Collins J. Seitz would be a good appointment. Judge Morris said he didn't know Seitz and asked me about him. I replied he was a young lawyer in the Sutherland firm who had been there only a few years, worked principally with Sutherland, was bright and, alone among the lawyers in the Sutherland firm, had refused to sign the lawyers' petitions urging the Legislature to approve the Layton and Richards appointments. I am sure it was Seitz's refusal to sign those petitions that sold Judge Morris on him. He then returned to Chancellor Harrington's office to tell him I desired to stay where I was and, also, that he should consider appointing Collins J. Seitz Vice Chancellor which, since Seitz was in the same firm as Dan Wolcott, would mollify Berl and Potter. Seitz was appointed.⁹

⁹ Daniel F. Wolcott was the son and grandson of Delaware Chancellors. His father, Josiah O. Wolcott, was one of Delaware's U.S. Senators in 1918 when Judge Morris was appointed a federal judge and was Chancellor Harrington's immediate predecessor as Chancellor. In 1949, Daniel F. Wolcott was appointed a judge of the Superior Court. In 1950, upon the expiration of Harrington's term as Chancellor, Wolcott was appointed to succeed him, whereupon Collins J. Seitz became his Vice Chancellor — an odd chain of events. When, in 1951, the Supreme Court of Delaware was created as a separate court whose members were not also members of the Superior and Chancery Courts, as had been the case before, Wolcott was appointed Associate Judge of the new Supreme Court. In 1964, he was appointed Chief Justice of the Delaware Supreme Court, a position he held until his death in 1973. It is interesting to recall that when Daniel F. Wolcott's father was a U.S. Senator in 1918, he held out against the appointment of Richard S. Rodney to be judge of the U.S. District Court of Delaware, which led to the appointment of Hugh M. Morris. In 1941, Josiah O. Wolcott's son, Daniel, married Richard S. Rodney's daughter, Eliza. Their son, Daniel F. Wolcott, Jr., was, until recently, president of the University of Delaware Library Associates.

In Delaware, persons are admitted to the bar after the Board of Bar Examiners has certified to the Supreme Court that they are qualified to practice law. The Board members, appointed by the Supreme Court, have always been the leading members of the bar. Judge Morris was a member. Each Board member was responsible for preparing questions and grading the answers for a different subject. Judge Morris's subject was constitutional law. He asked me to prepare the questions for him and grade the answers because, as a recent law school graduate, I would know better than he what it was reasonable to expect the applicants to know. During the years following 1934, constitutional law was in a great state of flux; the U.S. Supreme Court had invalidated several of the early New Deal laws and President Roosevelt wanted to enlarge the Court in the hope of bringing about a change in the way the judges interpreted the Constitution. His plan was called "court packing."

In those years, persons taking the bar examinations wrote their names at the top of each page of their answers. Judge Morris tried for several years to persuade the Board to change that practice—to assign a number to each applicant which the applicant would use instead of his or her name and which would be known only to the Board's secretary. Strange as it may seem today, the Board was unwilling to change its time-honored practice. Some members said it was their responsibility to know whose answers they were grading and certifying as qualified to practice law in Delaware. Judge Morris persisted, and a compromise was reached. Applicants would be assigned numbers which would appear on the answers instead of names, and each Board member would be given the list of names and corresponding numbers. Judge Morris never took that list. Not too many years later, all members stopped taking the list.

Judge Morris, for all his friendliness and warmth, at least toward those for whom he harbored no distaste, was a very formal and reserved man, in his manner, speech, dress, morals, tastes, and attitude. He was characteristically Victorian. Without striving for the effect, dignity was his hallmark. All but a very few, even his contemporaries, addressed him as "Judge Morris," not "Hugh"; and, on his part, he eschewed first names in addressing persons who were not both well known to him and at least a generation younger than he.

I was witness, in 1937 or 1938, to an incident that bears on his style of addressing others. George Wharton Pepper was a preeminent Philadelphia lawyer. He was acknowledged nationally as being among the nation's very best lawyers. Many years before, he had been a U.S. Senator from Pennsylvania and was always called "Senator Pepper." He was a few years older than Judge Morris. They represented two clients, a mother and son, who were on the same side of a lawsuit that was argued in Dover before the Supreme Court of Delaware. I worked on the case with Judge Morris. On the morning of the argument, Judge Morris picked up Senator Pepper at the Wilmington Railroad Station and we drove together to Dover. After the argument and lunch, Judge Morris returned Senator Pepper to the Wilmington Railroad Station. On the drives to and from Dover, Senator Pepper sat in the pas-

senger's seat alongside Judge Morris, the driver. I sat alone in the rear seat. The conversation between Judge Morris and Senator Pepper, from the time we picked him up at the Railroad Station until we returned him there in mid-afternoon, was non-stop; each addressed the other as "Judge Morris" or "Senator Pepper." When they were saying their good-byes and shaking hands, Senator Pepper said to Judge Morris: "I wish you would call me 'George.'" Judge Morris responded: "I will be glad to, George, if you will call me 'Hugh.'" Senator Pepper's rejoinder: "Good-bye, Hugh." Leaning toward me in the backseat and extending his hand for a handshake, he said: "Good-bye, Sam; take good care of Judge Morris." As we drove away, Judge Morris said to me: "He will no more be able to call me 'Hugh' or I to call him 'George' than either of us could call our fathers by their first names."

While informality was not Judge Morris's strongest suit, I remember a week in the summer of 1953 when relaxed informality best described him. I had rented a house in Bermuda for a month. It was located on a fairway of the Mid-Ocean Gulf Club, close by the ocean. Its owners had gone to London to attend the coronation of Queen Elizabeth. The house was commodious. The rental included a staff of three, one of whom was the gardener/chauffeur to drive the car which came with the house. My family then consisted of me, my wife and our two daughters, ages eleven and nine. We invited Judge Morris and Mary, his daughter, to spend a week with us in Bermuda. Neither of them had taken a vacation since Mrs. Morris's death. We were delighted when they accepted—Judge Morris told us later that he thought it would be good for Mary; she told us she thought it would be good for her father. As it turned out, they were both right.

In those days Bermuda was reached by boat from New York. Airplane service to Bermuda from the United States was still in the future. But it would not have made a difference if there had been plane service since neither Judge Morris nor Mary ever flew. The ship sailed from New York in mid-afternoon, and its passengers disembarked in Bermuda after breakfast two days later. I met Judge Morris and Mary on their arrival. As neither one had ever been to Bermuda before, Pete, our driver who came with the house, pointed out the sights and places of interest en route to our house. Judge Morris was dressed for a vacation at a fine resort hotel in the United States or Europe. After lunch he asked whether Pete could drive him to Hamilton, Bermuda's principal city. When he returned, he was wearing Bermuda khaki shorts, knee-length stockings, and loafers. Except for his still white skin, he was indistinguishable from a Bermuda gentleman. He carried a box which contained the clothes he had arrived in and also some additional Bermuda shorts and stockings. He didn't change back to the clothes he had brought until he left Bermuda. He often wore his Bermuda shorts and stockings when he was home on Polly Drummond Hill. Judge Morris was favorably impressed with Pete who had taken him and Mary on drives all over Bermuda. He offered Pete a job on his farm back home. Pete accepted and showed up, with his wife, for work at Judge Morris's farm several months later. However, they stayed but a few weeks before returning to



On holiday in Bermuda in 1953. Above left to right: Judge Hugh M. Morris, Mary Morris, Roxanna Arsht, and daughter, Adrienne Arsht. Below: Judge Hugh M. Morris and Mary Morris, daughter.

Used with permission of S. Samuel and the Honorable Roxanna Arsht.



Bermuda. They were homesick. Who could blame them for concluding that Delaware's climate was no match for Bermuda's.

Since long before I knew him, Judge Morris had been a member of the Rotary Club of Wilmington which met for lunch every Thursday in the Hotel Du Pont Gold Ballroom. He attended Rotary meetings faithfully, missing only when he was away from Wilmington. If, as was often the case, an out-of-town lawyer were with him on Rotary day, he would excuse himself from taking the visitor to lunch and would ask another lawyer in the office to do so for him. So far as I am aware, attending the weekly luncheon meetings was his only Rotary interest or activity. I sometimes wondered why he was so attracted to Rotary—particularly since singing songs was a regular feature of its meetings. One morning (it had to have been on a Wednesday in the 1950s), I was working with him in his office. Usually we went to lunch about one o'clock, except that on Thursdays he would leave promptly at noon to go to Rotary. As noon approached, I said to Judge Morris that I had to leave because I had become a member of Kiwanis and had to go to my first meeting (Kiwanis met on Wednesday and, like Rotary, in the Hotel DuPont Gold Ballroom). In what I sensed as a tone of both embarrassment and apology (he didn't use either word), he said that the "snobs" (his word) in the Wilmington Club and Wilmington Country Club and, even Rotary Club, wouldn't permit Jews to become members. He must have felt impelled to say something on the subject, if only a single sentence. My simple statement that I was going to a Kiwanis meeting need not have provoked his response. At the time, I was the only lawyer in the office who was not a member of the clubs he mentioned. Some years later, I was being proposed for membership in the Wilmington Club by Crawford H. Greenewalt. The proposal was being seconded by Walter S. Carpenter, Jr. Both Greenewalt and Carpenter were former presidents of the Du Pont Company. Greenewalt suggested that I ask Judge Morris to also second the proposal, and I did so. This was not too long before Judge Morris's death. Judge Morris questioned whether I should want to become a member and gently tried to persuade me to drop the matter to avoid possible hurt. I replied that clubs that didn't admit Jews as members habitually defended themselves against charges of prejudice and discrimination by saying that no Jew had ever applied to become a member (we both understood that, in clubs like the Wilmington Club, persons didn't file applications to become members—they became members as a result of a member filing a proposal, seconded by other members, that a person be admitted) and that, if the Wilmington Club didn't want Jews as members, it would not be able to use as an excuse that no Jew had ever been proposed. Without enthusiasm, he said he would second Crawford Greenewalt's proposal. I know he felt I was unwise in not dropping the matter. Apparently he knew more than he told me. I did not become a member of the Wilmington Club. I have no regrets, however, for not having let Judge Morris persuade me to forget the matter. Today, Jews belong to the clubs whose members Judge Morris had called "snobs."

Judge Morris's greatest interest and love, apart from his family and law prac-

tice, was the University of Delaware from which he had graduated in 1898 when its name was "Delaware College." He had been a Trustee for some years before I knew him, and he became President of the Board of Trustees not too many years thereafter. Not many days passed without his devoting some time to the University's business. There were a series of Presidents of the University during his tenure as President of the Board. They regularly, at least once a week, came to the office to report and consult with Judge Morris about University matters. His role in the establishment by a client of the multimillion-dollar Unidel Foundation cannot be underestimated.

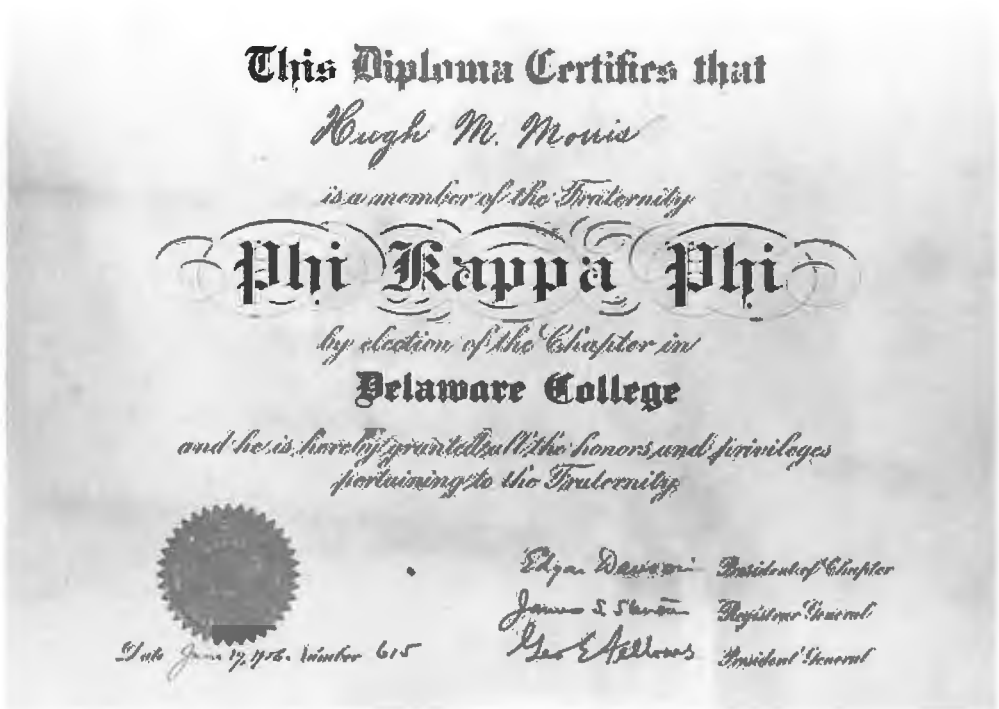
For as long as I had known him it was his intention that, after the death of his wife and daughter, his estate would go to the University of Delaware. I was soliciting contributions one year for the Red Feather, now United Way. Judge Morris was one of the people I was supposed to see. I approached him, expecting a generous contribution. To my amazement, he turned me down flat, explaining that everything he had would go eventually to the University of Delaware and he would be giving away the University's money if he made a contribution to the Red Feather campaign.

Many years later, after the deaths of both his wife and daughter, he received an offer of \$1 million for his residence property on Polly Drummond Hill Road. The amount of the offer surprised and pleased him; it was many times what he had paid for the property in 1934, and maintenance of the property had become a chore he did not enjoy. However, notwithstanding the offer was tempting, he rejected it and discouraged the realtor who had presented the offer from bringing him an even higher one. He felt that while the University could, of course, after his death use the after-tax proceeds of sale, the land, approximately 500 acres not far from Newark, was likely to be more useful than money to the University. Again he was right. The University still owns the land and occupies the house. It is today worth some substantial multiple of the \$1 million offer Judge Morris refused.

I am glad that Susan Brynteson, the Director of Libraries of the University, asked me to contribute a piece about Judge Morris for the 30th anniversary of the opening of the Hugh M. Morris Library and that she overcame my mild reluctance to take on the chore. I remember Judge Morris saying, when he was my age, that after eighty most of the things he was asked to do were chores.

In bringing to active consciousness and then reducing to words my remembrances of Judge Morris, spanning our thirty-three years of association, I have experienced much joy and, indeed, have myself been refreshed. Moreover, I have been gladdened by my thoughts about others, both living and dead, whom I have mentioned and whose association with Judge Morris overlapped mine: the saintly Judge Richard S. Rodney; my very best friend, Ed Steel; my always loyal and understanding friend, Alex (Nick) Nichols; and, still very much alive, Burt (G.B.) Pearson, who built up my ego, which sorely needed boosting when I was fresh out of law school. No one has been blessed with better friends.

A reader may ask: “Did Judge Morris have no faults—was Arsht aware of them?” A fair question. My answer: Certainly, but no one will ever hear about them from me.



Hugh M. Morris’s certificate of membership of June 19, 1906 in the Delaware College chapter of Phi Kappa Phi. Phi Kappa Phi, founded in 1897, was the highly reputable honor society for scholarship for students attending land grant institutions and membership in it commanded much respect.

Used with permission of Andrew B. Kirkpatrick, Jr.

Judge Morris Remembered

ANDREW B. KIRKPATRICK, JR.

I met Judge Morris in early 1953 upon returning from the Korean War and awaiting reentry to my third year of law school. With little to do upon my return, I began volunteering my services to Wilmington law firms and had the good luck of finding an available chair in the library at Morris, Steel, Nichols & Arshst.

Judge Morris was quick to give me research assignments. At his age he was no longer quite as busy as his three other partners and could be more patient with my inexperience. The association was truly enlightening for me, intellectually and professionally. It was also sweetened, when the time came to return to law school, by a payment for my services which was both gratuitous and quite unprecedented for those times, but very much appreciated.

After law school, I served a year's clerkship in Philadelphia under Chief Judge John Biggs, Jr. of the United States Court of Appeals for the Third Circuit, who was from Wilmington and then probably one of the best known members of the federal judiciary not serving on the United States Supreme Court. When I mentioned to Judge Biggs that I was considering permanent employment in New York as the "Mecca" of the legal universe, his advice was that I could not do better any place in the United States than a job with Judge Morris in Wilmington, if that could be arranged. For Judge Morris to be held in such esteem by Judge Biggs was telling, I thought, and the application I then made for employment with Judge Morris's firm was fortunately accepted.

I knew, of course, that Judge Morris was a prominent man in his profession as well as the larger community, but I did not really know how prominent until I began working with him. One early circumstance which might seem trivial but certainly caught my attention occurred in a case requiring travel to Chicago in which Judge Morris determined that he should join me, even though he had reached an age when travel was a chore. We made that Chicago trip several times, always by train. I was amazed that almost every porter we encountered on those trains knew Judge Morris well from his earlier extensive travels around the country as he handled important litigation.

A very different perspective on Judge Morris's prominence was provided when he asked me to accompany him to a stockholders' meeting of The Coca-Cola

Company, a long-time client of his which held its stockholders' meeting each year in Wilmington. As we approached the meeting room, Judge Morris was hailed by a large man at the entryway whom I recognized as the famous Jim Farley. Farley, who then served as the head of Coca-Cola International, had been one of President Roosevelt's closest political advisors, appointed to high office in his administration. Although Farley was an international personality who was always interacting with countless people, he evinced great respect for Judge Morris in this encounter, recalling in amazing detail experiences shared by the two of them some years before.

More extensive than Judge Morris's prominence was his strength of character, amply exhibited in one of the early cases on which we worked together. Upon the filing of a certain motion in that case, Judge Morris advised that I would be making the oral argument on the motion, the outcome of which could determine the matter. That was a flattering but awesome assignment. For days we discussed how the argument should be made. Judge Morris thought there were four points that should be pressed. I agreed about three but expressed misgivings about the fourth.

When the day for oral argument came, Judge Morris advised that he was not even going to court with me. (In hindsight I know that was a very considerate and disciplined stance.) When I returned he anxiously awaited a report. I explained that I was afraid I had not done a very good job because I just could not seem to get the fourth point across. Judge Morris said, and I have always remembered, "Never make an argument in which you have not come to have personal conviction; without that you simply cannot be a credible advocate."

The real measure of Judge Morris, in my mind, is provided by one incident involving a close friend named Asa. After our third year in law school, Asa returned home to Birmingham where he enjoyed success in his law practice and became a partner in a leading firm. As time passed, however, he became gravely concerned about the wrenching effects of the Civil Rights movement through the deep south. While earnestly casting about over what to do, Asa came to Wilmington to think and talk, particularly about whether to seek employment elsewhere. After a session that lasted most of one night, I told him I simply had to go to the office, and he insisted on accompanying me. Judge Morris was out, and I took Asa in to use his office. That office was large, somewhat stark, and at the same time impressive because of the array of dramatic pictures on the wall, including a large painting by a famous local illustrator depicting Scottish knights standing strong and determined.

I did not hear from Asa for some hours and finally went to Judge Morris's office to check on him. He was sitting at Judge Morris's desk earnestly scribbling on a lawyers' yellow pad. He explained that he was writing his resume, having made up his mind he was going to move to New York. That he did, promptly obtaining a job with one of the city's most prestigious firms, where he enjoyed a successful career.

When I asked Asa what had so quickly brought about this resolve, settling the dilemma with which he had struggled so much, he said it was Judge Morris, even though he had never met the man. To some extent, he explained, it was the overall atmosphere of the office. But really, he added, it was all the little clipped quotations that papered Judge Morris's desk under its glass top. I know of those clippings but had never read them all at one time. Asa explained that he had found the answer to his dilemma in the forceful message that wove through them: that a worthwhile individual does not flounder in the face of challenge, but utilizes whatever his capabilities might be to make the best decision that he can and then acts on his decision with determination, free of hesitation or doubt.

I never tried to second-guess Asa's reading of that message in the quotations, because it was so plainly a correct reading of the character of the man who had clipped the quotations and placed them under the glass on his desk.

Remembrances of Judge Morris

MARGARET H. PERKINS

On a balmy clear morning in June, 1950, John¹⁰ and I stepped off the train to meet Judge Morris on the platform of the Pennsylvania Railway Station. His bearing was impressive and the title “Judge” fit him.

This first visit afforded the Trustees and a Faculty Committee an opportunity to meet John and, incidentally, me. The whole faculty attended a reception on our second visit in September. John became President November 1, 1950.

The headhunters of today could take a lesson from Judge Morris. He was anxious to have us be familiar with the attractions of Wilmington, New Castle County, and the state as a whole. As a devoted native of Delaware, he was the perfect guide. In his huge Packard coupe we toured New Castle where he explained the origins of Delaware’s circular boundary with Pennsylvania. We went to Old Swedes Church, rolled along the banks of the Brandywine, and then went to his office in the DuPont Building. The first thing he said as he sat behind his large desk—as if to keep us in touch with the larger world—was that we could go to New York on the hour on the Pennsylvania Railroad and on the half-hour on the Baltimore and Ohio. From the office walls hung paintings of the students of Howard Pyle which afforded an opportunity to learn of that art group in Wilmington. This had great appeal for John from the outset.

Lunch with trustees at the Old Wilmington Country Club was followed by a ride out the Kirkwood Highway to his home on Polly Drummond Hill where we met Mrs. Morris. She was not well at the time. Our second visit to Delaware in September, 1950 occurred the week-end that she died.

Only late in the afternoon of this first day of our first visit did we arrive at the University of Delaware. As he had for the state, he had a very keen feeling for his Alma Mater, and his devotion to it was communicated to us.

As time went by Judge Morris continued to open our eyes to Delaware’s attractions. One hot Sunday he and his daughter Mary picked us up in Newark. We drove to Greenwood where his younger sister, Eva, and his brother, Bill, joined us for a

¹⁰ Dr. John Perkins, President of the University of Delaware, from 1950 through 1967.



The occasion was the presentation dinner of the unveiling of an oil portrait of Judge Morris in 1959. From left to right: Judge Richard S. Rodney, Judge Hugh M. Morris greeting presentation dinner attendees, with Mrs. John A. Perkins and Dr. John A. Perkins, President of the University of Delaware (head concealed), in the background. Judge Morris is greeting Mr. and Mrs. Granville "Slim" M. Read. Mr. Read was Chief Engineer with the du Pont Company and served as a Trustee on the Board of the University of Delaware from 1954 to 1962.

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thorough exploration of Sussex County. The day included the boardwalk in Rehoboth, the streets of Lewes, and was topped off with dinner introducing us to the soft-shelled crab.

Judge Morris was very solicitous of our comfort in our living accommodations. He also made every effort to introduce us to people in Wilmington and the state as a whole. About this time he made me aware that I was not returning social calls made upon me at Belmont Hall as promptly as I should have. This rebuke was couched in the gentlest terms, but I shaped up fast.

John would have formal meetings with Judge Morris in his Wilmington office, but we were often at his home. We would go in the evenings to call on him and Mary in the study at the back of the house. It had its own separate entrance. The low-ceilinged room was lined with books, and there was always a fire going in the

huge open fireplace. Judge Morris would sit in a large chair to the left with books overflowing around him. Mary's chair was to the right of the fireplace, also surrounded with books and magazines.

Sunday mornings John would ride out on his horse cross-country from Newark to Judge Morris's farm, and they would ride together on his property.

It was fascinating to hear of his experiences on the bench. The care with which he arrived at judgments was illustrated by one particularly difficult case. It involved the mother of a man very prominent in Delaware. Judge Morris to his regret had to decide against the lady. Owing to his felicitous prose and his gracious assessment of the lady's case, he retained her friendship. Instead of the decision engendering enmity toward him, he was held in high regard by the litigant.

Devoted as he was to Delaware and the University he was truly a gentleman of the world. He traveled widely in this country and he, Mrs. Morris, and Mary went to Europe nearly every summer in the thirties exploring countries in depth.

The Morris Library continues to be a fitting tribute to this remarkable son of Delaware.

Reflections on Judge Morris

G. TYLER COULSON

The quintessential quality of Judge Morris was character, by which is meant a holding fast to high principle.

As a very young lawyer who thought himself slighted by language in an opinion handed down by the then District Court Judge in Delaware, Hugh Morris went with hat in hand and heart in mouth to the Judge's chambers where he demanded and got a re-written opinion.

As a venerable lawyer and retired Judge, in 1945 he again went into the lion's den to oppose the reappointment of Chief Justice Daniel Layton. In tiny Delaware it would have taken more than a little juggling to find another Judge every time a Layton came along with brief in hand. The upshot was that close relatives frequently appeared in cases tried before Dan Layton. In those days the Delaware Supreme Court was comprised of "leftover Judges" who had not been involved at the trial level, and the Chief Justice was also a trial judge. There was a furious outcry from the friends of Dan Layton, including Governor Bacon, but his reappointment failed by one vote in the Delaware Senate. Governor Bacon took reprisal by declining to reappoint Judge Rodney to the Superior Court. Judge Rodney found refuge in the Morris firm until his appointment to the Federal Bench was brought about by Senator James Tunnell in 1946.

Many took the view that the Dan Layton matter was a political dogfight; this can hardly be the case where Judge Morris threw down the gauntlet to a Republican Governor and a State Senate composed of eleven Republicans and six Democrats. The truth is that a serious question of Judicial Ethics was at stake. The Senators rose to the occasion. Judge Morris's character was the catalyst. His private view of ethics was that if you even have to consider it, don't do it.

I met Judge Morris in 1938, possibly 1939, in the Delaware Hospital where he was a patient. It was time for me to register as a law student. My uncle, Dr. Dorsey W. Lewis of Middletown, took me unannounced to see "Hugh." When Dorsey Lewis came up from Accomac to join a medical practice in Middletown, he lived at a boarding house in Odessa with Hugh Morris. Morris was then principal of the Odessa school and was in my uncle's wedding in 1902 or thereabouts. When we didn't find "Hugh" at his office, we went, me protesting, to the Hospital to beard



University of Delaware 1897 football team including Hugh M. Morris, who is in the first row just to the right of center (individual to his right has arm on his shoulder). Used with permission of University Archives, University of Delaware.

him in his hospital bed. Gracious as always, he readily agreed to be my preceptor, and that began a thirty year period, absent WWII and a year to finish law school, during which I served as a student, clerk, associate, partner, and executor of Judge Morris.

In the times when I was at his side, his two great concerns were the law and the University of Delaware; his two great loves were his wife, Emma, and his daughter, Mary. He was a Delaware Alumnus, played football there and was engaged in many extra-curricular activities. I seem to recall, for example, seeing correspondence, circa 1898, with a John Mullins concerning costumes for a college play. He kept a budget book, down to a penny, from which he made reports to his father who wrote him austerely about events at Morris' Pleasure, the family farm in Greenwood, signing his letters, "Yours very truly, Your Father, William Morris".

It impressed me that his wife and daughter were treated with the same courtesy and deference he would show an honored guest or an important client. He never presumed upon the family relationship to be abrupt or preoccupied. Mary's decision to keep sheep at Polly Drummond Hill, the Morris's farm near Newark, was addressed as gravely as would have been a proposal from the board room of the Du Pont Company. This attitude extended to his office family. When a secretary's husband was arrested for driving while drunk, Judge Morris importuned top Du Pont chemists to support the defendant's claim that he drove across his neighbors' lawns on the way home from a picnic because of the medicine he took for diabetes. It was my unfortunate duty to inform the Judge of defendant's confession to me that he had consumed a half pint of Old Grandad, (only a half pint, he said) on the way home from the picnic. It dismayed Judge Morris to learn that a man he was trying desperately to help would lie to him. The defendant pled guilty, forgoing my

offered defense that had it not been for the diabetes, he would have almost surely been able to keep to the highway.

In the office Judge Morris always addressed staff as Mrs. or Miss; never by a first name. He deplored the day when dictating machines came into vogue and would not use one. He thought the taking of dictation from an inanimate device was degrading, and as well deprived the secretary or stenographer of a personal involvement with the matter at hand that would make her work more interesting. In truth, Judge Morris probably could not have used a dictating machine. His dictation was full of “er’s” and ah’s” and “change that word to” and “go back”. My Uncle Dorsey had once observed Judge Morris in a public session and thought he had a speech defect. Nothing could be further from the truth, but in formal writing and discourse he constantly sought the precise word to express his thought. In social settings he was very much at ease and quite charming. Under the glass desk top in his private office about where his right hand would rest he kept a slip of paper on which was written, “The word is a magic incantation by which the self expresses power, first over itself, then over other selves, and then, for all we know, over the power of nature”. How fitting for the University of Delaware to have named its wonderful library in his honor in 1963!

When making his national reputation as a patent Judge, he presided over the General Chemical case, and often spoke of Isadore J. Kressel, one of the attorneys in that case, as the most brilliant lawyer he had encountered. I have a keen memory of Mr. Kressel who much later retained Judge Morris as local counsel in an RKO proxy contest. I was instructed to bone up on proxy laws and decisions and was loaded with that lore when Judge Morris and I met Mr. Kressel at the Wilmington railroad station. During the ride to Dover where the ballots were to be counted, Mr. Kressel questioned me closely on the latest rulings on proxies. Later, with Mr. Kressel, Judge Morris and I sitting in that order at the table where the proxies were being tallied, Mr. Kressel looking past Judge Morris, requested a five minute recess to “consult with Delaware Counsel, Mr. Coulson”. Kressel returned to New York with associates; Judge Morris and I drove back to Wilmington together. Along the way I mentioned that I, too, thought that Mr. Kressel was brilliant. Judge Morris’s slow, measured response was, “He’s lost his grip.”

It is always tragic for a parent to lose a child, and so it was when Mary Morris died. Mary had not married and was a great companion to her father, most particularly after her mother had died. Mary was bright and literate. She had served in the OSS during WWII. She organized the hundreds of volumes of books collected over a lifetime into a working library all properly indexed and collated. She ran the farm at Polly Drummond Hill with the Bill Allen family that lived there. The sheep kept her busy with the lambing and shearing. She shared with her father the time that he called “smoking his pipe” when after dinner he sat before a fire in the den and mused upon the next day’s work.



Young Hugh M. Morris, age sixteen, standing in a field of potatoes and holding a potato in his hand.

Used with permission of University Archives, University of Delaware.

In his private office in the Du Pont Building, Judge Morris had a picture of himself, sixteen years old, standing in a field of potatoes with a floppy straw hat on his head and a potato in his hand. He told me that in those days he often heard a far-away railroad train's whistle calling "Hughwee—Hughwee" and thought it was a call for him to put the potato patch behind him.

Judge Morris's papers occupied a room in a Washington Street house rented by the firm for excess storage. He kept everything, all his correspondence, annual statements, proxy statements. Nothing was discarded. Whether that system was his, or devised by Miss Carey, the file clerk, I don't know. After his death in 1966, it fell to me to comb through it all and, strangely, the only item I now remember precisely was an early letter to Haddon Hall in Atlantic City requesting "a nice double room, with a cot for my little girl, Mary."

In 1946, I was taken on by Judge Morris as an associate in his law firm. My office was next to his and it soon developed that I would be his assistant. He was then sixty-eight and seemed to enjoy teaching the law to a young person eager to learn. I sat with him as he transformed my dusty research into finished and compelling argument. He referred to the memoranda of facts and law accumulated to deal with the case at hand as the lumber yard from which we were to construct a building that could not be dismantled. He would say, "We must weave those gossamer strands into cables of steel."

He followed the precept that the law was not a money getting trade, and practiced what he preached. Invariably he told clients who wanted an estimate of expense, that whatever the amount of the bill, it had to be satisfactory to the client. He withdrew from a financially important case when the client insisted on a strategy that Judge Morris could not approve, and he cancelled without protest a large bill when the client complained that the matter at hand would bring a benefit to the University and we should not make a charge because Judge Morris was a Trustee.

When I visited Morris' Pleasure in Greenwood, usually for a funeral, I could feel Judge Morris drink in the sights, sounds, and smells of that place. He loved an old tree that stood off from the house and took an oath; there was always a breeze under its limbs. He was truly a son of Sussex, and I believe he could have spent his life happily at Morris' Pleasure had it not been for that train whistle and the twenty acres of potatoes!

He liked to tell about the case tried before a Sussex County jury in which his adversary, summing up, kept asking why the defendant hadn't told the plaintiff this or that before being confronted in Court. Judge Morris responded with the story about the farmer who, tired of sitting on his porch one Memorial Day, stated that he was going down to the Four Corners. His wife cautioned him not to go near Brown's barn. When he came home later that night his distraught wife rose up in bed, aghast at his appearance, and accused him of playing poker at Brown's barn. She cried, "Is that blood on your shirt?" "Only tobacco juice," he reassured her. "Couldn't you turn your head to spit?" she asked. "Not in that crowd!" he said.

Judge Morris's office was a place of refuge, particularly after Emma and Mary were gone. There he had reverie and reminiscence and Mrs. Crossan, his faithful secretary, to oversee the details of his day. "For the date of my retirement, I refer you to the undertaker," was a favorite statement. In back of his chair on a bookcase was the potato patch photo, next to a picture of Bob Woodruff and himself astride horses at Polly Drummond Hill. Opposite was a work by Nathaniel Pyle of a flock of geese being driven in dense morning fog through the edge of a swamp by a farmer whose attention was on a goose that wouldn't stay in line. That goose frequently found its way into our conversation, viz: "Neither one of us knows any more about it than that goose." I think he made common cause with the goose that didn't want to say in line with the others.

In 1947 during my first Spring on the payroll, I asked the Judge if I would have a vacation, and, if so, when I should take it. In those days we worked on Saturday mornings and time was precious. Judge Morris told me to take off whenever and for as long as my work would permit. He said that he and Mrs. Morris would be going up to Buck Hill Falls for the month of July. I took off the first two weeks of July; the devil made me take a third week. On my way back down from upstate New York, I stopped by the Inn at Buck Hill Falls to pay my respects. I found Emma ensconced there. Judge Morris had gone back to the office on July 5th! If he was provoked at the time I had taken, he didn't let on.

To say that Judge Morris was thorough would be gross understatement. For example, he once sent me down to the U.S. Supreme Court to examine the original papers in *Butterworth vs. Hoe*, an important precedent for a case we were working on. He had earned a national reputation as patent expert in his years on the bench. When he argued a case before the U.S. Supreme Court the Justices who questioned him, including Felix Frankfurter, addressed him as "Judge Morris." He often cited Rufus Choate for the axiom that a good lawyer never goes to court with the work day on his brief.

Judge Morris took great pains in dealing with University problems. When he smoked his pipe after dinner at Polly Drummond Hill, the papers in his lap were just as likely to concern the University as a case in court. He gave unstinting thought in proposing candidates to be president of the University and waded through scores of resumes and recommendations looking for vision and energy rather than a "name." When the hunt was on to find a successor for William Carlson, he handed me a slip of paper containing three names and asked who among them I would choose. I took the bait and picked Walter Bedell Smith, famous as a WWII General and lately Ambassador to the Soviet Union. Judge Morris admired General Smith and knew that he would have been a popular choice, but felt that it was time for the General to rest on his oars. Instead, John Perkins, a young and vigorous member of the administration at the University of Michigan, was chosen.

These reflections have awakened so many more, it is difficult for me to lay aside my pen.

Judge Morris left substantially all of his earthly goods to the University. Polly Drummond Hill, now a large yellow area on the road map of Kirkwood Highway at Polly Drummond Hill Road near Newark, bears the legend, "University of Delaware." He and Emma and Mary, brother Bill, and sisters, Eva and May, lie like spokes of a wheel around the base of the Morris's family monument in the Churchyard at Barratt's Chapel.

Judge Morris in Memory

JOHN A. MUNROE

I knew of Judge Morris long before I ever was personally acquainted with him. One of my earliest memories is from the early 1930s when the newspapers reported that he had turned down the Democratic nomination to the U.S. Senate. The general feeling was that our state—and the nation—lost by his decision because his excellent reputation—and the economic situation—would probably have won him election, and his ability would probably have won him respect and a role of leadership in the Senate.

Before I ever met Judge Morris I knew his daughter Mary. She was in college when I was, but that means little for we were both commuters, and there was a great chasm between the Women's College and the men at Delaware College. I did have one strange encounter with Mary in 1940 when we were both, unbeknownst to each other, working for the Gallup Poll in Wilmington. I was returning from graduate classes at the University of Pennsylvania and had just alighted from a trolley near my parents' home when a car drove up beside me, and a young woman leaned through the window and called, "May I interview you? I'm from the Gallup Poll." It was Mary Morris.

At that very moment I was wondering how I would find time to complete my part-time assignment for Gallup, so I laughed at the incongruity of the situation. She laughed too when I explained, and then she drove off. A few minutes later I realized there was no reason we could not have interviewed each other.

I believe Judge Morris would like to know Mary is remembered—in case anyone feels this recollection is out of place. It was a hard blow to the judge when Mary died. Many of us received a book of her verse which Judge Morris had printed as a memorial.

I also knew the judge's sister, May Morris. She was the director of the library at Dickinson College, Carlisle, Pennsylvania, and a warm human being who entertained my wife and me in her apartment on an occasion when I spoke there. When she retired she moved to the Morris farm outside Greenwood, where there was also a bachelor brother. I believe May Morris's work as a librarian may have increased the judge's interest in and enthusiasm for the development of the library of the University of Delaware.



May Morris, sister of Judge Hugh M. Morris, as photographed by Willard Stewart. Date unknown.

From Special Collections, University of Delaware Library.

Judge Morris was, of course, a reader, with a particular interest in Delaware history. He spoke on the subject on campus on several occasions, and I suppose it was because of reading something I had written that he asked me to speak to a group he belonged to, the Society of Colonial Wars. I had no car at the time, so he called for me and brought me home. During the business meeting preceding my talk he filled me in on the background of some in-house jokes that amused the members. For example, the chairman of the nominating committee announced that they were turning to a younger generation in choosing officers. Then a roar of laughter arose when he read the names of the nominees for vice president. Judge Morris leaned over and explained to me that a nonagenarian, General J. Ernest Smith, was being nominated (perhaps for second vice president) despite the emphasis on youth because members felt he might not understand being dropped from his customary office, and they did not want to hurt his feelings.

During the cocktail hour before dinner several members came up to me and in one way or another conveyed the idea that they liked speeches to be short. Again, Judge Morris explained. A year or two previously, a speaker had droned on and on until the members—who had enjoyed an open bar earlier—were asleep, or wished they were.

The help that Judge Morris gave me on this and other occasions allows me to understand how fortunate John Perkins was to have him as his board president and

friend when he came to Delaware. President Perkins acknowledged his gratitude many times, not least in an interview with John Clayton shortly before he died.

Having written about Delaware politics from the Revolution to 1850 I was thinking about extending my study chronologically. I asked Judge Morris about the possible existence of private papers of the three Saulsbury brothers (Gove, Willard, and Eli) who were prominent in Delaware politics in the latter half of the nineteenth century—knowing that he had been the law partner of a second-generation Willard Saulsbury.

He invited me to look through the papers that still sat in the old, abandoned law offices of Saulsbury and Morris in the 900 block of Market Street, over the office of the Home Life Insurance Company. Here I found two otherwise empty rooms containing the early records of his law firm and many mementos of the younger Willard Saulsbury's active life in politics—including such bizarre items as his personal bone tooth picks, postal cards bearing his portrait for use in 1924 when he sought the Democratic nomination for president, and a portable toilet seat he probably took with him on his travels, as, for instance, to Peru and Chile, as an arbitrator of the Tacna-Arica boundary dispute.

Judge Morris showed me around and then left me to go through the files as I pleased. He suggested that at the end of the day I come to his office in the DuPont Building and he would take me home. No hurry, he said, explaining that he was usually the last one to leave his office because he waited for the traffic to quiet down. I spent several days at work in the Saulsbury papers, and eventually he gave the papers to the University. There was no room for all the files in the Memorial Library, the then librarian, William Ditto Lewis, said, so they were stored in the attic of Hullihen Hall. I believe that even the toilet seat was, mistakenly, moved to Newark, but if so I doubt that it made the transition to the new Morris Library in 1963.

Every day while I was examining the papers in Wilmington I would go the judge's office in the late afternoon, and he would take me home. He was talkative on these journeys, and I heard many good stories, mostly forgotten now. My wife reminds me of how impressed I was by Judge Morris's tale of his preparations, dressing, eating, and so on, so that he never needed to retrace a step. He aimed to get started early on the Kirkwood Highway before there was much traffic, as well as to stay at work until the heavy flow of homeward-bound traffic was over.

Two of his political stories I still remember because I have repeated them often. When he was a young man at Greenwood many voters were accustomed to being rewarded for their votes by a small gift of cash. They were not necessarily willing to switch parties for money, but a little cash was appreciated just as a free ride to the polling place was. The evil practice probably grew out of the efforts of J. Edward Addicks—ultimately unsuccessful—to use his self-made wealth to pave his way to a seat in the U.S. Senate.

In this case, Judge Morris said, one party at Greenwood discovered that poll watchers of the other party were giving some supporters a chestnut when they finished voting. A voter could take the chestnut behind a certain stable and there exchange it for money—perhaps two dollars.

(Voting was secret, of course, but under the loose ballot system the voter could make his ballot at home—or someone could mark it for him. At the polls he was required to enter a booth where clean ballots were available, but if he took long enough to mark a new ballot he was under suspicion.)

The rival party got wind of what was going on, so they quickly acquired some chestnuts, gave them to some loyal supporters, and sent them behind the stable. A fight broke out there very quickly, for the interlopers were recognized. The second party, it seems, had not realized that the chestnuts were doctored up—battered or salted, I forget which.

Another story derives from a time just prior to the Democratic national convention of 1912. The Republican party was badly split between the supporters of William Howard Taft and those of Theodore Roosevelt, and it was obvious that the Democrats might be able to win the presidency for the first time this century if they had an acceptable candidate. There were many aspirants for the Democratic nomination, and in this year long before primaries were the rage the choice was really going to be made at the convention.

Willard Saulsbury, the acknowledged leader of Delaware Democrats, would, of course, be a delegate to the convention and would probably determine how the Delaware delegates would vote. A month or two before the convention he announced that he was polling the leading Delaware Democrats by mail, asking their preference among the likely candidates. As the answers arrived, Saulsbury dropped them in a drawer without looking at them. When reporters stopped by to ask what the poll was showing, Saulsbury would shake them off. “Too soon boys,” he would say, or, “Not yet. Come back next week.”

When he figured enough time had passed to receive all the answers he was likely to get, Saulsbury had an announcement for the reporters. “Boys,” he said when they gathered in his office, “the choice of Delaware is very clear. It’s Woodrow Wilson, two to one!”

But young Hugh Morris, the junior partner, knew that Saulsbury had never tabulated the returns, had never even looked at the letters in the drawer. The party boss manufactured public opinion.

It was a privilege to know Judge Morris and to hear his stories. I wish I remembered more of them. I wish I had asked him about his days as a student at Delaware College. John Perkins, who liked him immensely, suggested I go to see the judge in his last months, when he was living alone in a suite at the Hotel DuPont, having had the misfortune to outlive his daughter and his wife. But either through shyness or because I was very busy I never did.

My Memories of Judge Hugh M. Morris

MARJORIE JOHNSON TILGHMAN

Hugh M. Morris, class of 1898, and my father, class of 1899, Delaware College, were good friends in the coming years. An insight into Judge Morris's character is evident in this quote in a private letter to my father dated January 20, 1925, thirteen months before my father's sudden death on February 20, 1926:

. . . We are moving into a vicious circle. The citizens are by law making the government the keeper of their morals and then they are saying to the government, 'Enforce your laws if you can.' The citizen seems to feel that in matters taken over by the government he no longer has any moral responsibility and that consequently there is no reason why he should not break the law if he can do so without being caught. Such a condition of affairs can only result in the use of more and more governmental force and less and less individual liberty not only to the citizen who violates the law but less and less individual liberty to every American citizen, for the laws must be general in their operation. How long such a state of affairs can continue without converting this government into an autocratic or despotic one no one, of course, knows.

Home table talk gave me clues to Hugh Morris's legal career. President Woodrow Wilson appointed him a federal judge, a position he held for eleven years. After that he formed the law firm of Hugh M. Morris. His legal reputation in those years was nationwide, and Delaware moved into a leadership role in corporation law surpassing rival states.

After my father's sudden death at the age of forty-eight, two of Judge Morris's partners, Edwin D. Steel, Jr. and G. Burton Pearson, Jr., were assigned the arduous task of the settlement of the Everett C. Johnson estate, a task which they performed with competence and grace. In reply to Mother's request for fees for this work, Judge Morris replied:

I have your very kind letter of yesterday. Both Burton and Ed, to put them in alphabetical order, were deeply interested

in your case because of their fondness for you; and as a consequence, the work they did, though arduous, was not a burden but a pleasure to them.

You will probably get a statement from them for actual cash disbursements, such as telephone calls; but as far as fees are concerned, there will of course be no charge.

We charge corporations that are able to pay, in order to be able ourselves to do work for our friends for the pleasure of doing it.

With kindest regards, I am
Yours very truly,

Hugh M. Morris

There was an occasion when I visited Judge Morris in his office, a dignified and comfortable host, helpful on my request and he left me with an impression of abiding sincerity.

As a University of Delaware faculty wife and Dean's wife, there were occasions when Frank Squire and I enjoyed the hospitality of Judge Morris and his family at their charming home on Polly Drummond Hill. In his later years Judge Morris suffered two sorrows of major magnitude: the death of Mrs. Morris and his daughter, Mary. I knew Mary and visited her during her illness. Hugh Morris lived what certainly must have been two lonely years after Mary's death in 1964.

Hugh Morris's association with the University of Delaware was always one of dedication. His guidance and wisdom during his term as President of the Board of Trustees was recognized by all friends of the University. His generous gifts to the University as recorded by Dr. John Monroe in his *University of Delaware: A History*: "His residual estate was left to the University in 1967, including his home and farm on Polly Drummond Hill. Another large gift including the farm, Morris' Pleasure, near Greenwood, Delaware came to the University on the death of his brother and sister, his last survivors."

The naming of the Morris Library was a grateful salute to Hugh M. Morris, Benefactor and Gentlemen, Sans Pareil.

Recalling Judge Morris

MARIAN P. PIGFORD

My pleasant association with Judge Morris was brief but so outstanding that I am happy to tell about it.

When Dr. William Carlson resigned the presidency of the University in 1949, Judge Morris, President of the Board of Trustees, appointed a faculty committee to assist the trustees in finding candidates for them to consider for the presidency. Dr. Carl J. Rees was chairman of the committee and my late husband, Robert, was a member. As a young, recent faculty member, he felt honored to be on the committee.

There must have been several meetings of the faculty committee with the trustee committee because Robert spoke frequently of his admiration for Judge Morris.

While the committee work was in progress, I met Judge Morris and was just as impressed as Robert was, and charmed, too. Mrs. Morris was ill during this time, so we never met her.

Some time after the work was completed, Mrs. Morris died. I wrote a note of condolence to Judge Morris and received a lovely reply. I wish that I had kept it.

Now, many years later, it seems strange to me that I wanted to write the note of condolence to Judge Morris after so brief an association and that I remember that time so clearly. It must be that we were grateful to know Judge Morris, a great man.



Left to right: George H. Healy, Rare Book Librarian at Cornell University; John McElwee, Project Architect with Howell Lewes Shay; Howell Lewes Shay, Founder of the architectural firm which built the original Hugh M. Morris Library; and John M. Dawson, Director of Libraries, in the newly constructed Morris Library, 1963.

From Special Collections, University of Delaware Library.

Memories of Judge Morris

JOHN M. DAWSON

I first met Judge Morris in May of 1958 at the Spring meeting of the Board of Trustees, then customarily held in the President's Office, followed by a luncheon to which deans and directors were invited (commanded?) to attend. I had just come to Delaware and taken office as Director of Libraries a few weeks before and knew nothing of Judge Morris except that he had been a long-term trustee and President of the Board. When I was introduced to him, the first thing he said to me after the usual greetings was, "We need a new library, don't we?" Since I had not yet discussed the need for a new building with President John Perkins I tried to be non-committal and replied that whether or not we built a new library, we most certainly needed a great deal more space than the Memorial Library afforded. His immediate rejoinder was, "You can't get enough space by enlarging the Memorial Library. We have to build a new library building. You get to work on that."

Shortly afterwards I reported this conversation to Dr. Perkins who, although having advocated a strong library ever since his arrival in Delaware, was understandably reluctant to commit himself. I knew that he favored the idea, for not long after he persuaded an anonymous donor (Judge Morris?) to provide the funds for beginning the planning of a new library building.

All through the planning and construction of the as yet unnamed building, Judge Morris kept up his interest and support. He would sometimes telephone me and often when on campus would call me, and I recall a few luncheons with him at the Hotel DuPont to discuss the progress of the new building. I feel sure that he was influential in persuading the legislature to provide the necessary funds.

It was most appropriate for the trustees to name the new facility the Hugh M. Morris Library and to have his portrait hung prominently in it. The dedication of the new library was the main feature of the annual luncheon of the University of Delaware Library Associates on April 4, 1964, and all present were delighted when Judge Morris, then in failing health, attended—and, typically, came in quietly and sat in the back row.

It was only fitting that his executors deposited his papers in the library which he had done so much to create. I think that the recognition of his devotion to the University Library was indicated when his daughter named me as one of the honorary pall bearers at his funeral.



Hugh M. Morris as a young man photographed by Cummings. Date unknown. Used with permission of University Archives, University of Delaware.

Book Ends

JOHN BIGGS III

To my wonderment I became aware of Judge Morris when I discovered his name engraved on the base of my cup as a child:

From
Willard Saulsbury
Through
Hugh M. Morris
To
John Biggs III
1927

Curiously, 1927 is the year of my birth.

This could be the beginning but is not. My grandfather, Charles G. Rupert, was from New Market, Virginia. Early on, Judge Morris was appointed to represent a criminal defendant. The gentleman was black, from New Market, and must have committed a heinous crime since in those days criminal defendants did not receive court appointed counsel short of murder.

Grandfather came to Judge Morris and insisted that Mr. Morris should accept a fee—the man was from New Market. Mr. Morris refused—unethical (the court fixed the fee). Charles G. was adamant. How this dispute ended—both men were positive in their opinion—I do not know. This accounts in part for the inscription, and Judge Morris represented grandfather thereafter.

On ethics Judge Morris was most positive. As a clerk, at his insistence, I read the Rules of Ethics with commentary with considerable care and then again. I complained at the third reading. The judge told me that I had hardly begun and that most practicing lawyers should read the rules once a day but did not. After forty years of practice, I am inclined to agree.

More important: while I may have complained at the third reading and more bitterly at the fourth, I did learn the rules. In the June 1993 issue of *The Journal of the Delaware Bar Association* there are three Private Admonitions. In each the attorney did not know the rules and in each had the attorney known the rules he would and could have protected himself.

Judge Morris as preceptor taught his preceptees.

Delaware College, Newark, Delaware

Jan 1 1898

Hugh M. Morris

To the Board of Trustees of Delaware College.

Term, Scholastic Year 1897-98.

For Initiations Fee.	
• Tuition.	
" Room Rent.	
" Fuel for Room.	
" Fuel for Recitation Room.	75
" Janitor & Wages.	1 25
" Use of Library.	75
" Laboratory Fees.	
" Incidental Expenses.	75
" Damages.	
" Furniture Rent.	
	3 50

Received payment, *Feb. 24*, 1898

Chas. B. Evans, Treasurer.

Chas. B. Evans

The young Hugh M. Morris was a student, Class of 1898, at the University of Delaware, then Delaware College, 1894-1898. To the left is a copy of his receipt for student fees for the second term of the 1897-1898 scholastic year. Receipt is signed by Chas. B. Evans (Charles Black Evans), Secretary and Treasurer of the University of Delaware after whom Evans Hall is named. Used with permission of University Archives, University of Delaware.

I did find Blackstone a tough go.

Judge Morris was a determined advocate. When he accepted a case, his client was right, or I should say RIGHT, with the angels of God upon both shoulders. Most good lawyers are successful with one on one shoulder; Judge Morris had two, one on each shoulder. I suspect that the black man from New Market faired well.

Judge Morris's insistence upon the correctness of his client and his client's position could cause consternation among his clerks because after a particularly egregious decision—judges do err, and no lawyer has won every case—we, the clerks, would embark upon the familiar research entitled "The impeachment and subsequent disbarment of judges, what constitutes good cause therefore, the ground thereof, the requisite pleading, the appropriate court," and after a day or two we would be dispatched to more productive fields.

This did not cause me concern until the miscreant, guilty of misfeasance, malfeasance, non-feasance and other "feasances" too arcane to recall, and plain old stupidity, was my father. But father survived; Judge Morris survived, and so did I.

I will not recite the tale of Judge Layton, then our Chief Justice, whose reappointment Judge Morris successfully opposed by one vote in the Senate. Judge Morris could be determined.

Judge Morris had a dry sense of humor.

At 3000 Du Pont Building the morning opened in the library at the library table which had sufficient space to seat Judge Morris, Miss McNinch, Dorothy Crossan and the five partners for the opening of the mail and for the exchange of information. At the time I arrived there had been a rebellion in the backlands so that the only participants were Judge Morris, Miss McNinch (the office manager), Mrs.

Crossan (Judge Morris's secretary) and assorted clerks seated at the walls, not at the table (this was our office), to include Andy Kirkpatrick.

Judge Morris always carried outgoing mail home in his left hand coat pocket. In he reached and produced a bill.

"The bill is too much. Review."

Miss McNinch: "roast beef Sunday, lamb Monday, steak Tuesday, calves livers Wednesday, sweet breads Thursday, lobster Friday, veal Saturday. (Miss McNinch always told it like it was which may account for the rebellion in the backlands.) "Judge Morris, the bill is proper; you have expensive tastes."

When one asks a question of a person who tells it straight on, one cannot object when the answer is not to one's pleasure. A like rule does not apply to an officious intermeddler.

Giggle. "Judge Morris, you have expensive tastes." —Silence

The clerk par excellence was Andy, and the Judge and Andy could and did work by the hour on convincing legal theory and the cases to support that theory. Four hours work could produce a single paragraph, but that paragraph would be right.

The silence continued.

Judge Morris spoke: "I have two luxuries: one is Andy Kirkpatrick, and the other is you."

This, too, was a learning experience since the words were spoken without rancor but firmly and to the point.

And again my interview at the office with Judge Morris. I had asked Judge Morris to be my Preceptor because of the silver cup, which held no guarantee; so off to the office I went. I announced myself and was immediately ushered into his office. I do not recall what was said except that an out of town call was received.

Judge Morris told me that a lawyer always took and answered calls. (Many complaints made against lawyers are for this failing—another learning experience.)

We departed his office, and I was introduced to all six secretaries by name.

"Now," said Judge Morris, pulling my chain, "Name the ladies in reverse order." Of course, I could not.

And so I embarked on a summer of Blackstone.

Judge Morris was *au courant* with the office wars and dilemmas. How I never knew.

A summer clerk of good family in straited circumstance (how straited I do not know, but the family is good — my cousin's) could not afford to work for \$100.00 for the summer—the going stipend.

Judge Morris called the clerk into his office. After the usual preliminary, he, the judge, asked the clerk to write on a blank paper so that the judge could not see what he, the clerk, thought the figure should be and he, the judge, would do likewise. Then the papers were turned so that each could see the other's number.

Judge Morris's number read: "Whatever you say." Another chain pull, and there could be no complaint about the figure.

Judge Morris could be unreasonable. There was a thin patent book which he kept behind his desk. Since the book was thin, it was not in the book case but had been placed length-wise on the top of other books. Caleb Wright came to pay a courtesy call upon the judge when Judge Wright was appointed to the bench. Judge Morris reached behind him to the book case and no patent book. Judge Wright left, and Judge Morris marched into the library immediately adjacent to this office.

The gist of the conversation was that one of us or all three of us had lost, pilfered, vandalized, or otherwise desecrated his patent book probably as toilet paper: Spoken not in anger but in sorrow.

We turned that library upside down, moved a 1,000, 10,000 books looking for that thin little book which none of us had ever seen.

Judge Morris went to lunch. Andy went into Judge Morris's office; all portals were guarded. No one went into Judge Morris's office without his permission, and there, fallen behind the other books, was that thin, little book. I do not care for patents.

The book was placed carefully with loving care on the desk so that it could not be missed.

When Judge Morris returned from lunch, he entered the library from his door and smiled benignly at each of us, and no more was said. Lesson: Do not apologize for harmless errors.

Then came the glorious day when I passed the bar examination and was licensed to work my fledging skill upon an unsuspecting public.

For me this was a quandary. Should I stay with the law firm of Morris, Steel, Nichols & Arsh, or should I look elsewhere? So I went to the man who gave me the silver cup.

Judge Morris's advice was good, not always right. No lawyer ever is but always good. He told me that I could stay with the firm, that there were plenty of clients, clients enough for all; all clients were Judge Morris's clients, the other partners to the contrary.

Nevertheless, I could do better to embark on my own practice with my own clients to achieve at a level satisfactory to me. This was scary advice at the time. I could have stayed, but I had asked for his advice and I took it. The advice was good and more importantly right. So I look back upon a kind and considerate benefactor which I would have even if he had been wrong.

I started with a silver cup. I end with a Japanese Zero part, probably a piston head made into an ash tray. This ash tray was always on Judge Morris's desk. The ash tray is inscribed to Hugh M. Morris from Lt. Byron Rawson, Guam. Who Byron Rawson might have been I do not know. But I do know this: Byron Rawson liked Judge Morris and so do I.

The Judicial Career of Hugh M. Morris¹¹

CAROL E. HOFFECKER

Each day thousands of students, citizens, and scholars enter the Hugh M. Morris Library and pass by the bronze bust of Judge Morris that sits in an alcove of the vestibule, its nose rubbed to a shiny patina by students seeking good luck on examinations. Few of these many Library users know who Hugh M. Morris was or why the University named its main library in his honor.

Judge Hugh M. Morris (1878-1966) a native of Greenwood, Delaware and member of the Delaware College graduating class of 1898, joined the University of Delaware Board of Trustees in 1929. In 1939 he was elected president of the board, a position which he held for two decades. According to University historian, John A. Munroe, Morris was "one of the most influential board presidents in Delaware's history." Morris led the board during a period that saw a major evolution in the size and scope of the University. Among the most significant changes in that period were the integration of the Women's College and Delaware College into a coeducational institution, the development of research and graduate education, and the growth of University enrollments from 931 in 1939 to 5,820 twenty years later.

The judge served on a number of corporate boards including those of the Wilmington Trust Company, the Wilmington Savings Fund Society, and the Delaware Power and Light Company, but the University of Delaware was his first love and the object of his greatest attention, concern, and support. He outlived both his wife, Emma Carter Smith Morris, and his daughter, Mary Smith Morris and, when he died in 1966, Judge Morris bequeathed the bulk of his estate to his alma mater. The Morris bequest included the judge's beloved farm "Chestnut Hill" located just north of Newark on Polly Drummond Road.

Hugh M. Morris served as judge of the United States District Court for Delaware from 1919 until 1930. During his years on the bench, Delaware's federal court gained national prominence for the judge's handling of important cases in corporate law and patent law. Judge Morris was also a leader among federal judges

¹¹ This section is from the book *Federal Justice in the First State* reprinted with the permission of The Historical Society for the United States District Court for the District of Delaware.



Oil portrait of Mrs. Hugh M. Morris painted in 1952 by Gayle Porter Hoskins which was bequeathed by Judge Morris to the University. Judge Morris married the former Emma Carter Smith on October 10, 1908. The oil portrait of Mrs. Morris hangs in the Hugh M. Morris Library.

Used with permission of Permanent Collection, University of Delaware.

for his humane adjudication of cases under the prohibition law and for his efforts to assist immigrants to become citizens of the United States.

An account of Hugh M. Morris's judgeship is included in a newly published book entitled *Federal Justice in the First State: A History of the United States District Court for Delaware*. The excerpt that follows will acquaint friends of the Hugh M. Morris Library with the judicial career of the institution's namesake.

When Judge Edward Green Bradford II resigned from the bench in 1918, Woodrow Wilson was in his second term as President of the United States. Both of Delaware's Senators, Josiah O. Wolcott and Willard Saulsbury, were Democrats like the President, and, according to the rules of Senatorial courtesy, both had a

right to advise the President on selecting Bradford's successor. The problem was that Wolcott and Saulsbury supported different men. Willard Saulsbury's choice was his law partner, Richard Rodney of New Castle, while Josiah Wolcott pressed for the appointment of his law partner, James H. Hughes of Dover. Since neither Senator would accept the other's choice, the judgeship remained unfilled for over eight months while the two Senators, the U.S. Attorney General, and the leaders of the Delaware Bar searched for a compromise candidate.

On January 8, 1919, the United States Attorney General Thomas Watt Gregory wrote to Senator Saulsbury, "I have very carefully considered all the men whose names have been mentioned in connection with the appointment. I have reached the conclusion that Mr. Hugh M. Morris of Wilmington, is, on the whole, the best of these men for the place and I am disposed to recommend his appointment to the President." The Attorney General was eager to expedite the appointment quickly because "the business of the district is in such condition that I feel the place should be filled with as little additional delay as possible." Barring any unforeseen difficulties with Delaware's Senators, Attorney General Gregory intended to wire the President at the Versailles peace treaty negotiations to seek his approval.

The man who emerged to become the seventh judge of the District Court for Delaware, Hugh M. Morris, was a native of Sussex County and a rising corporate lawyer in Wilmington. Morris accepted the appointment reluctantly. He was disappointed that his law partner, Richard Rodney, who was eager to become a judge, had been denied the appointment, and he was sorry to give up the practice of law. But, reluctant though Morris may have been, there was during his judgeship a sense of the coming of age of the U.S. District Court for Delaware. A court that had been described by the New York press in 1897 as an inconsequential backwater of parochial jurisprudence emerged in Judge Morris's era as among the most important and most closely watched district courts in the nation.

Hugh Martin Morris was born on April 9, 1878, at "Morris' Pleasure," a farm near Greenwood, Delaware, the Sussex County farm that had been the home of his ancestors since colonial times. His father, William Wilkinson Morris, was active in Democratic Party politics in Delaware and served in the General Assembly through the decade in which Hugh was born. After attending school in Greenwood, Hugh Morris entered Delaware College from which he graduated in 1898 with a bachelor of arts degree. In 1900 he entered the law office of Willard Saulsbury, scion of one of Delaware's most powerful Democratic families, to read the law. Willard Saulsbury was the son of a former Senator and State Chancellor also named Willard Saulsbury. The younger Saulsbury had moved from southern Delaware to practice law with his legal mentor, Victor du Pont. Their firm lasted until du Pont's death in 1888. Since Willard Saulsbury handled important clients and cases, work in his office provided Morris with an excellent introduction into the law. In 1903 Morris was admitted to the bar and practiced independently until 1909 when he accepted

an invitation to join his preceptor Willard Saulsbury in a joint practice. A few years later, Richard S. Rodney came into the firm, which was then styled Saulsbury, Morris and Rodney. When Willard Saulsbury was elected to the U.S. Senate in 1912, he diminished but did not dissolve his connection with the law firm.

A letter of support for Morris's appointment from a Wilmington lawyer to Senator Josiah O. Wolcott, written just before Hugh M. Morris was named to the federal bench in January 1919, expresses a view of the man that was no doubt widely shared among members of the bar and later vindicated by Morris's actions as a judge. "Hugh is young and a fine fellow" the lawyer wrote.

His integrity is of the very highest, his devotion to the study of law is unsurpassed, and he is one of the leaders of this Bar. His experience in a very wide range of cases will be of very great value to him upon the Bench. He possesses that balance in judgment which will make him an able judge. He also possesses that courtesy and kindness to his fellow members of the Bar which will make it a pleasure to try a case before him.

The public announcement of Morris's selection on January 23, 1919 moved a number of Delawareans to write congratulatory letters to the new judge. One writer said, "I had hoped that Dick Rodney would finally be agreed upon, in which I feel you join me, but I consider your appointment the best solution of the situation." To this remark Morris replied, "You are not mistaken in your thought that I had hoped that Dick Rodney would be finally agreed upon. I had hoped this for two reasons, first, because I wanted to see Dick appointed as I believe that he would make a most competent and courteous judge, and also because my personal inclination was to continue in the practice of the law." To Senator Wolcott's telegram offering his assistance "in expediting the confirmation," Morris replied, "I hope that I shall find the duties so pleasant that I will soon forget my present reluctance and unhappiness in leaving the practice of law which I have greatly enjoyed." President Samuel C. Mitchell of Morris's alma mater, Delaware College, sent his congratulations and called Morris "an inspiring example to our student body and faculty." The Republican state judge and historian Henry C. Conrad wrote that in his forty-four years in the Delaware Bar "I have known no instance where an appointment has met with a more hearty or more general accord than in your case." R. R. M. Carpenter, a high ranking Du Pont Company executive, offered a wry comment: "As the chief amusement of some people seems to be suing the Powder Co. directors, this may be our last meeting on real familiar terms, but I want you to know how pleased I am at your appointment." Morris's papers also include a copy of a letter that the newly appointed Judge wrote to Messrs. Cottrell and Leonard of Albany, New York, suppliers of "academic caps, gowns and hoods, rich robes for pulpit and bench for samples and prices."

R. R. M. CARPENTER
20 Park Station
TREASURER, UNIVERSITY OF DELAWARE

Jan 24, 1919

My dear Hugh

From what you said to me the other day I judge you don't feel you are to be congratulated. I do feel, however, that the people are to be congratulated on having you. While I am not up on the political phase of the situation, I have discussed this question with a good many lawyers and found them all of the same opinion, namely praying that you would get the appointment and accept it.

As the chief amusement of some people seems to be suing the Powder Co. directors, this may be our last meeting on real familiar terms, but I want you [to] know how pleased I am at your appointment. I would not want my destiny in any better hands. May you not finish your career at less than Chief Justice U.S. Supreme Court.

Sincerely
Ruly Carpenter

Letter of congratulations (above) and its transcription from (below) R.R.M. Carpenter to Judge Hugh M. Morris. R.R.M. Carpenter served as a Trustee on the Board of the University of Delaware from 1940-1945.

From Special Collections, University of Delaware Library.

Jan. 24, 1919

My dear Hugh,

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Sincerely,
Ruly Carpenter

January 28, 1919.

Mr. R. R. M. Carpenter,
duPont Building,
Wilmington, Delaware.

My dear Ruly:

I appreciate very much indeed your letter of congratulation. The pleasures of the office must be many to atone for those I am leaving in giving up the practice of the law. This pleasure has been derived, however, mainly from the interesting work involved. I have no doubt that the new position will furnish full opportunity for pleasures as great and I am inclined to believe that the opportunity for real service is greater. I shall spare no effort in attempting to merit your good wishes.

Yours very truly,



Signed response from Judge Hugh M. Morris to R. R. M. Carpenter.
From Special Collections, University of Delaware Library.

The judgeship that Hugh M. Morris was entering presented several dimensions, some of which were unique to the decade in which he served. Most memorable, of course, would be the corporate and patent cases that came before Delaware's District Court. But of nearly equal significance were the many cases that arose under the prohibition act as well as the court's continuing responsibility for the naturalization of new United States citizens. Judge Morris's term on the court coincided with the introduction of the immigrant quota system in 1924 that sharply reduced the flow of newcomers to America. But a great many earlier immigrants were still moving from resident alien to citizenship status.

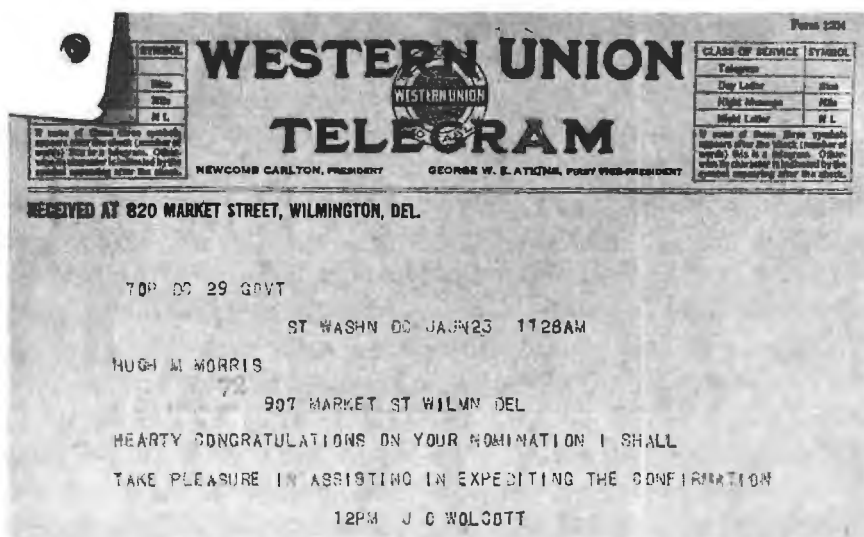
Like Judge Bradford before him, Judge Morris took pains to make the District Court's role in the naturalization process as memorable and meaningful as possible. Delaware naturalization programs offered a model for the country, and Judge Morris was often sought out by other judges for advice in this work. During the 1920s an organization funded by Pierre S. du Pont called Service Citizens of Delaware spent large sums to improve Delaware's public schools and to encourage good citizenship, especially among the state's immigrant population. Service

Citizens provided classes where foreign-born people of all ages could learn the English language together with American history and customs. The classes stressed patriotic themes and culminated in impressive graduation ceremonies where people dressed in the native costumes of their many nations joined together under the red, white, and blue banners of their new country.

The final act in this impressive naturalization process was the immigrants' appearance in the U.S. District Court to take the oath of allegiance as new American citizens. The District Court and its judge represented the great republic that was offering them citizenship. After administering the oath of allegiance, Judge Morris addressed the new citizens with stirring words designed to impress upon them the awesome duties and privileges of citizenship and to pay tribute to the contributions that they brought to their adopted nation. In his final naturalization ceremony he told 33 new Americans, "I see America, to which you are bringing a widened horizon and a great tolerance, marching to a glorious destiny because of an ever increasing opportunity and influence to guide, through kinship and understanding and affection, the feet of the people of every land into the way of peace." As the judge completed his remarks a color guard marched into the courtroom, and everyone present stood to salute the flag that was now their flag and to sing their National Anthem. A reporter who was present at one of Judge Morris's naturalization ceremonies wrote, "I believe you could almost hear a pin drop as the melody of the National Anthem comes floating in the door."

The Eighteenth Amendment to the U.S. Constitution, known as the prohibition amendment, was ratified January 29, 1919, just one week after Hugh Morris's nomination to the court was made public. Later that same year, Congress passed the Volstead Act to carry out the amendment's prohibition of "the manufacture, sale, or transportation of intoxicating liquors" in the United States. Prohibition brought the federal courts into the realm of criminal law to a much greater extent than ever before. The ideal of a liquor-free America particularly appealed to rural Protestant Americans. As a Protestant native of Sussex County, Judge Morris might have been expected to applaud the new law, but he did not. From the first, he believed that Prohibition represented a dangerous and unenforceable assault on civil liberties. He came close to saying as much in his speech at his first naturalization ceremony. He told a group of seventy-four new citizens that citizenship required not only obeying the law but also safeguarding the nation from bad laws and bad amendments that destroy freedoms and destroy the balance of federal and state powers. The new law could not, he said, "bring into being an advance in the moral or religious standards of a whole people." Judge Morris feared mass disobedience to the law and the expansion of a national police power. In his view, the federal law was a false start and a short cut to address problems that had deeper roots. "The pathway to progress is clear. It starts at the family fireside. It passes into the school house and the holy temples. Only from there does it lead to the legislative halls."

In keeping with his publicly stated opposition to the prohibition law, Judge



Telegram of congratulations to Judge Hugh M. Morris from J. O. Wolcott. Josiah O. Wolcott was a Wilmington attorney who served as Deputy Attorney General of Delaware from 1909 to 1913 and Attorney General of Delaware from 1913 to 1917. He was elected as a Democrat to the United States Senate and served from March 4, 1917, to July 2, 1921 from which he resigned to accept a judicial position. He also served as Chairman of the Committee on Expenditures in the Department of Commerce (Sixty-fifth Congress) and was appointed Chancellor of Delaware in 1921.

Senator Wolcott's son, the Honorable Daniel F. Wolcott, was appointed a judge of the Superior Court in 1949 and to the Supreme Court of Delaware as Associate Judge in 1951. Judge Wolcott was appointed Chief Justice of the Delaware Supreme Court in 1964 and he served as President of the University of Delaware Library Associates from 1964 to 1966.

Daniel F. Wolcott, Jr., Senator Wolcott's grandson, followed in his father's footsteps and served as President of the University of Delaware Library Associates from 1986 through 1991 and remains on the Board of Directors of the University of Delaware Library Associates.
From Special Collections, University of Delaware Library.

Morris enforced that law in the least oppressive fashion consistent with maintaining his legal responsibilities. In case after case he proscribed light sentences for Delawareans found guilty of violations of the Volstead Act. "Mercy Tempers Justice, Asserts Federal Jurist" read a typical newspaper headline. The story that followed described the case of a man who was found guilty of having 85 gallons of liquor in his chicken yard. The chicken farmer claimed ignorance of the law and Judge Morris fined him only \$225. The judge then looked down from his bench at

January 25, 1919.

Honorable Josiah O. Wolcott,
United States Senate,
Washington, D.C.

Dear Senator:-

I have your telegram of to-day which I assure you is greatly appreciated. No doubt in this regard had ever entered my mind. I hope that I will find the duties so pleasant that I will soon forget my present reluctance and unhappiness in ~~lead-~~ *leaving* the practice of the law which I have greatly enjoyed.

With kindest regards, I am

Yours very truly,

H. M. Morris

Signed response from Judge Hugh M. Morris to J. O. Wolcott.
From Special Collections, University of Delaware Library.

the district attorney, who had urged a stiffer sentence, and said, "I must make the sentences in this court and it is the most difficult and distasteful duty that I have to do in this court." Noting that death sentences had formerly been meted out to pick-pockets in England without eliminating that crime, he said, "I do not believe in making sentences severer and severer for repeated crime. Criminal history shows us that severe sentences are of very questionable value."

Judge Morris took advantage of every possible opportunity to voice his belief that the enforcers of the Volstead Act singled out poor people while ignoring the violations of the rich. Unequal administration of the law troubled him very much and provided another justification for his light sentences. Most of the violators who appeared before Judge Morris were poor, frightened first offenders. The judge believed that lenient treatment was the best means to lead them to lawful behavior. In 1925 Morris told a Wilmington Rotary Club audience that the more well-to-do people who bought and consumed illegal liquor knowing that they were violating the law were guilty of a higher crime than were those who sold it to them. He was quoted by an editorial writer in the Wilmington *Evening Journal* in 1928 as saying,

the national prohibition act, as it now stands and as it is now enforced, seems to have degenerated into class legislation, pure and simple. Most of the cases which have appeared before me have involved only very poor and comparatively ignorant persons; and unless the fine is graduated according to the ability of the man to pay, then there is no equality in the law . . .

Judge Morris was not only lenient with poor, ill-informed violators of the Volstead Act, but with other minor criminal malefactors. In 1929 a 22 year old Canadian man charged with entering the United States illegally and stealing a car near Glasgow, Delaware came before Judge Morris. Instead of sending the young man to the federal penitentiary, the judge put him on parole with the stipulation that he write to the judge weekly for five years about his life and hopes. This sentence so surprised the press that it was reported in the *New York Times*. On another occasion, a boy came before him for the crime of stealing letters from mailboxes. The judge, noticing that the boy's tonsils and adenoids were swollen, ordered that he be taken to the hospital to have these diseased organs removed. The boy was most grateful and remorseful. When another young man found guilty of embezzling \$1,000 from a Wilmington bank faced the judge for sentencing he was given parole and admonished "you have two roads, one to parole and freedom and a chance to renew your life, and the other to Atlanta or at least imprisonment. It is up for vote as to which course you will take, and you are the only voter."

Hugh M. Morris was the first District Court judge for Delaware to confront a large number of criminal cases, and his compassionate approach to sentencing set a standard for his successors. "In the administration of justice", he wrote, "a judge must use two things: his heart and his mind, and until I am convinced I am wrong, I shall continue to use both. I shall not impose sentences for vengeance . . . the defendants brought before me must feel that the Federal Government is not an oppressor but a government that wants her citizens to feel that they must obey the law."

If Prohibition and Big Business defined the "Jazz Age," or "New Era" as the Twenties are often called, then the District Court for Delaware was close to the decade's center of gravity. The decade began with disillusionment and depression following the European war that President Wilson had promised would "end all wars." Wilson's earnest campaign to secure ratification of the Treaty of Versailles ended in defeat for the treaty and for the Democratic Party in the 1920 elections. The new Republican administration of Warren G. Harding promised to return the country to a state of "normalcy," which meant an end to Progressivism and the beginning of an era that exalted the private sector over public regulation.

During the Twenties several technical marvels created by inventors in earlier years, particularly the radio, the automobile, and the refrigerator, became mass consumer goods. Inspired by these successes and by the possibility of immense profits

inventors and manufacturing innovators produced numerous new patented inventions. Disputes over patents are clearly reflected in the work of the District Court for Delaware where one half of Judge Morris's reported opinions dealt with patent infringement of products as diverse as light bulbs, vacuum tubes, billiard balls, and petroleum cracking apparatus. Perhaps the most famous and far reaching decision to come from the court was one that affected the development of the American chemical industry.

To understand the circumstances that led up to the chemical patent case it is necessary to examine the political climate of the post-war period. Wartime propaganda and post-war economic instability combined to create a public mood characterized by fears of conspiracies of all kinds. When a bomb exploded in front of the Washington residence of A. Mitchell Palmer, President Wilson's Attorney General, in 1919, Palmer was convinced that the incident marked the vanguard of a communist conspiracy to seize control of the country. The Attorney General responded with his famous "Palmer raids" in which all known aliens suspected of leftist political sentiments were arrested and deported. The attorney general's concerns for America's safety were not confined to Reds; he also feared a resurgent Germany. While President Wilson was campaigning for incorporation of his Fourteen Points into the peace treaty as the best means to prevent future wars, Palmer concentrated on strengthening the United States against its potential foes, most particularly Germany.

The First World War had demonstrated the importance of scientific and technological superiority to achieve victory. Attorney General Palmer's understanding of this was essential to the background for one of the most important cases ever to come before the U.S. District Court for Delaware, *United States v. Chemical Foundation*. When the United States entered the war in 1917, Congress passed the Trading With the Enemy Act. This act empowered the President to seize and hold all German property in the United States and established the position of Enemy Property Custodian. President Wilson appointed Palmer to this post. In 1918 the Trading With the Enemy Act was amended to empower the custodian to dispose of the enemy property in his care if he judged that action to be in the best interests of the United States.

There were two types of German property that most concerned A. Mitchell Palmer: pharmaceuticals and dyes. In both of these product lines the Germans had near worldwide monopolies, and numerous German-owned producers operated in the United States. German scientific and technical patents and processes constituted the enemy's most valuable assets in the United States. German drug patents included the only known cure for syphilis, but it was the German dye patents that were most important, not only because the Germans dominated a lucrative consumer market, but because the chemistry of dye making was closely related to the chemistry of making explosives and poison gas. Dyes came from the processing of

organic substances from coal tar and commercially useful organic chemistry was woefully undeveloped in the United States. A nation without a strong dye industry could not develop the chemical infrastructure to support modern military power.

Palmer was convinced that the future security of the United States depended upon the acquisition of the German dye patents that he had seized under the Trading With the Enemy Act. He wrestled with the question of finding the best mechanism whereby these patents could be turned over to American industrial producers. He feared that if the government sold the patents directly to the highest bidder the patents might inadvertently fall into German hands. He also feared that sales to the highest bidder would result in the creation of an American monopoly, which would be anathema to the Wilson administration. After much thought and consultation, the attorney general conceived of the idea of creating a semi-public corporation. The corporation would be owned by the American dye industry and its officers would be a combination of employees of the custodian's office and representatives from American chemical companies. The government would sell the patents to the corporation at cheap prices and the corporation would relicense these rights on a non-exclusive basis to American companies. The Chemical Foundation, created by President Wilson's executive order and chartered as a corporation in Delaware in 1919, realized Palmer's idea. The foundation was charged to grant non-exclusive licenses "upon equal time and a royalty basis, to any bona fide American individual or corporation."

In March 1921, Warren G. Harding became President. The new President and the men in his administration believed that their predecessors had exaggerated America's vulnerability to foreign aggressors. In their eagerness to dismantle and discredit the work of the Wilsonians, Harding's administrators fixed upon the Chemical Foundation as an example of an ominous kind of conspiracy—not by left-wing radicals, nor the German dye cartel, but by the Wilson administration with its co-conspirators, the American chemical industry. According to this point of view the Wilson administration had conspired to distribute valuable information about commercial processes at less than its true value. In September 1922 Harry M. Daugherty, Harding's Attorney general, filed suit against the Chemical Foundation. In a bill of complaint which ran seventy-three pages the government challenged the constitutionality of the Trading With the Enemy Act and asked the District Court for Delaware to invalidate the transfer of 4,700 patents that the Enemy Property Custodian had made to the Chemical Foundation. The words "conspiracy" and "scheme" appeared frequently throughout the bill of complaint. The government alleged that by giving up the German dye patents for such nominal fees A. Mitchell Palmer had used his position as Enemy Property Custodian to defraud the government. Attorney General Daugherty's aim was to recapture these patents and to sell them to the highest bidder, even if that should mean returning them to their original German owners.

The case was the most complex and most publicized to come before the

Delaware District Court up to that time. Millions of dollars in potential profits, the creation of an important American industry, and the legality of the federal government's wartime actions were all at stake. The trial began June 4, 1923 and ended July 23, 1923, the testimony filled 9,000 pages. Recognizing the gravity of the case, Judge Morris suspended the usual court rules to permit both sides to produce whatever evidence they wished to introduce. The only exception that he made to this ruling was to protect the secret processes used for manufacturing organic chemicals.

On one level the trial was about rival conspiracy theories, but on another level it was about how much power the federal government could exercise in time of war. The evidence presented on behalf of the Chemical Foundation focused on the underhanded methods that the German dye cartel had used before the war to prevent American chemical producers from developing organic chemistry on a commercial basis. The Chemical Foundation's lawyers portrayed the foundation as a patriotic device whereby the ominous threat posed by the German chemical cartel had been thwarted. In contrast, the government's case rested on its contention that A. Mitchell Palmer and his associates in the Wilson administration had conspired to turn over a valuable government asset to a small group of American businessmen for a pittance. The government also disputed Palmer's interpretation of the 1918 amendment to the Trading With the Enemy Act under which the transfer of the patents had taken place.

On January 3, 1924 Judge Morris filed his sixty-two page opinion in the case and on February 18 he entered a decree dismissing every contention in the government's bill of complaint. Morris upheld the constitutionality of the powers that Congress gave to the President under the Trading With the Enemy Act and he affirmed the President's use of those powers to dispose of the enemy patents to the Chemical Foundation. "Courts", he said, "may inquire whether an act passed by Congress is within the scope of its constitutional power. Beyond that they may not go." He struck down the government's claim that the foundation had sold the patents too cheaply and declared that the commercial value of the patents was "of a highly speculative character" and could only be realized through great private investment. Everyone who had been involved in these transactions, including the President, had acted in good faith according to their understanding of the national interest, Morris said.

Judge Morris's decision made the front page of newspapers throughout the United States. Accounts generally noted that if his ruling stood the Harding administration would be unable to pursue its intention to return the patents to their original German owners. American chemical producers were elated. Dr. Charles L. Reese, President of the American Institute of Chemical Engineers and Director of Research at the Du Pont Company, told the press, "It is needless to say that the chemical industry as a whole is delighted with the decision of Judge Morris in the Chemical Foundation suit."

Attorney General Daugherty immediately announced his intention to appeal the

decision and told the press that the government regarded the dye and chemicals patent case as one of the most important civil actions to be brought in the nation's courts in many years. He expected the Circuit Court of Appeals to reverse Judge Morris's decision. Daugherty did not remain in the Attorney General's office long enough to direct the case. In March 1924 he resigned to avoid indictment in connection with a bribery scandal. In March 1925 the Circuit Court of Appeals affirmed Judge Morris's decision on every point. The government pressed its case to the U.S. Supreme Court. In October 1926 in a unanimous decision the justices of the Supreme Court sustained the District Court and Circuit Court rulings. The *New York Times* reported that ". . .the Supreme Court brushed away the persistent allegations that sinister and greedy motives entered into operations of the Chemical Foundation." The courts' rulings in this case gave a great boost to the creation of an organic chemical industry in the United States which has led to American preeminence in such products as plastics and synthetic materials.

The vindication of Judge Morris's ruling in the Chemical Foundation case focused attention on the Delaware District Court as one in which patent cases were treated fairly and knowledgeably. Judge Morris had employed a chemist to assist him to understand the significance of the technical testimony. This precaution against making errors of judgment in a complicated, arcane field of knowledge demonstrated to lawyers and executives of Delaware-based corporations that Judge Morris would approach patent cases with sophisticated understanding. In the 1920s radio was an exciting, rapidly-developing new technology. At the beginning of the decade buffs were making crystal sets in their basements. The early radio receivers relied on dry cell batteries to bring in weak signals from scattered broadcasts. By the end of the decade large companies were selling powerful radio sets that made use of vacuum tubes and plugged into electrical sockets to pick up broadcasts from established radio networks. Dramatic technical and organizational developments in such a publicly accessible medium was fertile ground for arguments between inventors and radio manufacturers over the ownership of patents. In 1929 Judge Morris was called upon to decide such a case, *Dubilier Condenser Corp. et al. v. Radio Corporation of America*.

When the Radio Corporation of America (RCA) was created in 1919, radios operated on batteries because the alternating current in household electricity caused a permanent humming sound that interfered with radio reception. In the early 1920s three employees of the United States Bureau of Standards named Dubilier, Dunmore, and Powell invented a mechanism whereby radio units could be plugged into regular home electric outlets and receive broadcasts without the hum. They patented their invention in 1924 but the Radio Corporation of America, then the nation's largest producer of radios, refused to recognize the patent and proceeded to produce radios equipped with socket power units without paying royalties on the invention. In 1927 the three inventors sued the radio giant for infringement of their patent and for the recovery of royalties.

RCA's defense rested on two points: (1) that since the plaintiff inventors had done their work at the U.S. Bureau of Standards the United States had a better claim to the patents than did the plaintiffs, and (2) that RCA employed a mechanism in their radios that was similar to, but not exactly like, the creation of the inventors. Judge Morris dismissed both of these contentions. Regarding the defense's first point he noted that the federal government had made no claim to ownership of the inventions and had not chosen to be party to the suit. Respecting the second point, the judge included in his opinion a detailed description of the scientific and technological components of radio reception including the invention in question. After noting that RCA had made some changes in the plaintiff's invention, Judge Morris wrote that "a variation is, of course, no defense, if the substance or principle of the patent is employed." Judge Morris ruled in favor of the inventors and awarded them \$20,000,000. The decision affected not only RCA but all radio manufacturers. The judge's careful analysis of the technology employed in the plaintiffs' patent and his statement of the principle of equity in this and similar cases sent a clear message to patent holders. The result was a remarkable increase in patent work that came before the court.

Judge Morris's reputation for skillful handling of commercial disputes matched his reputed skill in patent cases. The case of *The Coca-Cola Bottling Company v. The Coca-Cola Co.* was among his most memorable corporate cases. The judge explained the matter at issue in a letter to Senator Josiah O. Wolcott written March 1, 1921. "The Coca-Cola Co. manufactures the syrup from which both the fountain drink and the bottled drink are made," Morris explained.

This company supplies the fountains direct but for bottling purposes it makes the sale to two companies, Coca-Cola Bottling Co. and The Coca-Cola Bottling Co., under a contract made some years ago. Difficulties arose as to the meaning of the contract and The Coca-Cola Co. declined any longer to supply syrup to the bottling companies, whereupon they instituted suit in the nature of a bill for specific performance. Morris was telling Senator Wolcott these details because he wanted Wolcott to agree to serve as master for the court to determine a fair price for the syrup. The judge expected that the work would take about two weeks of the Senator's time taking testimony in Atlanta and then a few days more to write a report. He noted that the job must be undertaken as rapidly as possible as the difference between the two prices demanded by the litigants was worth \$5,000 per day.

The dispute arose in the wake of a change in leadership at Coca-Cola. In 1919, Asa Chandler, who had built the company and made its product into the household

word for soft drinks, turned over control of the company to Ernest Woodruff. Under Chandler the Coca-Cola Company had entered into a long-term relationship with two bottling companies which licensed the many Coca-Cola bottling companies scattered throughout the United States. This arrangement went back to 1899 when two inventors in Chattanooga, Tennessee, discovered a process whereby Coke syrup and carbonated water could be injected into bottles and hold their mixture. The inventors were the founders of the parent bottling companies that opposed the syrup manufacturer in the suit. When Ernest Woodruff took control of Coca-Cola, he reorganized the company, moved its corporate charter from Georgia to Delaware and raised the price of Coke syrup. His decision to charge more for the syrup stemmed from the postwar inflation in the price of sugar. The price increase did not upset the bottlers so much as did Woodruff's intention to change the terms of the contracts between The Coca-Cola Company and the bottlers so that either party could terminate the contract upon notice. The bottlers would not agree to a further price increase unless The Coca-Cola Company assured them a perpetual contract. The Coca-Cola Company refused and terminated the contract May 1, 1920.

The bottlers sued The Coca-Cola Company seeking an injunction to prevent Coca-Cola from abrogating the contract. Both parties had a vital stake in the outcome because the bottlers absorbed forty percent of the Coke syrup produced at that time. In the district court, Coca-Cola's lawyers argued that the contract language said nothing about perpetuity. The bottlers, however, contended that the very nature of the contract presumed a perpetual relationship. The dispute ended in a compromise. Judge Morris said that the original 1899 contract had implied a long-term relationship that benefitted both The Coca-Cola Company and the inventors of the bottling process. He also noted that The Coca-Cola Company's argument that such a close connection between that company and the two parent bottling firms might be construed as monopolistic was disproved by the fact that no contract would lead to an even greater monopoly for The Coca-Cola Company. While an appeal from Judge Morris's decision was pending, the parties reached a settlement of the controversy. The bottlers won the right to a perpetual contract, but The Coca-Cola Company won the right to increase the price of the syrup at any time in response to rising costs of the ingredients, principally sugar. The consent decrees that Judge Morris ordered as a result of this case remained in effect for almost sixty years.

Although he found his work on the federal bench absorbing, Judge Morris longed to resume his career as an attorney. On June 5, 1930 he wrote a brief letter to President Herbert Hoover that stated, "Sir: In order that I may return to the practice of the law, I hereby tender to you my resignation as United States District Judge for the District of Delaware to take effect upon the adjournment of Court on June 30, 1930."

Hugh M. Morris had been forty-one years old when he became a federal judge. His resignation at age fifty-two left him with many years to serve on the opposite

side of the bench. Morris was not a wealthy man and the opportunity to earn substantially more income than the \$10,000 annual salary of a federal judge no doubt contributed to his decision, but for him, the love of practicing law was the principal inducement.

Morris opened a law office which represented both the reestablishment of the old Saulsbury, Morris, and Rodney firm of Morris's pre-judge days, and the establishment of a new entity that was to grow into the present firm of Morris, Nichols, Arsht and Tunnell. Judge Morris had earned the respect of leading businessmen and lawyers whose companies were incorporated in Delaware. Among his clients were The Coca-Cola Company and Warner Bros. Pictures, Inc. As an attorney he tried, or participated in trying, cases in the courts of twenty-two states, the U.S. Supreme Court, and the Court of Custom and Patent Appeals in Washington, D.C. In addition, he served as a director and officer of the Wilmington Trust Company from 1930 until 1965, a manager of the Wilmington Savings Fund Society, and was a director of Delaware Power and Light Company from 1933 until 1963. In common with his predecessors on the federal bench in Delaware, Judge Morris participated in and supported numerous state and community organizations, particularly those that had patriotic and historical missions. But by far his most significant community service was that of trustee of the University of Delaware.

Note: Copies of the book *Federal Justice in the First State* may be obtained by contacting Stanley C. Lowicki, President of the Historical Society, by telephone at (302) 571-8335 or by writing to the Society at 830 West Street, The Janeve Building, Wilmington, Delaware 19801.

America's Safeguard of Liberty

HUGH M. MORRIS

On May 15, 1923 Judge Hugh M. Morris who at that time was a United States District Judge for the District of Delaware gave an address to the students of the University of Delaware at Wolf Hall. The address was published in a small pamphlet, a copy of which is in the Special Collections of the University of Delaware Library, a gift of Mrs. Marjorie Johnson Tilghman. A reprinting of an excerpt of text with slightly revised punctuation follows. A copy of the full address may be obtained from the Office of the Director of Libraries.

America's Safeguard of Liberty

The delight arising from a visit to my alma mater, replete with pleasant memories, is today almost overcome by the consciousness that the opportunity and honor of discussing before you a subject of such great moment should better have been left to persons more nearly equal to the task. I do not flatter when I say it is a privilege and an honor to discuss before you principles vital to the preservation of American institutions. I do not exaggerate when I refer to a discussion of those principles as a matter of consequence. Little have you considered, perhaps, that among you sit Governors, Senators, Judges and Congressmen of the future. But such is the fact. There are others among you who, though not destined or desiring to fill public places, yet in the performance of the duties of citizenship, will, with less of glamour but no less of honor, by precept and example so mold public opinion that liberty under the law will be the boon to you and your children that it was to your fathers.

It may be that the ease, tranquility and lack of governmental responsibility that go with the halcyon days of one's minority have made you unmindful of the heritage that is yours. The noble activity and zeal for freedom which made your ancestors invincible may have remained unobserved by you. That governments of the people do not survive the watchfulness of the people is a truism which may have escaped your attention. But true it is that soon you will be the guardians not only of your own liberty, but of that of posterity as well. During the day which already "stands tiptoe on the misty mountain tops" the welfare of mankind will be in your keeping. At its close you must give to posterity an account of your stewardship. You cannot effectively stand guard during the watch that will be yours unless you know and understand the history and principles of our charters of government—unless you know liberty's cost and sense its value.

Kipling tells us truly:

All we have of freedom, all we use or know,
This our fathers bought for us, long and long ago,
Ancient right unnoticed as the breath we draw —
Leave to live by no man's leave, underneath the law.
Lance and torch and tumult, steel and grey-goose wing,
Wrenched it, inch and all and all, slowly from the King.

Thus is briefly and accurately pictured the story of the struggle for individual liberty that began long before our ancestors, sword in hand, met King John on the banks of the Runnymede and wrested from him the Magna Charta; a struggle that continued until the fall of Cornwallis at Yorktown. I shall not journey with you through the intervening centuries and note the barometric rising and falling of the hopes of suffering humanity as success or failure attended its efforts. The progress of the struggle is marked by Magna Charta (1215), Parliament (1295), Petition of Right (1628), Habeas Corpus Act (1679), Bill of Rights (1689), Act of Settlement (1700-1701), Virginia Bill of Rights (1776) and by our Declaration of Independence which, as declaratory charter of the rights of man stands high, indeed, among the title deeds of liberty.

"We hold these truths to be self evident," said Jefferson and his Colleagues, "that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed." The Signers likewise boldly indicted their King as the perpetrator of every act which may define a tyrant, as "unfit to the ruler of a free people," and asserted that the Colonies were free and independent States absolved from all allegiance to the British Crown. There they stopped.

The Declaration of Independence did not institute a new government to make secure the unalienable rights with which it declared all men to be endowed. But in the march of time this, too, was accomplished and "a new Nation, conceived in liberty, and dedicated to the proposition that all men are created equal" was brought forth. "Other nations," says Samuel Adams, "have received their laws from conquerors; some are indebted for a constitution to the suffering of their ancestors through the revolving centuries. The people of this country, alone, have formally and deliberately chosen a government for themselves, and with open and uninfluenced consent bound themselves into a social compact..."

Chronology of Hugh M. Morris and the University of Delaware Hugh M. Morris Library

JULIA T. HAMM

April 9, 1878	Born to William Wilkinson Morris and Mary Luther Collison Morris at the family home, "Morris' Pleasure," in Greenwood, Sussex County, Delaware.
1894-1898	Undergraduate student at then Delaware College. Graduated from Delaware College with a Bachelor of Arts in 1898.
1898-1900	Taught school in Sussex County.
1900	Began to study law under Willard Saulsbury.
1903	Admitted to the Delaware Bar and practiced independently until 1909 in Wilmington.
June 9, 1906	Elected to the Delaware Chapter of Phi Beta Kappa.
October 10, 1908	Married Emma Carter Smith.
1909	Established joint practice with Willard Saulsbury.
August 10, 1912	Birth of daughter, Mary Smith Morris.
1914	Firm reorganized under the name Saulsbury, Morris and Rodney.
January 23, 1919	Public announcement of appointment as Judge of the District Court of the United States for the District of Delaware by President Woodrow Wilson.
March 1, 1919	Appointment effective as Judge of the District Court of the United States for the District of Delaware by President Woodrow Wilson.
May 15, 1923	Gave an address to the students of the University of Delaware at Wolf Hall.
June 4 - July 23, 1923	Morris <i>United States v. Chemical Foundation</i> trial. January 3, 1924 decision handed down.
1928	Honorary degree of Doctor of Laws conferred on him by University of Delaware.
1929 - 1959	Became a Trustee of the Board of the University of Delaware and served as a Trustee for thirty years.
June 5, 1930	Tendered resignation from the Federal Bench in a letter to President Herbert Hoover and resigned judgeship from the Federal Bench on June 30, 1930.
July 1, 1930	Carried on the private law practice under his own name.
1930-1965	Served as Director and Officer on the Board of Directors of the Wilmington Trust Company.
1933-1963	Served as Manager of the Wilmington Savings Fund Society. Served as a Director of Delaware Power and Light Company.

1939-1959	Served twenty years as President of the Board of Trustees of the University of Delaware.
1950	Death of Emma Carter Smith Morris, his wife.
1954	Received the Outstanding Alumna/us Award from University of Delaware.
1958	First conversation with Dr. John Dawson, newly appointed Director of Libraries about a new library.
1959	Retired from University of Delaware Board of Trustees. Appointed Honorary Counselor of the University by Board of Trustees.
1962	Site clearance and excavation for the Hugh M. Morris Library.
August 12, 1963	The move from Memorial Library to the Hugh M. Morris Library began.
September 1963	Hugh M. Morris Library doors opened to the public.
April 4, 1964	Hugh M. Morris Library formally dedicated with Judge Morris in attendance.
October 17, 1964	Death of Mary Smith Morris, his daughter.
1965	Mary Smith Morris's book, <i>October, and Other Expressions</i> , Wilmington, Delaware published.
March 19, 1966	Death of Judge Hugh M. Morris.
1966	Morris Family Papers given to the University of Delaware.
January 27, 1967	Death of May Morris, his sister.
1974	William Wilkinson Morris letters given to the University of Delaware.
1974	One-millionth volume added to the University of Delaware Library.
April 16, 1983	Groundbreaking ceremony for renovation and expansion of the Hugh M. Morris Library.
May 4-6, 1983	University of Delaware Library invited into membership in the Association of Research Libraries.
October 11, 1986	Rededication of the expanded and renovated Hugh M. Morris Library.
October 9, 1991	Two-millionth volume added to the University of Delaware Library.
1993	30th anniversary of the Hugh M. Morris Library.

Resources for the facts in this chronology include *Books, Bricks and Bibliophiles* by Carol E. Hoffecker, the University Archives of the University of Delaware, and the Morris Family Papers in Special Collections of the University of Delaware Library. It was an enjoyable experience to learn about the life of Judge Hugh M. Morris and communications about inaccuracies are welcome.

1991 and 1992 Manuscript Additions to the University of Delaware Library

TIMOTHY MURRAY AND L. REBECCA JOHNSON MELVIN

The following manuscripts were added to the University of Delaware Library Special Collections during 1991 and 1992. Manuscript additions were intentionally not included in *Collections*, Volume VII, since it was a special issue featuring the addition of the two-millionth volume. Therefore, both 1991 and 1992 manuscript additions are recorded in *Collections*, Volume VIII.

Alexander, Edward. Papers, 1970-1991. The papers of the founder and former director of the University of Delaware Museum Studies program include a small group of files, reports, and photographs relating to Edward Alexander's professional career.

Bemerkungen über den Grundriss der Experimentalchemie von Hagen (Königsburg, undated). The library's strong holdings in the history of chemistry were enhanced by the addition of this bound manuscript consisting of commentary by an unidentified late 18th century writer upon the pioneering work of the German chemist Karl Gottfried Hagen (1749-1829) who was professor of chemistry at Königsburg.

Bird & Bull Press. The Archives of the Bird & Bull Press received several important additions, including production files for work produced at the press, correspondence, paper and typographic samples, and examples of printing by Henry Morris and others.

Black Family Papers, 1889-1982. This collection of papers centers around Helen Black Stewart, Lynam Stewart, and other members of the Black Family of Wilmington, Delaware. The bulk of the papers date from 1917-1919 and contain letters from Helen Black's brother Willard written to various family members during his military service in Europe in World War I. Also included are other family correspondence and papers, photographs, diaries, and miscellaneous materials.

Boer, Karl Wolfgang. Papers, 1962-1992. The papers of this longtime member of the University of Delaware's engineering faculty and pioneer in the field of solar cells, solar energy systems, and solid state physics were received as a gift from Karl

Boer. The papers include extensive research files, publications, research proposals, and miscellaneous reports and papers relating to this important University of Delaware scientist's research.

Booth, Thomas R. Diaries, 1855-1860. This collection of diaries kept by Thomas R. Booth, a native of Delaware, dates from Booth's service in Missouri as an engineer with the Pacific Railroad Co., and other lines. The diaries detail Booth's life and work during this period.

Carper, Thomas R. Congressional Papers, 1983-1992. The Congressional Papers of Delaware's member-at-large in the U.S. House of Representatives from 1983-1992 include office files, correspondence, legislative and primary research files. Copies of files relating to Congressman Carper's service as Chair of the Economic Stabilization Subcommittee were also received.

Chester, Alfred. Correspondence, 1951-1958. This collection consists of letters from the American novelist Alfred Chester to his friend and fellow American author Curtis Harnack. The letters chronicle Chester's life and literary activities during this period.

Coffey, Brian. Papers, 1930-1990. The papers of the renowned Irish poet Brian Coffey contain a fascinating assortment of manuscript and archival material, including drafts of his poems and translations; examples of artwork by Coffey and others; correspondence with numerous literary figures including Samuel Beckett, Robert McAlmon, Sherry Mangan, Thomas MacGreevy, and Jacques Maritain; manuscripts by other authors such as Samuel Beckett, Nancy Cunard, Dennis Devlin, Robert McAlmon, Thomas MacGreevy, and George Reavey; an extensive collection of scrapbooks and working notebooks; family papers; and ephemeral material.

Colish, Abraham. The collection of this important 20th century American printer includes extensive files of correspondence, manuscripts, and examples of material printed by Colish. Of particular note are the files of correspondence and type designs by the American book designer Bruce Rogers and correspondence of the American artist Rockwell Kent.

Cramp, Edwin S. Papers, 1899-1910. Edward S. Cramp was the President of the Wilmington, Delaware firm, the Standard Arms Co. This collection consists of correspondence relating to the company's contracts for producing and selling military rifles to various foreign governments, including Great Britain and China.

De Pol, John. This collection of material by and relating to the prominent American artist and illustrator consists of correspondence, cards with original drawings, and examples of De Pol's woodblock engraving. The collection spans the period 1983-1984.

Delaware Theatre Company. The Archives of the Delaware Theatre Company were enhanced by the transfer of the files of Cleveland Morris, artistic director of the Company. Also received was a strong collection of programs, minutes of board meetings, clippings, receipts, and miscellaneous materials from a longtime company board member.

Delaware Collection. A variety of materials were added to the Delaware Collection including photographs, manuscript and printed maps, documents, posters and other graphic materials, correspondence, and manuscript materials. Of particular note are several nineteenth-century Delaware State Lottery documents; a Treasurer's Report (1906-1907) for the Episcopal Diocese of Delaware; a broadside recruitment poster issued in Dover, Delaware to recruit soldiers to fight in the Mexican War; a nineteenth-century political broadside; a letter, dated 1858, from Delaware Senator Martin Waltham Bates; carte-de-visite photographs of Senator Thomas Bayard and Bishop Alfred Lee [ca. 1865], the first Bishop of Delaware; an account book from the Brandywine Granite Co. of sales for the period 1989-1901; and a census and tax assessment book for Christiana Hundred (1841).

Dreamstreets Magazine. Special Collections received the archives of *Dreamstreets Magazine*, a magazine founded in 1977 by the Newark author Steven Leech which features local poetry, fiction, and other writing. The archives include a complete run of the magazine, as well as ephemeral material. Also received was the *Dreamstreets* sound archive which consists of audiorecordings of poetry broadcasts on WXDR as well as a videorecording of a broadcast on WHY Channel 12. Readings of forty-four local poets are featured in the *Dreamstreets* sound archives.

Friar, Kimon. Papers relating to John Malcolm Brinnin, 1933-1950. This extensive group of material, received as a gift from the author Kimon Friar, relates to his long friendship with the author John Malcolm Brinnin, whose papers are housed in Special Collections. The papers include hundreds of letters from Brinnin to Friar, manuscripts of Brinnin's poetry, photographs, correspondence from other individuals, and miscellaneous material.

Gallagher, Hugh F. Papers. The papers of this prominent Newark, Delaware real estate developer contain a fascinating array of material documenting the development of Newark in the years following World War II. The papers include business documents, advertising and promotional material, photographs, plans, and drawings relating to Gallagher's Silverbrook and Oaklands developments.

Grubb Family. Account books, 1809-1864. These account books relating to this Delaware family contain thousands of transactions relating to family, friends, and tradesman throughout the Delmarva Peninsula. A receipt book (1800-1831) and ledger book (1816-1829) maintained by Isaac Grubb was also added.

Hodgson, Paul. A small collection of this important Delaware educator's papers was received as a gift from Paul Hodgson, who died in June 1992. The papers include scrapbooks, a personal notebook, minutes of the New Castle County Vocational School District Board of Trustees, miscellaneous papers, and a collection of printed material written or collected by Paul Hodgson.

Holzapfel, Rudi. Two groups of papers relating to this contemporary Irish author were acquired. The papers include numerous manuscript drafts of Holzapfel's poetry and prose manuscripts, correspondence, photographs, notebooks, and printed materials.

Jewish Federation of Delaware, Holocaust Testimonies Project, Halina Wind Preston Holocaust Education Committee. Three videotaped testimonies of Holocaust survivors currently living in Delaware were added to this videotape archive.

Johnson, Louise Staton and Everett C. Papers, 1867-1990. This group of papers relating to the prominent Newark, Delaware family includes photographs, scrapbooks, newspaper clippings, and printed materials. Of particular note is a group of books, pamphlets, and broadsides printed at the Press of Kells which was established by Everett C. Johnson in 1916.

Lawrence, Seymour. Papers, 1966-1983. Additions to this important American editor's papers included editorial files and other papers relating to his work as Kurt Vonnegut's editor at Delacorte Press.

Middle States Council for the Social Studies. Additions to this organization's archives include proceedings, minutes of the Executive Board, account books, photographs, summaries of Presidential Papers, and printed bulletins, newsletters, and programs. The material spans the period 1904-1986.

Miscellaneous Additions to Existing Collections. From Kay Boyle, Mark Harris, Elizabeth Jennings, Donald Justice, John Munroe, and David M. Nelson.

Miscellaneous Literary and Historical Manuscripts Collection. Significant additions of letters and manuscripts were added to the library's extensive collection of individual literary and historical manuscripts. Manuscripts of George Barker, Sam Cornish, Tom Clark, The Croakers (Joseph Rodman Drake and Fitz-Greene Halleck), Diane di Prima, Lord Dunsany, Larry Eigner, Brian Moore, Tom Scott,

John Wieners, Hugh MacDiarmid, Richard Murphy, Liam O’Flaherty, William Trevor, and Jack Butler Yeats were acquired. Letters from the following authors were also acquired: A.E. (George Russell), H.E. Bates, John Malcolm Brinnin, George Buchanan, C. Day Lewis, Waldo Frank, Brian Friel, William Godwin, Oliver St. John Gogarty, Mary Lavin, Patrick MacDonagh, Katherine Mansfield, John Montague, George Moore, Lady Sidney Morgan, Thornton Oakley, Kate O’Brien, Sean O’Casey, Sean O’Faolain, Edmund Ollier, William Plomer, James Reeves, Clement Shorter, Dora Sigerson, W.D. Snodgrass, Edith Somerville, Leslie Stephen, Katharine Tynan, Jean Starr Untermyer, and Charlotte Yonge.

New Century Club of Newark. Additions to the archive of this local social and service organization included financial records, committee reports, and scrapbooks documenting community improvement projects.

Oakley, Thornton. Diaries, 1908-1953. This collection consists of 35 small diaries kept by the artist Thornton Oakley spanning the period 1908-1953. The diaries are a detailed record of Oakley’s personal and artistic life. Also included is a small notebook in Oakley’s hand which he compiled during a 1919 visit to France.

Papermaking collection. Additions to library’s strong holdings on the history of papermaking included a small collection of circulars, price lists, bills, and letterheads issued by various 19th century American merchants concerned with the paper trade spanning the years 1830-1875.

Peter Owen Ltd. Additions to the library’s holdings of the archives of the British publisher Peter Owen Ltd. included a wide variety of materials. The extensive production archives—including manuscripts, correspondence, and editorial matter—for books by novelists Uri Orlev, Ahmed Ali, William Butler, John Hopkins, Roderigo Rey Rosa, Joseph Hansen, Lilian Harlegua, Peter Vansittart, and Digby Durrant were acquired. Also received were materials relating to the authors Rayner Heppenstall, David Herbert, Kathleen Raine, Gavin Ewart, Scott Sommer, Derek Stanford, and Paul Bowles, as well as a substantial group of general editorial, publicity, and business files.

Reed, Ishmael. Papers, 1966-1990. The library’s collection of this important African-American author’s papers were strengthened by a substantial group of papers spanning the period 1966-1990. The papers include correspondence; manuscript drafts of Reed’s poetry, fiction, drama, reviews, and essays; notebooks and journals; clippings and other material relating to Reed’s writing, publishing, and speaking engagements; and little magazines and other printed items.

Reynolds, Florence. Collection related to Jane Heap and *The Little Review*, 1881-1978. This collection relating to Jane Heap, the American author, artist, and co-editor of the important American literary magazine, *The Little Review*, was assembled

by Heap's longtime friend and benefactor Florence Reynolds. Included are letters from Jane Heap, Margaret Anderson, and other important figures; photographs; manuscripts and other materials relating to *The Little Review*; artwork created by Jane Heap; and an assortment of printed materials, including a long run of *The Little Review*.

Samuel Bancroft Textile Co. Five account books of this Media, Pennsylvania textile company for the period 1871-1913 were acquired.

Shore, Margaret Emily. Diaries, 1836-1839. Two volumes of the diary of a young British woman who wrote in fascinating detail of her life and interests. Although Emily Shore died at the age of nineteen, her diary was published and became quite celebrated; the texts of these two volumes remain largely unpublished.

Swinnerton, Frank. Three separate groups of correspondence from the British author Frank Swinnerton were added. Included are a collection of fourteen letters from Swinnerton to Herbert van Thal (1966-1980), six letters to Laurence Brander (1950-1956), and eleven letters to Kenneth Davis (1945-1949). The correspondence contains extensive discussions of personal matters and details concerning Swinnerton's various writing projects.

Thayer, Cecil Smith. Papermaking and Watermark Collection. This collection consists of the personal archive of Cecil Smith Thayer relating to papermaking and watermarked paper. It includes Smith's extensive research files, notebooks, and samples of watermarked paper.

Walsh, Grace Lloyd. Papers, 1908-1991. A collection of papers, correspondence, photographs, pamphlets, magazines, and other printed materials, artwork, advertising materials and business records, and miscellaneous items relating to the life and career of this longtime Wilmington, Delaware businesswoman. A portion of Grace Lloyd Walsh's library was also received.

Yeats, Jack Butler. Correspondence, 1906-1920. A group of nine letters from the Irish author and artist to the English publisher Elkin Matthews complements strong holdings for the Yeats family and includes a letter from Yeats's sister Lily to Matthews.

Contributors

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MARGARET H. PERKINS was the wife of John A. Perkins, President of the University of Delaware (1950-1976.) She is a member of the University of Delaware Library Associates.

MARIAN P. PIGFORD was the wife of Robert L. Pigford, who retired from the University of Delaware as University Research Professor of Chemical Engineering. He died in 1990. She is a member of the University of Delaware Library Associates.

MARJORIE JOHNSON TILGHMAN was the wife of Francis H. Squire, former Dean of the College of Arts and Science of the University of Delaware who died in 1956. A former teacher at Ridley Park High School, Ridley Park, Pennsylvania, she is now the wife of Cornelius Tilghman, a retired teacher and journalist. She is a member of the University of Delaware Library Associates.

UNIVERSITY OF DELAWARE LIBRARY ASSOCIATES

The University of Delaware Library Associates assist the University of Delaware Library by purchasing books, manuscripts, and other material which the Library could not otherwise acquire. These acquisitions have significantly improved the research opportunities for both faculty and students since the founding of the Library Associates in 1957.

Membership in the Library Associates is available by making a tax-deductible donation in cash or an equivalent gift of books or other material needed by the Library. The categories of individual membership are: Student, \$5; Friend \$25; Fellow, \$50; Patron, \$100; Sustaining, \$500; Benefactor, \$1000. The categories of corporate membership are: Friend, \$100 or more; Patron, \$500 or more. Institutional memberships are \$25 per year.

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