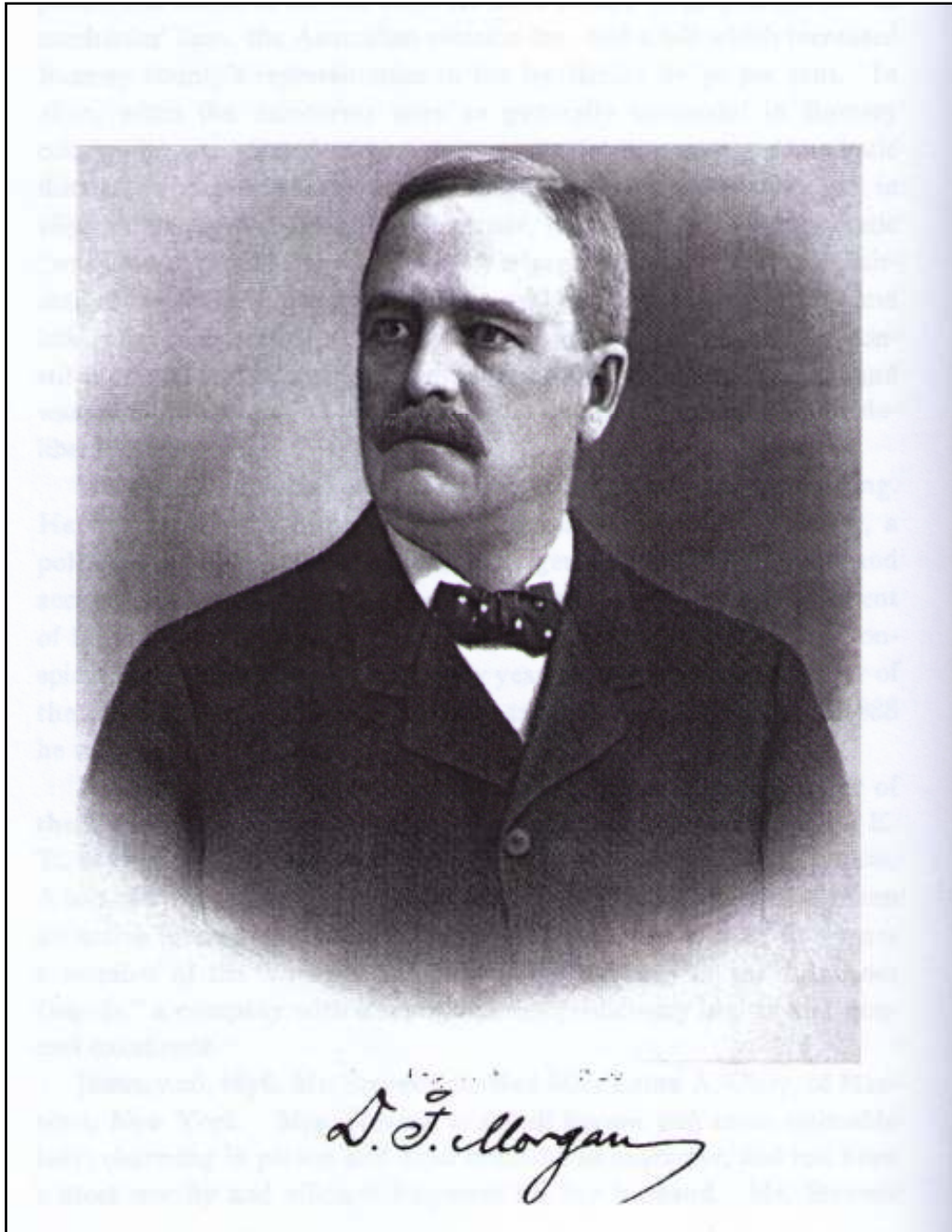


# Darius F. Morgan

( February 22, 1854 – April 27, 1903 )

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(ca. 1902)

In 1876, twenty-two year old Darius F. Morgan, who had worked years on his father's farm and been educated in the local country schools, began studying law as a clerk for Judge Sherman Page, a district court judge chambered in Austin.<sup>1</sup> Ambitious and a quick learner – and because admission standards were lax – he was admitted to the bar in the fall of 1877. A year later he moved to Albert Lea to practice with John A. Lovely, a future supreme court justice. In 1885, Henry A. Morgan, his younger brother, joined the firm, which became Lovely, Morgan & Morgan. It was dissolved at the end of the decade.<sup>2</sup>

During this period, he became active in Republican politics. For many years he was a member of its central committees, and was esteemed for his oratorical ability and sage political advice.<sup>3</sup> In 1888, with the party's endorsement, he was elected to the House of Representatives to represent fourth district, which encompassed Freeborn County. He served in the twenty-sixth legislature, 1889-1890, and did not seek re-election.

By this time, his "reputation was favorable throughout the state, and he concluded to seek wider fields in his profession than could be had at Albert Lea."<sup>4</sup> Accordingly, he relocated, first to Mankato, then to Minneapolis, where he formed partnerships with William H. Eustis, a future mayor, and in 1893 with William Edward Hale, a prominent member of the bar.

He retained his interest in politics. On November 6, 1894, he was elected on the Republican ticket to represent the thirty-

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<sup>1</sup> Page served on the Tenth Judicial Court from 1873 to 1880. His impeachment trial before the state senate in 1878 was a cause célèbre. See "Judicial History" and "The Bar of Mower County" (MLHP, 2008)(published first, 1884).

<sup>2</sup> The dates of the dissolution of the partnership vary. In Darius Morgan's obituaries, 1888 is given, while 1891 is listed in Henry A. Morgan's "Bench and Bar of Freeborn County," 2, 13 (MLHP, 2008-2014)(published first 1911) ("D. F. Morgan was admitted to the bar in 1878 and immediately entered into partnership with John A. Lovely, which partnership continued until July 1885, when the name was changed to Lovely, Morgan & Morgan, by reason of Henry A. Morgan becoming a member of the firm. Under this firm name the partnership continued until 1891, when the firm was dissolved and D. F. Morgan moved to Mankato...").

<sup>3</sup> Marion D. Shutter & J. S. McLain eds., *Progressive Men of Minnesota* 449-450 (1897). Morgan's profile in this book is posted in the Appendix below, at 14-15.

<sup>4</sup> Hiram F. Stevens, *2 History of the Bench and Bar of Minnesota* 117 (1904)(the photograph on the first page of this article is taken from this book).

second district in the state Senate.<sup>5</sup> He did not seek re-election in 1898. One reason he did not is that he had "bolted" the party in 1896 to form, with others, the Silver Republicans which joined the Democrats and Populists to support William Jennings Bryan.<sup>6</sup> Though Bryan lost, John Lind, one of the break-a-way faction, was elected governor in 1898.

In the fall of 1898, he left his firm and became general counsel to the Northwestern Telephone Company, with responsibilities over its legal affairs in seven Midwest and Southwestern states.<sup>7</sup> In that capacity he supervised and engaged in important litigation over telephone service in the embryonic years of that business.

He died on April 27, 1903, aged forty-nine. The *Minneapolis Tribune* carried his obituary and, in the style of the period, detailed his last illness and hours:

## D. F. MORGAN PASSES AWAY

—————  
PROMINENT MINNEAPOLIS  
CITIZEN AND ATTORNEY DIES  
OF HEART DISEASE.  
—————

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<sup>5</sup> The district covered the fifth and sixth wards of Minneapolis. He received 61% of the vote:

Darius Morgan (Republican).....	4,413
Jabez H. Paul (Democrat).....	2,815

1895 Blue Book, at 476.

In the 1895 session, he was assigned to the judiciary committee and chairmanship of the finance committee. In the 1897 session, he was a member of the committee on taxes and chairman of the committee on corporations. *Minneapolis Journal*, April 27, 1903, at 6.

<sup>6</sup> George M. Stephenson, John M. Lind of Minnesota 107 (Univ. of Minn. Press, 1935)(describing a "mass convention of the Republican bimetalists" in Minneapolis on July 15, 1896, in which John Lind was "introduced by Senator D. F. Morgan..."); see also profile of Frank D. Day in Marion D. Shutter & J. S. McLain eds., *Progressive Men of Minnesota* 505 (1897) (Day "has been a prominent figure in all the important Republican gatherings in the state for a dozen years or more. In the campaign of 1896, however, Mr. Day, with Hon. John Lind, Hon. John Day Smith, Congressman C. A. Towne, State Senators D. F. Morgan, and S. B. Howard, and other men formerly prominent in the Republican party of the state, organized the free silver Republican party of Minnesota and supported Bryan and Sewall and the free silver fusion candidates in the state campaign.").

<sup>7</sup> Hiram F. Stevens, *supra* note 4, at 50 (sketch of William Edward Hale).

## **DEATH CAME SUDDENLY**

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### **OUTLINE OF LIFE AND CAREER OF ONE OF ABLEST LAWYERS IN NORTHWEST.**

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**Ex-Senator Darius F. Morgan died at 2:15 o'clock yesterday afternoon at his residence, 1937 Kenwood parkway. Mr. Morgan was 49 years old and the cause of death was heart disease.**

**His death was sudden and a great shock to his family and many friends. While for some time he had been troubled with valvular disease of the heart, there had been no serious symptoms and he left Wednesday night on a business trip to Chicago, in apparently good health.**

**On the return journey, however, he became suddenly ill, a blood clot obstructing one of the vessels to the brain and giving rise to symptoms of mental confusion and muscular weakness. He arrived in the city Friday, drove immediately to his home and fainted while trying to walk from the carriage to his door. He failed constantly from that time until he died.**

**He was one of the best known citizens of Minneapolis, and one of the ablest attorneys of the Northwest. For nine years he had been general counsel for the Northwestern Telephone company.**

#### **WELSH AND FRENCH DESCENT.**

**Darius F. Morgan was born in February 1854 in Jackson county, Iowa. His paternal ancestors were New England farmers who came to this country from Wales in the middle of the eighteenth century and were prominent in the revolutionary war. His mother, Ruth Duprey, belonged to a French Huguenot family.**

**His father Harley Morgan brought his family from Vermont to the Mississippi valley in 1842, settling in Jackson county, and fourteen years later in Winne-**

shiek county, where Darius spent his boyhood working on the farm in summer and going to school in the winter.

In 1876 he began the study of law and in the fall of 1877 was admitted to the bar at Austin, Minn. In 1878 he went to Albert Lea where he formed a partnership with John A. Lovely which lasted for ten years.

In November 1888 he was elected to represent Freeborn county in the statehouse of representatives to which he was a prominent member.

After a year's residence in Mankato he came to Minneapolis in 1890, forming a law partnership with William H. Eustis which lasted until the latter's election as mayor in November, 1892. May 1, 1893, the firm of Hale, Morgan & Montgomery was formed and soon became one of the strongest at the Hennepin bar.

In 1894 Mr. Morgan was sent to the state senate from the Thirty-second district for a term of four years and again he was a prominent and useful member of the legislature. His connection with the Republican party as officeholder committee member and counselor has always been one of great benefit to the party.

In 1894 he was made general solicitor for the Northwestern Telephone company, attending to its interests in Minnesota, Michigan, Wisconsin, the Dakotas, Arkansas and Texas. This position he held at the time of his death.

In 1876 Mr. Morgan was married to Eva M. Hayward of Waukon, Iowa, and a son and two daughters were born of the union. Mrs. Morgan died in 1893, and three years later he was again married to Mrs. Lizette F. Davis, who with three children of the first marriage, survive him.<sup>8</sup>

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<sup>8</sup> Minneapolis Tribune, April 28, 1903, at 7 (photograph and funeral arrangements omitted).

The *Minneapolis Journal* noted that many members of the Elks and employees of the Northwestern Telephone Company attended his funeral, as did leading figures from the worlds of law and politics:

The honorary pall bearers were: Judge John A. Lovely of the supreme court, Congressman John Lind, J. R. Bennett, Jr., of St. Cloud; W. H. Eustis, Judge A. M. Harrison, M. D. Grover of St. Paul; T. D. O'Brien of St. Paul, and Judge J. H. Quinn of Fairmont, Minn.

The active pall bearers were C. P. Wainman, general superintendent of the Northwestern Telephone company; Eugene Hay, C. M. Amsden, W. C. Masterman, E. G. Potter and Hiram F. Stevens, St. Paul. The last three were associates of Mr. Morgan when he was in the state senate.<sup>9</sup>



<sup>9</sup> *Minneapolis Journal*, April 29, 1903, at 6 ("D. F. Morgan Laid to Rest"). The *Minneapolis Tribune* carried nearly the same story the next morning, April 30, 1903, at 6 ("D. F. Morgan's Funeral"). The funeral portrait, above, was published with his obituary in the *Minneapolis Journal* on April 27, 1903, at 6.

In 1903 *The Book of Minnesotans*, an oversized book with many profiles of prominent citizens in various fields, was published. That of Darius Morgan, arranged by his grieving family, took up an entire page, a large photograph in the center, bordered by text:

**MINNEAPOLIS**, without claiming special pre-eminence, has contributed her full share of able men to the legal profession, who have been prominent at the bar and on the bench of the State. Among the leading lawyers of the Minneapolis bar for many years, Darius F. Morgan stood prominently and with dignity in the foreground, and members of the legal profession and the public generally acknowledged and gave recognition to the leadership which his quiet dignity of manner, patience, demonstrative ability and unwearied diligence so justly merited.

As a lawyer Mr. Morgan won an enviable reputation. He was studious, exhaustive in the examination and preparation of his cases, and forcible in the presentation of them to the court and the jury. As a counselor he was eminently sound and conservative, conscientious, never seeking the encouragement of litigation where it could reasonably, be avoided, and sought the true interests of his clients regardless of his own in a professional point of view. His integrity and honor were unquestioned, and his word in regard to a stipulation in a case was held as binding as though reduced to writing. He never sought to influence a court or jury by statements which he did not believe strictly true, and thus carried a moral weight in the trial of causes, which is often of more importance than the highest of legal or forensic ability. His practical business experience was of great service to him, in enabling him to dispatch business with unusual promptitude.

In private life Mr. Morgan was of exceedingly affable and engaging manners, and possessed of a most kindly and genial nature, hence he had hosts of friends, irrespective of party, who were strongly attached to him, and it may well be doubted whether he had a single enemy. His native goodness of heart

impressed itself upon the most casual observer, and his strong and sincere personality will long be cherished by those who had the pleasure of his acquaintance.

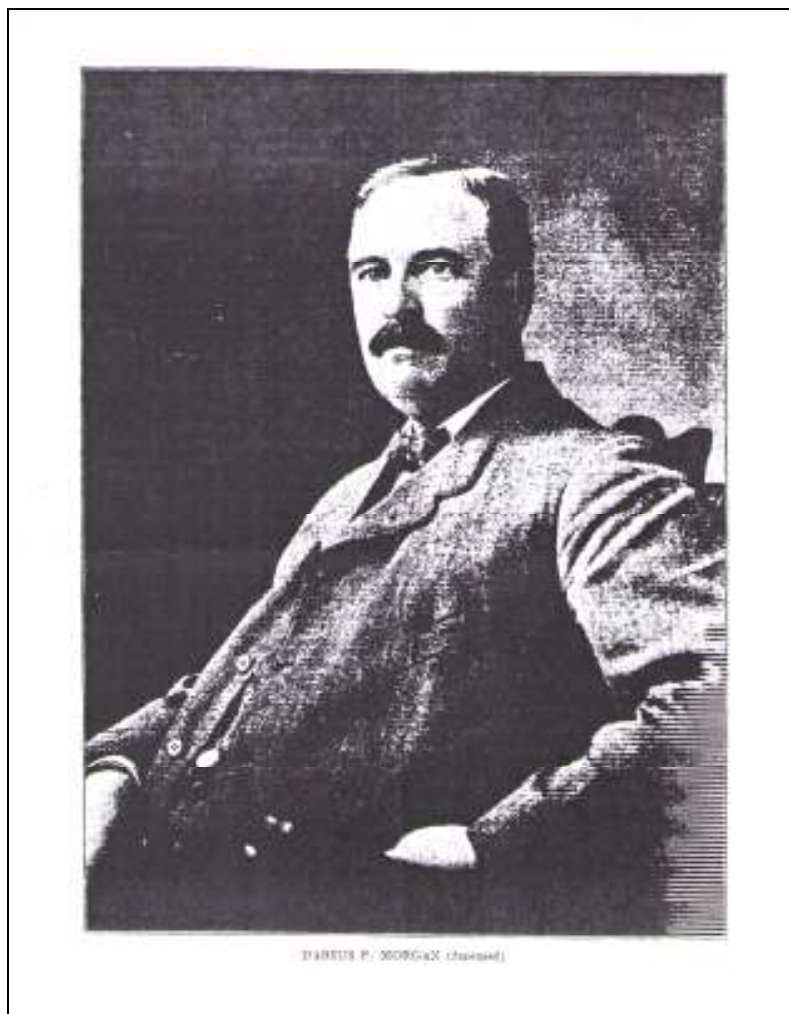
Darius F. Morgan was born in February, 1854, in Jackson county, Iowa. His paternal ancestors were New England farmers, who came to this country from Wales in the middle of the eighteenth century, and were prominent in the revolutionary war. His mother, Ruth Duprey, belonged to a French Huguenot family. His father, Harley Morgan, brought his family from Vermont to the Mississippi valley in 1842, settling in Jackson county, and fourteen years later in Winneshiek county, where Darius spent his boyhood working on the farm in summer and going to school in winter. In 1876 he began the study of law, and in the fall of 1877 was admitted to the bar at Austin, Minnesota. In 1878 he went to Albert Lea, where he formed a professional partnership with John A. Lovely, which lasted for ten years.

In November, 1888, he was elected to represent Freeborn county in the State House of Representatives, in which he was a prominent member. After a year's residence in Mankato he came to Minneapolis, in 1890, forming a law partnership with William H. Eustis, which lasted until the latter's election as mayor, in November, 1892. May 1, 1893, the firm of Hale, Morgan & Montgomery was formed and soon became one of the strongest at the Hennepin bar.

Mr. Morgan early became attached to the Republican party. He did excellent service on the stump and in the county and State central committees, of which he was a member for almost two decades. In 1894 he was elected the State Senate from the Thirty-second district for a term of four years. During two sessions of that body he was one of its leading members, serving the judiciary and other important committees. In 1895 he was chairman of the finance committee. He brought to the duties of senator the sterling qualities which had earned him professional



**success. He was cool and deliberate, ready to hear and weigh opinions, slow in arriving at conclusions, but flexible in holding and urging them. He was loyal to his constituency, but took in a wider scope—the general interests of the people and the State. He became soon an influential senator, and a leader in shaping measures and carrying them into effect. His connection with the Republican party as office holder, committee member and counselor has always been one of great benefit the party. He thoroughly believed in the policy and measures of his party and had the courage of his convictions.**



**In 1894 he was made general solicitor for the Northwestern Telephone Company, attending to its interests in Minnesota, Michigan, Wisconsin, the**

Dakotas, Arkansas and Texas. This position he held at the time of his death. In 1876 Mr. Morgan was married to Ella M. Hayward, of Waukon, Iowa, and a son and two daughters were born of the union. Mrs. Morgan died in 1893, and three years later he was again married to Mrs. Lizette F. Davis, who, with the three children of the first marriage, survives him.

Mr. Morgan died April 27, 1903, at the age of 49 years, with the record of being one of the best known, beloved citizens of Minneapolis, and one of the ablest attorneys of the Northwest.

William H. Eustis, a former partner, says of Mr. Morgan:

"I have known Mr. Morgan intimately since he first came to this city, when we were associated in partnership. He had one of the finest judicial minds I ever knew, was a splendid type of man, and a very lovable and true friend. His loss will not only be widely felt as a personal sorrow, but the city of Minneapolis can ill spare such citizens as he was."

"He was one of the ablest, if not the ablest, attorney in the Northwest," said Carl Wallace, a close personal friend. "His grasp of detail was wonderful, and he carried the large interests over which he had supervision with wonderful ease and thoroughness. I never knew Abraham Lincoln, of course, but I venture to say that even he had no larger fund of 'modern instances' and good stories with which to illustrate and make forcible a point of argument than had Mr. Morgan. This quality was sufficiently marked to be an indication of his wonderful mentality. I have lost a true and genial friend, and Minneapolis has lost a citizen she cannot well spare,"

From the foregoing it will be seen that Darius F. Morgan was, in the true sense of the term, a self-made man and the architect of his own fortune. By his, own unaided efforts he gradually rose from one position to another, until he attained the honorable and responsible one which he held at the time of his death. The example of a successful career, as shown

in the record of Mr. Morgan's life, should be appreciated by members of the profession of which Mr. Morgan was an honored member, and by the young men of the State generally as a guidance in their efforts for success and honor.<sup>10</sup>

At the annual convention of the Minnesota State Bar Association in 1904, the following memorial was delivered:

Darius F. Morgan was born in Jackson county, Iowa, in February, 1854. His father, Harley Morgan, was a New England farmer, who had descended from Welsh stock. The family emigrated to America about the middle of the eighteenth century. His mother's maiden name was Roth Duprey, of French Huguenot family. Harley Morgan and family moved from Vermont in 1842 to Jackson county, Iowa; after remaining there fourteen years, they removed to Winnesheik county, Iowa, where Darius F. Morgan followed the usual custom of that young rural community, farming in summer, attending school in winter. In 1876 he married Ella M. Hayward of Waukon, who died in 1893; to them were born two daughters and a son, all of whom are still living; in 1896 he married Mrs. Lizette F. Davis; she, too, survives.

He began the study of law in 1871; was admitted to the bar in the latter part of 1877, at Austin, Minnesota. In 1878 he formed a law partnership at Albert Lea, Minnesota, with Mr. John A. Lovely (now a Justice of the Supreme Court of Minnesota), under the name of Lovely & Morgan. The firm continued for ten years, during which time its members became prominent throughout southern Minnesota, and enjoyed a lucrative practice. In 1888, he was elected from Freeborn county to the State House of Representatives where he became a leading member. He then resided in Mankato for one year; in 1890 moved

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<sup>10</sup> *The Book of Minnesota* 50 (1903). It is subtitled "Development, Resources, Enterprise and Beauty of the North Star State." A fragile copy is available at the Historical Society.

A considerable portion of this profile is taken verbatim from the one in *Progressive Men of Minnesota*, which is posted in the Appendix below, at 14-15.

**to Minneapolis and entered a law partnership with Mr. William Henry Eustis, under the name of Eustis & Morgan, which continued until Mr. Eustis was elected Mayor of Minneapolis in November, 1892.**

**In 1893 he formed another law partnership with Mr. W. E. Hale, one of the leading lawyers of Minneapolis, under the name of Hale & Morgan; soon the name of Mr. Montgomery was added, and the firm of Hale, Morgan & Montgomery was among the leaders at the Minneapolis bar during the few years it continued.**

**In 1894 he was elected to the State Senate from the Thirty-second district; served four years as an important member of the Judiciary and other high committees, being chairman in 1895 of the Finance Committee.**

**In 1894 Mr. Morgan became General Counsel of the Erie Telephone & Telegraph Co. for the states of Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, and Texas, which united the Northwestern Telephone Co., Southwestern Telephone & Telegraph Co., The Michigan Telegraph Co., The Wisconsin Telephone Co., and the Cleveland Telephone Co., which position he occupied until his death, on April 27th, 1903.**

**In politics he was an ardent republican; he rendered excellent service on the stump and to the county and state central committees with which he was long connected.**

**His personal kindness to friends, his disposition toward men in general, and his ability made him a strong factor in state politics. He was a good husband, a loving father. It was as a lawyer that he excelled; logical, industrious, discriminating, fair-minded, and loyal to his clients' cause, he became professionally strong. It is difficult to estimate the influence which such men have on a young and growing state. More than any other man he has been responsible for producing the arguments which have formed the basis for the pioneer decisions in tele-**

phone cases in Minnesota. Had he been connected with no other litigation, that would have made him prominent.

The layman little knows, and the bar often fails to remember, that in this day when corporate existence removes business men one degree from personal responsibility, the law, rather than conscience, often becomes their guide. The counsellor who controls large enterprises, wields, then, as it were, a business conscience. He becomes a sort of doctor of business morals. If he be a good lawyer, such as Mr. Morgan was, his caution will prevent serious breaches. As a counsellor his judgment was good; as a trial lawyer he was able with the court and convincing with the jury. It seems pitiable that a lawyer of his preparation and ability should end life, yet a young man.

He was especially faithful to all oral promises in practice; ready to extend personal favors; willing to aid the young practitioners and rejoiced in their success. To him the law was pivotal.

He might well have said with Daniel Webster:

“That I love our common profession, and love all who honor it. I regard it as the great ornament, and one of the defenses and securities of free institutions. It is indispensable to and conservative of public liberty. I honor it from the bottom of my heart. If I am anything, it is the law—that noble profession, that sublime science which we all pursue—that has made me what I am. It has been my ambition, coeval with my early manhood, nay, with my youth, to be thought worthy to be ranged under the banner of that profession. The law has been my chief stimulus, my controlling and abiding hope, nay, I might almost say, my presiding genius and guardian angel.”<sup>11</sup> ◇

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<sup>11</sup> Proceedings, Minnesota State Bar Association 58-60 (1904).

## APPENDIX

The following profile appeared on pages 449-450 of *Progressive Men of Minnesota*, edited by Marion D. Shutter & J. S. McLain, and published by the Minneapolis Journal in 1897.

In February, 1854, Darius F. Morgan was born in Jackson County, Iowa. His paternal ancestors were New England farmers, who, emigrating from Wales about the middle of the last century, played a conspicuous part in the revolutionary struggle for liberty. By his mother, Ruth Duprey, of Meadville, Pennsylvania, he is descended from a French Huguenot family, which in early Colonial times fled from religious persecution at home to the hospitable shores of the new world. His father, Harley Morgan, was a native of Vergennes, Vermont, but in 1842 brought his family West to the Mississippi valley, settling first in Jackson County, and fourteen years later in Winneshiek County, Iowa, in which latter county young Morgan spent his boyhood and youth, and laid the foundation of a substantial education in the common schools. In 1876, until which time he had lived with his father, working on the farm in summer and going to school in the winter, he began to study law, and in the fall of 1877 he was admitted to the bar at Austin, Minnesota, which city had now been his home for almost a year, and where he had supported himself as a student, as a reporter in Judge Page's court. A year after admission to the bar he went to Albert Lea, where he formed a professional partnership with John A. Lovely, which lasted for ten years. In November, 1888, Mr. Morgan was elected to represent Freeborn County in the lower house of the legislature, and in the session of 1889 he was chairman of the committee on appropriations. In 1890 he removed to Minneapolis, where he formed a partnership in the law with W. H. Eustis, which lasted until Mr. Eustis' election as mayor of Minneapolis in November, 1892. May 1, 1893, the firm of Hale, Morgan & Montgomery was organized, and it became in a short time one of the strongest at the Hennepin bar. In 1894 Mr. Morgan was sent to the state senate from the Thirty-second District,

comprising the Minneapolis Fifth and Sixth wards, for a term of four years. In the sessions of 1895 and 1897 he served with distinction as a member of the judiciary committee of the senate. In 1895, he was, in addition, the chairman of the finance committee. In 1897 he was chairman of the committee on corporations and a member of the committee on taxes and tax laws. These are among the most important committees of the senate. Mr. Morgan early became attached to the Republican party. His eloquence made him a power on the stump, and his good judgment and conservatism made him useful in party counsel. For almost eighteen years he was a member of county and state central committees. For two sessions of the legislature he has been one of the leading members of the senate, and few men in the state are more widely or more favorably known. In 1876 Mr. Morgan was married to Ella M. Hayward, of Waukon, Iowa, and a son and two daughters were born of the union. In March, 1893, Mrs. Morgan died, and after almost three years had passed by, Mr. Morgan married again. The present Mrs. Morgan was Mrs. Lizette F. Davis, of Auburn, New York. Senator Morgan belongs to but one secret society, the Elks. He attends Gethsemane Episcopal church with his family. ◇

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#### RELATED ARTICLE

Henry A. Morgan, "Bench and Bar of Fillmore County" (MLHP, 2008-2011) (published first, 1911). ■

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