

DATE: March 14, 1981, 10:00 A.M.

PLACE: Bartow, Polk County, Florida

SUBJECT: Interview with Marshall H. Edwards, Attorney at Law, Retired

INTERVIEWER: J. Dale Durrance, Judge of the County Court

EDWARDS: My name is Marshall H. Edwards, Attorney at Law. I came to Polk County in the summer of 1923. At that time, I had graduated from the University of Illinois and had the employment with Chapman, Cutter, and Parker, a firm of bond attorneys in Chicago. During the summer months, I was going to high school, I worked for Harry Chapman who was the county judge in Jersey County, Ill., and while working for Harry Chapman I met his brother, Ted Chapman, who formed the firm of Chapman, ^{Cutter} ~~Cutter~~ and Parker in Chicago. I studied law at ^{the} Un. of Ill. solely for the purpose of practicing law with this organization. It was a great opportunity for a young lawyer, however, right after WWI, and in 1919, my father, and mother, and older brother, and all made a trip to Florida, and while here I more or less fell in love with this state and thought that sometime I might like to live here. My salary with Chapman, Cutter and Parker at that time was to be \$125 per month which was quite complimentary because at that time the sons of rich parents were paying top law firms for the privilege of their sons practicing law. However, I didn't like the idea of spending my life in Chicago. My Dad who had studied law and was a lawyer said, and I remember well, "You do what you want to, Marshall, but if I was a young man I would go to a new country and grow up with it." So, I suppose that is the motive that I had when I came to Polk County. As I said when I came here some four years before that, while I was still going to the Un. of Ill. and right after WWI, we traveled around the state, our family, and we all fell in love with it. So I came here in 1923, during the summer months. At that time the officers in Polk County were John Logan, Sheriff, John S. Edwards, circuit judge, Spessard Holland, county judge, J. D. Raulerson, was clerk of court, J. P. Murdaugh, was tax collector, ^{and Werner} Warren G. Jones, was tax assessor. When I got down here I found out that since I hadn't practiced law in Ill. for five years it was necessary for me to take a bar examine. I found out that the ^{earliest} first time I could take the bar was in October of 1923, and at that time you had to take it

before the Supreme Court. The Supreme Court consisted then of six men and each justice had you for half a day, ~~and~~ I recall very well my experience when I was up there. ~~I met, of course all the justices,~~ ^{Justice P.} ~~Judge Glen Terrell.~~ ^{He} Judge Terrell had just been appointed to the Supreme Court and he as a long, tall, very friendly sort of fellow. He had been a school teacher and turned lawyer and ~~Terrell was one of the justices and had just been appointed.~~ ^H I found the bar examination in Florida to be very easy. I had the advantage of a full legal education in that I had two years of prelegal at the Un. of Ill. and three years of law, and most Florida lawyers at that time just had at the most two years, ^{of law} with no prelegal. So I had the advantage of having a longer legal education over many young lawyers in Florida.

DURRANCE: Was the exam that they conducted the interviews strictly oral questions or did you have any written?

EDWARDS: No. It was all written, ~~and~~ I remember this instance was rather related to show what a kindly individual Judge Terrell was. I was usually the first one to get through, ^{As I said, to me, it} was very easy, the bar examination. I found out that I was known as the young guy from Chicago who always got through first. So, ~~anyway,~~ I turned in my papers and walked out. Some of the judges would stay in there all the time, but Judge Terrell would walk in and out and gave you the impression that you were on your own, and that he wasn't supervising you or interested in that. So, as I walked out the Judge said to me, "What's the matter, young man, did you find it too difficult?" He thought I had thrown in the sponge, and I said, "No, Judge, I'm through." He asked me what my name was and I told him. He asked me where I was from and I told him I was a graduate from the University of Illinois and why I came down here. He said he could understand why I found it easy. He told me the secretary to the Governor was named Edwards and asked if I would like to meet him. I told him it would be quite a privilege. So, anyway, this man then walked all the way from the old Supreme Court Building over to the Capitol and introduced me to, I think his name was Cally Edwards, who was then secretary. We talked and Judge Terrell said that he thought I would have no trouble passing the Bar and was sure I would be coming up here and whenever I came he wanted

me to go see him, ^{it was} and it didn't make any difference before his division or not, he wanted me to come see him. So that was the beginning of a long friendship that I had with Judge Terrell. As the years went by, George Garrett from Orlando who opposed me in many cases before the Supreme Court and who I represented one time in a civil action against the American fruit growers, was also a great friend of Judge Terrell and often times we went out to the judge's house and would spend the evening with him. I found him to be one of the most interesting, lovable individuals I ever knew. He was really a great guy. I have his book, "Sayings of Judge Terrell," and I have read it with much interest.

~~DURRANCE: What was your first legal experience?~~

EDWARDS: When I came back to Bartow after I had passed the bar examination, Polk County, and Bartow in general, during the summer months were very dull. That summer I decided not to go back up north. My father and mother were then living in Springfield, Ill. and my brother was in Chicago working for Western Electric. He contemplated getting married that fall and that probably changed my plans because we would no longer live together in Chicago and my dad was working for the internal revenue in Springfield and it wasn't much reason for me to go back. ⁷ So that summer I worked in Spessard Holland's office. I tried to find tentative employment here with the various lawyers in Bartow but could find none. So I had journeyed over to Tampa and had a tentative offer with Whitaker, Hines, and Whitaker, and Lane and Bussey in St. Petersburg, and I had planned to go there. Well, when I came back after I passed the bar exam and ~~in the summer~~, Holland told Huffaker that he thought I was a prospect and he had better hire me. Huffaker hired me January of 1924 and I worked for him for a year. Huffaker had been a school teacher. He was principal of the schools in Bartow and studied law for one year at the University of Florida, but he was quite proud of his achievement and had reason to be. When I went up there he told me quite frankly that he never intended to change the name of his firm or his individual practice and he felt that he had dug an individuality around that and didn't want to change it. I told him that I understood quite well and I

would like to come up there and get a bit of experience. ⁷¹ My last year ⁷⁰ up at Ill. I had done trial work and we also had moot court and I liked trial work and Huffaker didn't, so I guess that is why he was interested in me. I remember soon after I was in Huffaker's office he had a case for trial down in Arcadia and we went down on the train. So I got there and prepared the case for trial. This is interesting in that George Whitehurst had just been appointed circuit judge and the lawyer on the other side was Fairfax T. Haskins from Sebring and it was his first case. It was interesting in that it was the first case for the judge and for both of the lawyers, so we had quite a time.

DURRANCE: Was that tried in Arcadia?

EDWARDS: Yes. It was tried in Arcadia, in the old courthouse which is still there.

DURRANCE: ^{where was your - how when came to Polk County to practice law?} Why did you come to Polk County to practice law?

EDWARDS: When ~~Oscar~~ and I started at Huffaker's office where I went in January, 1924, it was over what was the old State Bank which is on the corner where the present Florida First National Bank is built ~~and that was Huffaker's office. Of course, I went up there.~~ We just had three offices and were very crowded, ~~and~~ across the hall was Luke Johnson ~~and~~ Leonard Boynton and Harry Taylor. In 1924, I was there and that is where the office was.

DURRANCE: ^{then?} Did you work for Mr. Huffaker then?

EDWARDS: I worked for Huffaker for a year and at the end of the year I had ten offers of partnership as I remember.

DURRANCE: How were you paid by Mr. Huffaker?

EDWARDS: I started out at \$100 a month and about that time along in 1924, the boom started and lawyers were very much in demand and they started going from starvation situations to making big money. I think I worked for Huffaker for a month for \$100 and I was making several thousands dollars a month after the first month. We were doing mostly title work. The real estate practice came along and we were doing contracts, ~~and~~ forming corporations and handling closings and so forth. It was a big real estate practice. It was then lucrative. I kept on and Huffaker kept stepping me up and finally at the end of the year, I don't recall what I was being paid, but I had an offer from Callaway and Burris. I had several offers. Callaway and Burris was

was perhaps the leading law firm over in Lakeland. They represented that Cleveland concern that came down and developed Cleveland Heights and built the clubhouse which is now the yacht club on the lake. Callaway was one of the few republicans, but he had quite a following and was a good getter, and his partner was Burris. At that time the other leading law firms in Lakeland was Carver and Langston and they offered me a partnership. Then Tom Trantham's father, Sim Trantham, was in the firm of Bryan and Trantham which was a leading law firm. When I came to Bartow I remember there was thirty-three lawyers in Bartow. There was more lawyers in Bartow than in Lakeland. The only lawyer now living in Lakeland that was here then is Tom ^{Bryant} ~~Brown~~. He is way up in his nineties, I think. He is older than I am. When I came to Bartow there were thirty-three lawyers and they are all gone now. ~~and~~ Bradley Wilson was the last of the thirty-three and Brad ^{on} has been dead for about twenty years. Over in Winter Haven there were about three lawyers. Don Register was there then. Abe Summerlin was there then and a few more but there was not very many lawyers in Winter Haven. I don't think there were any lawyers in Haines City. John Dewell's father came there from Jacksonville about that time, in the early twenties. Then as the boom came along the lawyers began to come in from other states and so forth and law became lucrative at that time. I remember after I told Mr. Huffaker that I was going to go with Callaway and Burris he congratulated me and told me that of course he didn't want to stand in the way of a young man progressing. The next morning he came and said that he and Mrs. Huffaker had discussed the matter and they had decided that if other people could offer me a partnership, they could too. So I went in with Huffaker on a fourth partnership, probably in 1925. I think it was June 1, 1925. Callaway and Burris had offered me a fourth partnership and had guaranteed me \$10,000 for the first year which was a sizable sum of money for a young lawyer at that time. Huffaker said he would not offer me any guarantee but he would give me a fourth partnership. I recall that first year I made something over \$9,000 for my fourth which means that Huffaker made three times that much. As time went on my interest in the firm of Huffaker and

Edwards increased and we became one of the old law firms in the county, ^{and} ~~and~~ I found myself along in the '30s only getting half of the money, ~~and~~ ~~so~~ Mr. Huffaker decided he would run for circuit judge ~~and did~~ ^{D. O.} against Don Register and ~~W. H.~~ Rogers, and he was defeated. At that time, in 1940, I dissolved the partnership and since that time resisted all offers of partnership and practice ^{ed} alone until I retired some three years ago. ^A John S. Edwards was circuit judge and he wasn't making ^{as} much money as the lawyers, so he decided that he would ~~get~~ ^{go} into law practice and ^{he} resigned as circuit judge. Then H. C. Pettaway was appointed. That's Gordon Pettaway's half brother. H. C. Pettaway was about a third or fourth rate, ~~as we lawyers rated,~~ lawyer in Lakeland at that time. Everyone was more or less surprised that he got the appointment. Well, he turned out to be one of our very best circuit judges. He learned as the lawyers carried the law to him. He had a good mind ~~but he was basically lazy~~ but he made an outstanding circuit judge and was perhaps one of the best circuit judges that we ever had in Polk County.

The boom didn't last long and she blew up. All the banks in Polk County, save only the State Bank in Lake Wales, closed. There wasn't any money. The practice began more or less a barter system. The character of the practice changed from real estate transaction to mortgage foreclosure and bankruptcy. Huffaker and I did general practice. I used to have a saying that if a man came into my office and had a legitimate case and \$25, I was his lawyer. I didn't care what it was. I was licensed to practice before the treasury department in 1923, and ~~I did tax returns,~~ and I did tax practice until it became so complicated that I quit doing my own and hired a specialist in that field. I did criminal practice. When I came here in 1923, they created a criminal court of records and ^{H. Dalton} ~~G. Dalton~~, ^{Olliphant} he was quite a distinguished old jurist at that time and he became judge of the criminal court of record, and he was well liked and well thought of.

DURRANCE: What about the court demeanor and dress code? Was there a dress code the attorneys had to abide by?

EDWARDS: In the beginning you went to court with a coat and tie in Polk County, of course in the federal court it has always been formal.

I practiced law from Duval County to Miami, and I did a lot of practice in Hillsborough County. We wore coats and ties and then Pettaway came on the bench. He was quite a character. He usually needed a shave and he wasn't particularly concerned about his general appearance. As I stated, he had an excellent mind and was a good judge and very popular. Pettaway would say, "Gentlemen, remove your coats," and then from that time on, or during the summer months, we went to court in our shirt sleeves. Then, I think the lawyers over on the east coast, started a fad of wearing sport shirts and that went more or less all over the state except in Hillsborough County. I used to kid the lawyers there. I used to say you could always tell a lawyer from Tampa because he carried a coat. Dress was informal for a number of years until the invention of the air conditioner. Once air conditioner ^{ing} came, and the judges started putting on black robes, the whole deal changed. I remember when the Supreme Court went to robes. They were the first in the state that decided that they would don the old English custom of black robes. They didn't go as far as wigs but they did put on the robes. I remember my good friend Glen Terrell was very much against it and for a long, long time refused to wear a black robe. I used to smile when I would see Judge Terrell, the only judge in his division that had on a suit. That was characteristic of the man. Then the whole thing changed and lawyers began to wear coats and ties and even the municipal judges started putting on black robes.

DURRANCE: ~~Where did you practice law?~~

EDWARDS: Huffaker and I started practicing law in the old State Bank building which was later torn down ~~and the present bank building is there now.~~ They tore down the old State Bank building and they tore down the old Wilson Drug which was next door to it and they erected the present ^{bank} building. Well, in 1924, as I said we were crowded up there. Huffaker and I just had three rooms on one side of the hall and then Luke Johnson had the office on the other side.

DURRANCE: Did he later to to Tampa?

EDWARDS: No. Luke Johnson was the Clarence ^{Darwin} Darrell of Polk County. He was self educated. He never went to law school. We used to kid him that ~~Grandma Johnson, who raised him,~~ Luke's daddy was one time

clerk of court, old man W. H. Johnson; and Luke's mother died and his stepmother raised him. They used to kid Luke that his mother, who was a school teacher and taught a lot of the kids in the summer, that his mother said, "My son is a necessity lawyer; ~~the necessity~~ ^{know no such} ~~is that he builds new law.~~" Luke knew everybody and was a good criminal lawyer. He did a lot of trial practice and particularly ~~he~~ did the trial practice for Wilson and Swearingen. ^R When I came to Bartow, as I said before, there ~~was~~ ^{was} thirty-three lawyers and the most prominent of the thirty-three was old Colonel Tom Wilson and the firm had been Wilson, ~~Wilson,~~ ~~and~~ Charlie Wilson, who was the father of Mel, Bradley, and Milton, and Chester Wiggins' wife. ~~Charlie had~~ died about 1902, and then they got John Swearingen up here from Arcadia and the firm became then the firm of Wilson and Swearingen. After I came here, Col. Tom was not active, but still a member of the firm, ~~didn't~~ spend a lot of time in Bartow. He traveled a lot and went to Atlanta. He made quite a bit of money in bank stocks and real estate and in his sixties was retired. Anyway, they used to quote Col. Tom, ~~as saying, "Col. Tom said this and that."~~ They quoted ~~Col. Tom Wilson~~ ^{him} as though he were a member of the supreme court. They used to tell a story that Col. Tom Wilson at one time represented a client and approved ~~the~~ ^a title and when the client sold the property to somebody Col. Tom examined the title for the purchaser and turned it down. The client wanted to know why, and Col. Tom explained that he knew more law when he last examined the abstract than he did before. ⁹ In 1929, Huffaker and I moved from the old State Bank building to what was called the White Building which was on Main Street and which is now the site of the courthouse annex. It ~~is~~ ^{is} where the county commissioners are and where the board of public ~~construction~~ ^{construction} is. Spessard Holland then quit being a county judge in 1929, and started practicing law, ~~and~~ Holland in the meantime offered me a partnership, but I stayed with Huffaker. My Dad, who then lived in Lakeland, and Huffaker were both big Methodist and they had gone to a Methodist Church here, ~~and~~ ^{my} Dad thought it would be well for me to stay with Huffaker, and after all, he had given me a job as a young lawyer and we were getting along ~~ad~~ ^{al}right. So I declined Spessard's offer of a partnership and stayed with Huffaker. Anyway, Spessard then got a man by the name of Edwards who came here from Birmingham, AL to practice law with him. At about

that time, he hired W. F. Bevis. Bevis was a bank teller at the old Polk County National Bank when I came to Polk County. Bevis, as I recall, ~~had gone to Florida one year and had~~ worked as an abstractor at the old Polk County Abstract Company before he became a banker so when I met him in 1923, he was a teller. Polk County National Bank was one of the banks that closed in 1929.

Well, then Spessard hired P. D. Edwards and he also hired Bevis, and Bevis was supposed to examine the abstracts for Holland because he had had some experience in abstracts. So they started a firm and got a young lawyer by the name of Robert Hughes who was one of the ^{most} outstanding young lawyers that ever came to Polk County. He was the son of Dr. Hughes and he was going to high school when I came here and couldn't make up his mind whether he wanted to be a lawyer. His father who had an office in the old State Bank building where my office was asked me if I would talk to young Robert and I, of course, told him I would be very happy to. Young Robert came up to my office and I spent the afternoon and showed him how lawyers worked and how they looked up the law. We began a friendship which continued all through the years and when Holland ran for governor in 1939, Bob Hughes and I planned to form a partnership practicing law, which wasn't generally known. He wasn't too happy in the firm of Holland, Bevis and Hughes. Bob was a trial lawyer and was really the lawyer in the firm, but unfortunately died on October 23, 1939. So that ended that.

DURRANCE: Was it sudden death?

EDWARDS: Yes. He had an appendicitis operation and a blood clot formed and got in his lung and he died. I was at his bedside with his father when he passed away. We were on the city commission together and we were very close friends, ~~He~~ was almost like a younger brother to me. He was head of the military here in Bartow. Hughes Armory is named after him. He followed me as president of the Kiwanis Club in Bartow.

About that time this building burned where we are now at 137 East Main Street. Ellis Gibson had bought it shortly before then and it burned the day ~~his~~ ^{R.B. Huffaker's} daughter married Leonard ^{Blanton} Blanton. I kidded

Ellis afterwards that he set the town on fire. They built this building and I came up here one time nosing around and Ellis was up here and said how about coming over here and having your office here. I said no, you know George White built the White building over there primarily for Huffaker, and Spessard and Leonard Boynton, Ray Jordan was the dentist over in the White building and a young doctor named Lancaster was there. We were all over there in the old White building. Ellis said no, the county is going to buy that, Ellis was the type of person who knew what was going on in the county more than anybody. So, he asked me how I would like it? He had a hallway up through the middle and I said well, that was fine, but he had three offices on that side and three offices on this side. I told him I would want a big room for my library. You've seen the library space up here, haven't you? Of course, you know most of my library went to the county. I gave most of ~~it~~ to the county. So, the time went on and I found out that afterwards, Ellis had made the change and saw me one day and said, "Well, your offices are ready for you," and so that was about all that was said. Anyway, when it was known we had to move Huffaker wanted to go around where Bob Hatten had a building, I think it was where the supervisor of election is, across from the old security abstract company. I thought it was an out of the way place and I told Huffaker ~~no~~. Huffaker and Ellis never saw eye to eye, apparently.

In the meantime, about 1925, Luke Johnson formed the firm of Johnson, Bozarge, and Allen and they left the old State Bank building and they came up here on the corner. Then Huffaker and I stayed here. Huffaker had a son that studied law, Rob Huffaker, and I suggested that he naturally would want his son to practice law with him and that ~~Bozarge~~ ^{Bozarge} ~~barter~~ couldn't sustain a three man firm because at that time Johnson, Bozarge, and Allen found out that they couldn't survive. Bill Allen pulled out and went over with Bradley Wilson. John Swearingen had been killed in an automobile accident so ~~then~~ Luke and Bo practice law together, and Bill Allen, this was before WWII, went over with Bradley Wilson. They practiced for a short time over there, Then Bill and Bo went back into the Navy. They had been in the Navy before. When Bill came back, he went up to Tallahassee and formed a partnership up there and practiced law in Tallahassee until he was appointed to the circuit

bench. I dissolved the partnership in May, 1940, and I stayed here ever since. Huffaker then went over to what is now the Corner Drugstore and had his office for a few years until he passed away in his sixties. So, Huffaker and I did general practice. I did criminal work for a number of years until I found out that the criminal practice in the ~~name~~ ^{area} was repeaters and it wasn't the most desirable practice. So I quit it, I guess eight or nine years after. In the meantime, I started doing civil practice, mostly personal injury cases. That was before the days of workman's compensation and there was a lot of cases against the railroad company and the phosphate company.

DURRANCE: Did you ever serve as special master, representative or commission for the Court?

EDWARDS: Yes. Many times. All your ~~chancellor~~ ^{Chancery} cases were taken before a special master. They weren't heard before a judge. You had certain firms that have certain men who served as special master. For instance, I used Gordon Pettaway many, many times. Gordon Pettaway started practicing law in Bartow with Leonard Boynton and stayed there until Leonard was killed. Then Gordon left here and went over to Lakeland. But Gordon and Leonard Boynton had an office in the ~~White Building~~. All ~~chancellor~~ ^{Chancery} cases were referred to as special master, and a special master would come in and he would swear the witnesses. You could put them under the rule or not as you saw fit. Usually it was the rule's ~~way~~ ^{way}. You took the testimony in your office so that it was necessary that your ~~we~~ ^{also gathered like the testimony -} used to call them stenographers, then they later became secretaries and the best of them became paralegals. I had two paralegals. Ms. Emma Stevens worked for me for thirty-five years and she was definitely a paralegal. She died in 1964 and I planned to quit then, ~~and~~ I didn't think I could replace her. Emily Mann was court reporter. I had given Emily the first job she ever had when she came here from the University of Alabama and she then became a court reporter and started learning the steno type system. So when Miss Em passed away in February, 1964, I called up Emily and told her she was going to have to come and help me or send me somebody because I was behind, ~~and~~ Miss Em had suffered a stroke and was in the hospital for a while, ~~and~~ her health had been bad for some time. So, she sent me a young lady named Mrs. ~~Coolick~~ ^{Koolick}. To Miss Em

I was always the Colonel. She never wanted to call me Marshall, and Mr. Edwards was a bit too formal. She always called me the Colonel. All the old lawyers in Florida then were called colonel. When I came to Bartow it was Col. Tom Wilson, and Col. Brady. All the older lawyers were called colonel. The reason for that was that in Georgia by statute all members of the bar were made colonels on the governor's staff. Many lawyers through the years came from Georgia to Florida so that custom was continued on, and ~~now it's~~ ~~funny,~~ ~~now at my age.~~ I'm approaching eighty, and I've been a member of the bar for many years. There's only two lawyers that keep calling me colonel, Billy Thomasello and Mont Campbell to this day, whenever I see them, they always refer to me as the colonel. Lindsey Holland used to call me the colonel. He's Spessard's son. I helped him get started.

DURRANCE: You know Lindsey, Jr. is my uncle.

EDWARDS: No; ^{I didn't know} When he came here he had an office over on the corner and he always used to come up to my office. I remember one time I was standing at the foot of the ^{stairs} office and Lindsey was coming down and got about half way down the stairway and said, "I ^{was} got to go see old man Edwards," and I looked up and asked him who he was calling an old man. He laughed and was embarrassed. I said it was alright, I am an old man. [¶] I didn't quit, as I said in 1964 after Miss Em passed away. She had been with me for thirty-five years. Well, in the interim, many times I had an extra secretary because I used to talk to people all day and I worked at night for about thirty years and many times I've had the cops knock on my door at two o'clock in the morning because my lights were still on. We didn't work on an hourly basis. We had a job to do and that was our concern. I can take an oath that I never accepted employment in a case that I had any idea of how much I would make. I never was employed on an hourly basis in my life. I wouldn't accept employment on that basis. It is highly irregular. To illustrate, perhaps the first lease that I ever drew I may have spent a lot of time, maybe I spent a whole day. During the years I drew hundreds of leases and as the years went by, I would ^{take} say to my paralegal bring me my lease file. I had a lease file, I had a declaration file that later became complaints. I created Edwards' forms. I never used a form book as such. I never

liked forms and I never like probate forms. I may have spend hours or days on a job in the beginning as a young lawyer. Maybe it was a trust. The average lawyer now, if you ask him if he ever drew a charitable remainder trust, he wonders what you're talking about. So what may have ~~been~~ in the beginning taken me days to do became nothing more or less than a job for my paralegal to make a few changes and copy. To illustrate further, I had a person that I had formerly represented, after I had quit practicing law come up and want a lease drawn up for one room for six months at \$125 a month. He was representing an estate, I think, and he had been to a young lawyer and asked him what his fee would be. He had some astonishing experiences, I think, with other charges in the estate matters with this young man and he told him it would be roughly \$250 and that he charged \$50^{an hour} for his time and his secretary got \$17 an hour for her time. That was his estimate and it would take him perhaps the better part of a day to draft it. He asked me if it was worth \$250. As I said he was only renting for six months for \$125. I told him no, it wasn't worth it. He asked me to do it, and I said I would. I called Ms. ^{Rueben} Coolick and ask her to bring me the lease file. This was about 11:00 in the morning and he asked me when he could get it. So, Jeanette told him to come in right after lunch and she'd have it. I told Jeanette to keep time and see how long it took us to do it. I use this to illustrate my point where it isn't fair to charge by the hour, You should charge by the job. It is what the service is worth, don't you see? Not how long it took you. So anyway, I talked to Jeanette for maybe ten minutes, we made a few changes. She was an excellent paralegal. She was suppose to leave July 1, 1964, but she stayed here for fourteen years. If she hadn't left I guess I (still would) be practicing law. Anyhow, he came in after lunch and it took us close to 32 minutes to do the lease which included her typing time, but she was a whiz on a typewriter. It's fun practicing law if you got that kind of help, but there aren't many of them. Of course, if I was

younger I would steal one ^{burn} for somebody. There are not too many nowadays. They use these dictamachines. If you have a paralegal you explain what you want and she does 90% of it.

Back in the old days, ^{chancery} chancery matters were taken before a special master. He came in and he swore the witness and then he left. Your secretary who was the court reporter would take down the testimony. I remember Miss Em, she would be taking shorthand, sometimes smoking, and maybe the guy who was talking spoke broken english, and she never stopped him one minute. She would get it down perfectly. How she did it, I don't know. Of course, when Jeanette came along, I quit doing trial work. I quit doing trial work when I went to Washington, in the middle '50s, and on the advice of Johns Hopkins Hospital. I had my health flair up and they told me if I wanted to live I had to slow down, so I wound up my docket and quit doing trial work in 1955. At that time I had docketed 1100 actions of law in Polk County and since Polk County had begun there was 11,000 in thirty years. I had docketed about 10%. But it was a different ballgame, it was a different profession. There was about 125 lawyers in Polk County. You knew all the lawyers on a first name basis. You knew those you could trust and you knew those that were a damned farce, and there wasn't too many of the latter, thank the Lord.

We used to have two terms in court a year. We sounded the docket in spring and we sounded the docket in the fall. We practiced law according to rule days. All your pleadings were due the first Monday of the month. That was when you filed your declaration, your plea, your rejoinder, ^{answer} ~~server~~ rejoinder, and whatever. And under the old practice, law was a fine art. Common law pleadings was a great art. When I came to Florida in 1923, there were no form books in the State of Florida. There had never been a form book written. The only two form books were ~~Puterbaugh~~, Puterbaugh Common Law Pleadings and Puterbaugh Equity Practice. Both of which were Illinois form books and which I had studied at the Un. of Ill. I've still got the old Puterbaugh. One came up missing. Those were the only form books and you went by all the niceties in common law and the most fun in the world was to plead

some guy out on the end of the limb and shake the tree and drop him. You know that was too complicated. The only difference between common law pleadings in Ill and Fl when I came here was that trespass you could style. You had trespass on the case, you had replevin, you had to style the case. You had to style your ~~closing~~ ^{class} action in Ill. If you misspelled, and you called it trespass and it should have been trespass on the case, you were out of the courtroom. Well, I found, out much to my delight, that in Florida all you had to do was to call it a civil action, Civil action damages, etc. Well, of course if it was over \$500 you were in circuit court and if it was under \$500 you stayed in the county court. If it was under \$100 you were in the JP court. The biggest mistake the State of Florida ever did, according to this old man's opinion, is when they adopted Article V of the Constitution. It has cost this county, ~~it has cost this state~~, millions and millions of dollars. ~~The state attorney~~, of course there were fewer people here then, but not in proportion to your costs, the state attorney's office used to be a part time job for one lawyer. It wasn't a full time job. You had your county solicitor then, ~~you had~~ your criminal court of record, your JP courts where a lawyer seldom ^{was} wins, you had your JP cases, had some jurisdiction in misdemeanor, etc. You had your county judge, who had criminal jurisdiction up to the time the creation of the criminal court of record, but you had different judges, you had different court systems, Now the state attorney has 75 people working for him. They got 21 girls who are secretaries and it has become an entire different ballgame and is costing the taxpayers of the State of Florida ^{it} billions and ^{it} billions of dollars. That's my opinion and that opinion is shared by old lawyers in my age bracket and I've had Jess Wilson, who was formerly circuit judge, tell me he is of my opinion and so forth, but that is neither here nor there.

DURRANCE: Well, I think that ^{is} important for history's sake, because I may be one of the few people that agrees with you.

Although I wasn't a lawyer at the time Article V was adopted, I voted against it for the same idea as you're promoting now.

EDWARDS: Well, of course there's the pros that made a big loud bang.

DURRANCE: Wasn't the Bar the big pusher behind it?

EDWARDS: Yes. The Florida Bar. Chesterfield Smith from the Florida

Bar. He had been a legal politician, both in the Florida Bar and then ^{in the American Bar} across the street. He lived across the street ^{from me} ever since he came here, ~~and~~ I've known him since he came up here from Arcadia.

We first knew him as Harvey Smith and he had an uncle, I think, who is Chesterfield. His uncle is in politics and I don't think he liked being another Chesterfield. So anyway, he came up here just

before WWII and I called him Harvey and he said no, it's ^{his} Chesterfield so I had to start calling him Chesterfield. So, ^{Hollins} ~~Hollins~~ brought him up here from Arcadia and I think he was pretty much instrumental

in forming all these offices all over the state which is their business and is fine. [¶] I've always said if I practiced law in the city, I of necessity would want to be a member of the firm. That's the way I started out but I didn't like the setup. In Chapman, Cutler, and Parker, I found out I was number 27 and I spent all my time back in the library. Well, that might be alright. [¶] My Dad had

said that if he was a young man he would want to go to a new country and grow up with it. I grew up on a farm in central Illinois.

~~I was a farm boy.~~ I knew all about farming. The day started at 4:00 and ended when you couldn't see anymore. Sometimes you did your chores by lantern. I was never, ~~I wasn't~~ overly bright.

^{My} The biggest asset was that I would work and what success I made as a lawyer I guess was because I would work. I remember one of the last cases I argued before old Don Register. We had just finished the argument and were sitting there just talking, my opposition had just left. ^{and} Don Register, who I knew real well, told me he always enjoyed my arguments. ² I exhaust a case, ^{and} I go into every angle. He said they didn't make lawyers like me anymore. I said thank you. Of course, that's complimentary and I'm blowing my own horn but I think that's probably true. That's why

I had a tremendous library.

When I sued the Seaboard, ^{Coastline} I had A. G. Turner of Knight, Thompson, and Turner as my opposition. When I sued an insurance company, without exception, I had Bob Shackelford representing the insurance company. I wouldn't represent them because I could make more money suing them. I was in all the insurance digests and all that sort of thing, ~~and~~ I was offered a retainer by Atlantic Coastline, ^{but} I didn't want it. They gave Bradley Wilson about \$500 a year, maybe \$100 a year, and some pass privileges. That's all that poor old Bradley ever made out of the Atlantic Coastline Railroad. I think one time the Seaboard was represented by Clarence's father, old Judge Boswell. Judge Boswell was a character. All the old bar were characters. I think maybe I will put it on record.

When I came here there was Wilson and Boswell. Judge Boswell had been county judge way back before my time. He suffered an injury when he worked for the railroad and he was more or less crippled and he loved his booze. Most of his practice was criminal practice. Then ~~when~~ Holland brought Edwards here from Birmingham, Al. ^{He} was a good lawyer, but booze whipped him and Holland finally got rid of him, and then he formed a partnership with Fred Harris. He did the main criminal law practice. Most lawyer criminal practice was, ^L ~~Dope~~ was unknown, ^{shine} shine. ~~It~~ was the big deal. It was during prohibition and there was hog cases, but most of the criminal practice you made money out of was your bootlegging cases, and ninety percent were repeaters. Well, as I said, I did criminal practice, I did it all. If you came in the door and you had a legitimate case, I was your lawyer, and that was the way you practiced law in those days. The country lawyer was kin to the country doctor. The breed no longer exists. ^{It} Then I started civil law practice, mostly personal injury. There was no insurance much on automobiles, it wasn't compulsory, the workman's compensation law hadn't been passed. You were suing people that didn't have insurance on cars, you were suing railroad wrecks, mostly your trains and your phosphate companies. Your criminal law practice was little and it was repeaters. I would come down to the office about 7:30

in the morning and there would be three or four bums sitting waiting for me at the foot of the stairs. I'd start talking to them and I'd be talking to somebody all day long. So, anyway, I went to Huffaker one time and said, I don't think Huffaker ever went to court after I started practicing law because he didn't like it, I was going to quit doing trial practice. I said the first thing you knew they're be calling me Judge Boswell. This I think was before ^{Rich} Bush Edwards started there. "Oh," he said, "we're making good money out of that." "Yes," I said, "but I can't do that and all this other too." Huffaker wasn't doing anything. He was playing goff three afternoons a week and spending a month in North Carolina. I was carrying the load, and I did it for 18 years. I decided that I wanted to keep some of the money I was making so I cut loose in May, 1940, and I would never have another partner. As I said, practice law in a big city, be a member of a firm. Practice law today and maybe you'd have to specialize. ^A I quit doing tax work. I don't even attempt to do my own. It became specialized. Every time Congress would meet, it would pass new tax laws and that became a study in itself. Labor law didn't used to exist. You have so many phases of the law today that when I went to law school it didn't exist. There was no course in taxation. What little I knew about taxation, any high school graduate or less could do in 1923. It just so happened that my dad was with the IRS and had been with the IRS in Illinois and when he came to Florida he thought he was rich and then he went broke during the boom. ^{Like} everybody else, ~~he~~ went back to work as deputy collector of IRS working out of Lakeland and what I knew I picked up pretty much in talking to my dad. Of course, I had taken prentiss hall and some of it was elementary but it ^{is} entirely different, ^{and you know,} ~~and you know,~~ ^A this public defender gripes me. It used to be if a guy got into trouble it was up to him to get a lawyer and could always get somebody to represent him. We were admitted to the Bar as officers of the court and it was our duty to represent anybody of a crime and if we got paid for it, fine, and if we didn't it was up to us if we

represented him. And many a lawyer represented some guy maybe for five gallons of shine or maybe some pork in the old days and this public defender just gripes me. A guy goes up and violates the law and then the taxpayers have to pay for his expenses, and I think it is fundamentally and basically wrong. That's another old man's idea.

DURRANCE: I agree.

EDWARDS: Well, anyway, I remember so well when old John S. Edwards when I came here. He was the judge of the circuit court. The only judge in Polk County. And we had one court reporter and the court reporter was Kate Faison. She was a divorcee and she had one son. She was a secretary, a stenographer we called them. She worked for Carver and Langston. It was Peterson and Carver, and then after that it was Peterson, Carver and Langston. That was ^{Bessie} Bennie Langston, and the father of the two Langston boys. I knew them when they were kids, when ^{Bessie} Bennie came to Lakeland, and ^{Bessie} Bennie Langston was a good lawyer, an excellent lawyer. Peterson of course was a politician. Carver was an old bachelor and the supposition was that he ^{Kate} despised ^{Katie} Katie's guts. She was a divorcee and she was working for Peterson and Carver and the upstart of the whole thing, much to the surprise of everybody, damned if Carver didn't marry ^{Katie} Katie and she became Carver's wife, and ^{Katie} he just recently died. ^{Katie} Katie died suddenly and then Carver married a younger woman. Well, anyway Kate was quite a character. She and I were good friends and I used to always say, if a case is worth trying, it's worth reporting, and I never tried a lawsuit in my life, ^{but} that ~~what~~ I had a record. I don't know if you do that or not, but I used to say if a case is worth trying, it's ^{is} worth reporting, and I want a record. The court reporter would ^{ask me} say to me, do you want to report ^{on the} this case? Of course they knew me after awhile. There were about 125 lawyers in Polk County. You knew everybody on a first name basis, and your practicing went through certain channels. You had a few lawyers who were doing the criminal practice, and you had a few lawyers doing the civil practice. In Bartow, Luke Johnson and I were the lawyers that did the civil practice. Luke was doing the civil practice for

the firm of Wilson and Swearingen at that time. They never went to court. They didn't like it, either one of them. I never knew Bradley Wilson or John Swearingen to try a lawsuit in their life. They had a good time ^{in it} until they and the name ^{and} had the phosphate business that Spessard Holland afterwards inherited, and which became the backbone of the business for the firm of Holland and Knight, but they inherited that from Spessard Holland and he got most of that after Wilson and Swearingen. I didn't get it because I didn't have time and I didn't want it. I never represented a phosphate company. For instance, I represented Elmer Burnett that worked for a phosphate company. He was a chemist.

~~He married Sloan's daughter.~~ ^X P. James' daughter, Anyway, he was working for a phosphate company, ^{as a} ~~he was~~ a chemist and was working with gasoline and the gasoline exploded and burned him to death. I entered a suit in the circuit court and they moved it to federal court for diversity of citizenship. I went down to Tampa and I got a verdict of \$40,000. It was such a big verdict it was headlines in the Tampa Tribune. They appealed it in the supreme court, I mean to the district in New Orleans, and they affirmed it but made us enter a remitter down to \$25,000. How times have changed now. ⁹ In Polk County, there was maybe 125 or 130 lawyers who sounded the docket twice a year, it might be 15 cases set for trial, I might have 8 or 9 of them and then after we sounded the docket, we would go someplace and have a big meeting. We had five gallons of shine, food, and everybody would have a big time drinking corn whiskey.

DURRANCE: Judges and the lawyers?

EDWARDS: Yes, sure. We'd go to my place sometime and sometime we'd go to Bradley Wilson's place. He had a place out at Kerben ^{Crooked} Lake and we'd do it twice a year. We had a Bar meeting, and we had a big time and as I said you knew everybody on a first name basis. Of course there wasn't near the number of trials there is now. If you looked back there at the old docket you might see 15 or 20 cases set for trial.

Back during the boom lawyers generally were making more money. After the boom when I was practicing law I was shooting.

I made \$50,000 gross a year. And that was a hell of a lot of money in those days. I was paying Miss M 10% of the gross plus her regular salary, so Miss M working for me, she worked harder than I did, and she was making more money than a lot of the lawyers in practicing law. She'd say to me, "Well, Colonel, I've got to work tonight. I've got to get that dang brief out," etc. Bless her heart. She had never used an IBM. She had the old Underwood. She was a perfectionist on that old Underwood. This is a bit of history that I will preserve. She would never use any other machine but the Underwood. When it got to where it wasn't functioning just right, she'd have it rebuilt. During WWII, I insisted on buying a new Underwood. That's it sitting out there now. It's the one I use. Anyway, I ^{told} Miss M this IBM does real nice work, let's try it. I don't want it, Colonel. I said, I insist. So, I got an IBM up here and I'd hear Miss M out there hitting it and cussing, and hitting it and cussing. She came in the next Monday and said, "Well, Colonel, that's a good typewriter, you ought to get you two or three, and when you do you get you another stenographer." I told her it wasn't that important. They used to say over at the courtroom that they could tell work that she did, it was so perfect. She hit the keys so hard she could make four or five carbons. That was before the days of copy machines if you wanted a copy you had to make a copy. You never furnished your adversary with copies of your pleadings. If he wanted your pleadings, he went and made copies. Only for courtesy you did if the guy on the other side was nice. Most of your lawyers were your friends.

I remember one time I was trying a case and Bob Shackelford was on the other side and it was set for trial. We went in and I announced the plaintiff was ready and Bob said the defendant is ready. Old ^{S.O.} Neal Rogers told us to approach the bench. He said, "you guys are good lawyers. I'll give you 30 minutes to settle this case." Bob and I went, "Certainly, your honor." I got to where I could put a value on a case. I could tell you pretty well whether or not I could win it. And if I didn't figure the chances were good, I'd settle it. And that was the way you practiced law.

DURRANCE: Don't you think that is the makings of a good lawyer, evaluating your case?

EDWARDS: Yes. I was on the committee that wrote the present Rules of Civil Procedures. We were told, I think, it was the only committee that ever received a ^{Commendation} ~~condemnation~~ from the Supreme Court. I was on that committee whenever it was, I think in the early '50s. I was real active for 30 years and then I slowed down some. I got to where I couldn't turn loose, and I was trying to do too much. I had a big trial practice and another fellow and I had a 10,000 acre ranch over on the east coast, and Eisenhower put me on the federal ^{Jame Rose} ~~court~~ and I had to do something. I got to where I couldn't turn loose. I couldn't sleep nights. I used to walk down that old Ft. Meade road night after night.

DURRANCE: Name the most unusual things that ever happened to you as a practicing attorney and tell where and when.

EDWARDS: I remember one time, to me this is a funny thing and the biggest joke on me and the thing that took the wind out of my sails, one time I sued W. J. Durrance. He was county commissioner. His son is still in Ft. Meade. ^{Water} Kay Durrance's husband. Is he related to you?

DURRANCE: Yes, sir.

EDWARDS: Well, it don't make any difference. There was an old man by the name of Woods who was a nonresident. He lived up in ^{Ohio} ~~Ohio~~ and he had ten acres of land out from Ft. Meade. He had a fine stand of virgin pine ^{timber} ~~kindling~~. He came down here infrequently and said he was a nonresident. He lived in ^{Ohio} ~~Ohio~~ and was a farmer. He went out there and somebody had cut all his pine ^{timber} ~~kindling~~. So he inquired around and found out that W. J. Durrance had sold the pine ^{timber} ~~kindling~~ to somebody. I didn't know W. J. Durrance. I knew he was county commissioner. So this man came in and asked me if I would sue a county commissioner. I said yes, I guess I'd sue my grandma. They all look alike to me. So I sued W. J. Durrance for cutting the poor man's ^{timber} ~~wood~~. Luke Johnson was the other lawyer. We tried it before H. C. Pettaway. I remember that I sued him for damages and punitive damages because he knowingly sold old man Woods' timber when he knew it wasn't his. So I wanted

punitive damages. I was explaining to the court the difference in the kind of trespass. I said, "Now, Judge, on one hand we have trespass de bonis asportatis and on the other hand we have trespass quare clausum fregit which have different rules of damages, and so I went on to expound at great length of the different kinds of trespass. So after I had finished this exhausting technical highly learned argument, old Luke Johnson got up and said, "If the court please, I don't have the advantage of a good legal education as my learned young friend does, I'm not versed in latin." He said as a matter of fact the only latin that I've ever learned and known of is penis erectus nonconscientious. That was an open court, you see, and in all my years, I think that was the funniest thing that ever happened to me. Everybody burst out laughing and I had to burst out laughing. Uncle Luke pulled that on me. He was a dear old fellow. His niece, Dorothy, grew up on Church Street as did my first wife, Dorothy Johnston, and they were close friends. After Dorothy and I were married in 1934, every night, she always called him Uncle Luke, old Uncle Luke would show up at the house with a pint of whiskey and he had a few snorts by the time he got there and he'd come out for dinner. And if he didn't come out there and we weren't there, he'd tell us about it. Sometimes he would bring shrimp and sometimes he would bring steak. She always called him Uncle Luke, and he had a pet name for Dorothy, but I can't think of it right now. Well, he'd finish the pint of liquor and as soon as he'd eat, he'd say, "Well, sweet potato, the old ^{goblet} ~~bum~~'s gonna fly off." He'd go out and get in his car and go home and go to bed. He was a character in this world. He was an old bachelor and never married. He was a great trial lawyer of the old school, like the Abraham Lincolns and the Clarence ^{Barrows} Darrells. I knew Clarence ^{Barrows} Darrell in Chicago, he had an unmarked office there, and I knew Clarence in his hayday. He was one of the great ^{outstanding} ~~oracles~~, the William Jennings Bryan and I don't think they exist anymore. The Whitakers are gone, the Marshall Edwards are gone, of course, I never was a dramatic as Pat probably was. Pat was an actor, Pat Whitaker was a great actor.

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Pat would never take a case in Polk County unless they'd hire me too, because I made Pat's bulletin. Pat was an alcoholic.

DURRANCE: What is the worse thing that ever happened to you?

EDWARDS: The worst thing that ever happened to me I was trying a case one time in federal court in Tampa and they took a recess and I went to the men's room. That's when zippers first came out. I went in the men's room to relieve myself as did people, and when I got through, I couldn't zip the zipper. The damn zipper stuck. It just wouldn't zip for hell, so I had to finish the day out with my legs crossed constantly due to the fact that my damn pants were unzipped. For years after that, I used to buy my clothes I always insisted they put buttons on my pants.

DURRANCE: How were criminal cases handled? Did criminals have any rights?

EDWARDS: Sure, they had the same rights as they got now. But it was up to them to get their own lawyer. Plea negotiations were unheard of. You had a case, or you didn't. There wasn't much barter back in the old days. I'm talking about fifty years ago.

DURRANCE: Do you think the so-called modern plea bargaining has damaged the justice system?

EDWARDS: I don't think there is any question about it. Very definitely so. It's just getting rid of them.

DURRANCE: What kind of sentences were given?

EDWARDS: Well, they varied of course. I can't recall any particular instance.

DURRANCE: Did you have any famous criminal trials?

EDWARDS: Yes. Perhaps the most famous one that I was in was the Earl ^{Wurt} Wurt murder case. It was in the forties. It was not long before I quit doing trial work. Earl ^{Wurt} Wurt lived in Babson Park. Earl ^{Wurt} Wurt shot and killed a man by the name of Frazier who was manager of the airport. It was during WWII. I remember that because Bradley Wilson was chairman of the draft committee and I was under 45 and subject to call as I had no children. Bradley was instrumental in hiring me and I was sure Bradley wasn't gonna send me off to war as long as I was defending old man ^{Wurt} Wurt who

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was his real close friend and who ^{Earl} Edna ~~Wurt~~ was named after.

Earl ^{Wurt} Wurt was president of the old Polk County National Bank, very prominent, big Mason, and was one time president of Florida Citrus Exchange, ⁴⁶ and owned groves and lived in Babson Park. It was during the war years. He had a son, Earl ^{Wurt} Wurt, Jr., who took flying lessons out here and became a pilot and went over to Italy. He left his plane out here and when he left he asked his father to sell the plane for him. ~~Tillis Edwards, who is the~~

~~other Lakeland Edwards, no relation to me, was out there taking flying instructions from Frazier, who was the instructor, out there.~~

~~He went out and was interested in buying the plane and when he got ready to buy the plane, Frazier told him he had a lien on it for gasoline that ^{Olinger} Olinger had purchased, that's Earl ^{Wurt} Wurt's daughter's husband. Beth ^{Wurt} Wurt married ^{Olinger} Olinger, and he was out there and had taken some flying lessons and had bought some gasoline~~

~~for this plane and had left, I guess to go overseas. The plane was out there and Frazier wouldn't deliver the plane and wouldn't let Tillis Edwards get it until this \$32 bill was paid. So Tillis~~

~~calls up ^{Wurt} Wurt in Babson Park and told him the trouble he was having and said they won't let me pick up the plane out here and that there was a lien on it for gas that your son-in-law owes~~

~~Frazier. Mr. Wurt said I don't know anything about it and said~~

~~It was all news to him but he would come over and straighten~~

(End of tape) ~~the matter out.~~

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(Beginning of new tape)

DURRANCE: What happened at their meeting?

EDWARDS: They picked the lawyers. They decided they would get old man ^{Wurt} the best they could who was Pat Whitaker

in Tampa and Marshall Edwards in Bartow. I didn't know ^{Wurt} Wurt.

Bradley was his lawyer as he was Ellis Gibson's lawyer. Bradley always represented Gibson and Wurt until he died and he represented

Wurt in the trial. They were very close friends, as a matter of fact, Edna Earl is named after him. Bradley Wilson's daughter.

So anyhow, Grady Burt ^{Wurt} won the grandstand and he tried him for first degree murder. He was guilty of manslaughter but he had to prove premeditation. Well, I never knowingly advised anybody

to tell anything but the truth, but I used to say you can tell the truth in a hundred different ways. The big deal, my friend,

with winning lawsuits is work. Go talk to your witnesses, know what every damn one of them is going to testify before you put them on the stand. Don't have any surprises and the solution to it is work, work, work. When I had a jury coming up I began investigating myself. I wouldn't always let someone else, sometime I used a

young lawyer, I used to use various lawyers and investigators, but I myself wanted to talk to them before I put them on the stand

and that is work. I kept a card index of every jury I ever had and who they were, their background, their religion, and how they decided the case that I had before them. OF course, you could do

it in those days. They used to have pickup juries. They used to ~~set~~ set around the courthouse. They'd go out and pick up a jury, ~~see~~

they had professional jurors sitting on the damn green benches, and I knew every damn one of them. Anyway, they tried old man

Wurt and Grady Burt ^{Wurt} was grandstanding, trying to convince the jury of first degree murder. We argued, self defense, of course, and

the first time we got a hung jury. Well, this is funny, your jury in a criminal trial is the important element. Your jury, whose on

your jury, their background, their religion, their age, whether or not they were around here, all that sort of thing. The law

is probably secondary, its your jury. They tried him again and my job was to screen the jury and I knew them pretty well. I

used to go down to Frostproof and my contact down there was old
^{Sat} Nat Maxey. ^{Sat} Nat knew everybody. I had contacts in every town.

That was preparation. So anyway, a hung jury was the first ^{trial}
~~time~~ and then we had a jury over there that looked like it was
a hanging jury and Pat said we just ~~can't~~ ^{couldn't} afford to go to trial.

It was just before Christmas and Pat said nobody wanted to go
to trial. Pat had a long black overcoat and said, "I'm not
physically able to go to trial, ~~and~~ Pat always had a doctor's
certificate he carried with him, Pat made a motion for con-
tinuance on account of his bad health, long black overcoat, and

~~he~~ ^{he} was an actor. He would have been a great Shakespearean. He
knew he was at death's door. ^{Burt} So Grady Burt said he had known

Mr. Whitaker all these years and he knew that Mr. Whitaker
wouldn't ask for a continuance unless it was necessary and he
wouldn't contest it. We went out the door and came down here
to my office and he said, you know, I feel a hell of a lot better."

⁹ So we went to trial again. We had all the preliminary examination,
and ^{Wally Schaeffer} ~~Walt Schaeffer~~ was county solicitor. Anyway, Grady had Wallace
sitting there, or maybe this was a civil case, I don't know,

they sued old man Wurt and got a verdict. I tell you, that's
another story. This was one of the most famous murder cases in

Polk County. The press was here from all over. So we went to trial
again, the third time, and they examined the jury. But they forgot
to ask Jim Watson's son-in-law about his connection with me, with
his family, and they took him and cleared him. I said, well, son,

we may not get a verdict this time but we damn sure got a hung
jury. This is the sidelights. We got a verdict and they cleared

Wurt, and there was much joshing, and he was damn lucky he didn't
go to prison, and his family was very grateful. ⁹ So, anyway, then

Wally Schaeffer came into the picture. (He's dead now) He may have
been in the criminal case, I don't remember. My memory isn't

quite as good as it used to be. They sued old man Wurt in a civil
action for damages, (the widow did) for loss of earnings, and so forth.

Well, I did my damnest to get them to settle the case. I could
settle it for about \$5,000, but Wally wouldn't settle. He and old
Pat made a mistake. He said business for the defense but not ten

cents for something or other. Pat thought his luck would hold. He told Mr. Wurt that his friends would criticize him if he paid that. They're hold you to blame and you're blameless. They then settled and they got a \$25,000 verdict. Well, Wally ran for some job and got to be an alcoholic. He died in a nursing home where I had mother, Lake Wire nursing home. His campaign talk was that he beat Pat Whitaker and Marshall Edwards in a law suit.

DURRANCE: Did you have any women lawyers in those days?

EDWARDS: None. We were against them. We didn't think a woman should be a lawyer. I didn't have any women lawyers when I went to law school. Girls didn't study law back in those days.

DURRANCE: What about black lawyers?

EDWARDS: No. Not here. We had one student at the Un. of Ill studying and he didn't last out his freshman year. It was in the twenties.

DURRANCE: Do you remember any judges that particularly had reputations in being "hanging judges" or mean judges?

EDWARDS: Oh, not necessarily. I knew all of them. Old Alexander Ackerman down in federal court, he was federal judge quite a while. He was a great guy to talk if you'd go down and start an argument. There was another old judge down there in Tampa for years, old Judge ^{Rosen} ~~Rose~~, he'd always take one side of a case right off the bat and you just as well shut up. If he was for you, he'd make the best argument in the world. The best judge down there for years was L. L. Parks. He used to come over here and try law suits.

When he got over here he'd send the bailiff for me and he'd ~~tell~~ ^{ask} me, "how about ^{Crown} ~~Kerbin~~ Lake." I'd say yes. He said ^{he had the} ~~well, I got the~~ whiskey and he'd bring Jack Daniels. It was brewed in his home town in Tennessee and he'd always have a pint of Jack Daniels. I'd get Buster, who was our boat paddler, and we'd go to ^{Crown} ~~Kerbin~~ Lake.

Judge Barker was one of my real close friends. He was circuit judge here for a number of years. He came here from Sebring. He was appointed first in Sebring and then he came up here. He was a fine gentleman. He left here and became a federal judge in Tampa.

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I remember when Bill ^{Mc Rae} McQuaig came here. Holland got him from someplace and he was a real scholar and quite a student of law. Once Bill ran into a train in Lake Wales and busted up his car. He thought that trains ought to have lights on. He wanted to sue them and I told him he didn't have a lawsuit. I told him he had to operate his car within the line of his vision. You are suppose to see that which you could have seen and should have seen and if you don't, you'll at fault. He went way back to the old English common law of this and that and the other and said he was going to sue them anyway and would I sign his declaration. I told him I would sign it, but he didn't have a case. ⁷ So anyway, I signed the declaration as his attorney and they moved it to federal court. It got down there and they filed a demurrer. He wanted me to go down there and argue. I said Bill Barker knows that I never appeared before him in any case but what the law that I argued, I believed in. I told him I wasn't going. Well, he went down and argued the law and when got through, old Bill Barker said, "Well, William, that's great argument but unfortunately it's not the law." And that was typical of Bill. ⁷ One time I had a case in circuit court and I guess it was against the phosphate company for cattle death with that polution. Bill was representing the phosphate company and he was very ill at ease. He had no trial experience but he got ^{Morris} Boris White over here to help him. ^{Morris} Boris is an old time friend of mine. Bill ^{Mc Rae} McQuaig made ^{Morris} Boris so nervous, He'd get up and walk around and argue and I heard ^{Morris} Boris tell him, "Oh, Bill, sit down." I had a lot of fun. I love to practice law. My dad tried to dissuade me. I wanted to become a lawyer when I was seven or eight years old. I don't know why. My dad went to George Washington University in St. Louis and that's his license to practice law. I think it's dated before the turn of the century and signed by Benjamin D. McGruder. My dad never liked ^{to practice law} him. He said, "son, you'll always fooling around with other people's troubles." His best friend who published a newspaper down in Illinois and studied law and had been a congressman said, "Now, Marshall, you don't want to be a lawyer. It's a hard life." So I don't know why I wanted to be a lawyer. I used to say I'd

almost pay somebody to let me practice law. That's why I never worried about fees.. I never charged anybody by the hour. I've tried many lawsuits for two or three days maybe for \$250. I made money practicing law but if I'd stayed out of law and devoted my time to the citrus industry and real estate when I came to Florida instead practicing law, well, I may have come away with two million. If I wanted to I could have accumulated 25 million. I could have been a Ben Hill Griffin or someone like that, but I like to practice law.

DURRANCE: Well, Mr. Edwards, I'm only 34 years old and I know the name Marshall Edwards has always been a good name, it has been an honest name, and I've always looked to it as being just what you referred to as the "country lawyer." It's lawyers like you I tried to model my career on.

EDWARDS: Well, there are some good lawyers. This fellow named Chester Bedell in Jacksonville is a great lawyer. I think he is still practicing. Old Perry Nichols ^{made} may a lot of money practicing personal injury cases. Old Perry you know is the first president of Negligent and Compensation Lawyers of Florida. It has now become the Florida Academy of Trial Lawyers. They made me a fellow in it. Chester Bedell was the second president and I was the third. Then Ed Rood over in Tampa who was quite a common trial lawyer made a lot of money. He is writing a history of it and I sent him my files and he said he got more information from me than he did from Chester of Perry. I've got a picture of the court.

DURRANCE: How were civil cases handled, and assigned?

EDWARDS: Well, in the beginning we just had one judge, you know. Then we later had two judges. Harry ^{Taylor} Title became a judge. The Legislature passed an act. We had three counties and ^{and that} they provided for another circuit judge. Harry Taylor was state attorney.

Old Judge Boswell was the big political wheel and he had a young son named Clarence and he wanted Clarence to be state attorney. He made a deal that Harry Taylor would resign as state attorney and Clarence could be appointed as state attorney. Harry could be

circuit judge. So Harry became circuit judge and he was very limited. He and Spessard Holland didn't get along too well. Later they took these other two counties and did away with Harry's job. That's when Harry left Polk County and went down to Miami and started working with the IRS and then he branched out and became a tax lawyer before he died. But, in the beginning when you had only one judge, you knew who it would be. When there were two judges, you could request which judge you wanted before you went to court. That wasn't practical and pretty soon they assigned cases by number or something.

DURRANCE: What was the court structure?

EDWARDS: There was the supreme court. The district court of appeals was formed afterwards. You had to go to JP court, county court, criminal court of records and then circuit court.

Lawyers as a class are not satisfied to accept things as they are, which may be good. Maybe they shouldn't, but young lawyers come in to practice and get elected to the legislature and then they proceed to change things. For instance, the probate act which was passed in 1931, was a good act and they were supposed to simplify it. All they did was to complicate it. And the same thing with your rules of civil procedure. When you got away from the old common law, you got the rules of civil procedure.

One of the most interesting cases I had was when I sued the bishop. This is an old boomtown deal. There was Rosedale Realty Company in Winter Haven that bought the catholic church property in Winter Haven. The catholic church sold the property to Rosedale Realty Company and Rosedale Realty Company gave the note tables as follows: Right Reverend Patrick Barry, ~~in his official capacity~~ as Bishop of the Diocese of St. Augustine. I cite this because it has perhaps been one of the best cases I ever won and one that made law. I made this law. I told the catholic church what they are. They're a corporation sole under the old english common law. Rosedale Realty Company bought the old catholic church property for a sizable sum of money. They gave a note payable to the Right Reverend Patrick Barry, bishop of the Diocese of St. Augustine. Rosedale Realty went broke. The note was worthless. So, I had a client, Frank Senn, who

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built the Senn Building in Winter Haven. He was a catholic and he sold them the property on which they built the new catholic church. Being a catholic he didn't want to be in a position suing his own church. So contrary to all rules, he transferred the note over to his friend, A. G. Willard, and made him the goat. He came down and hired me to sue the bishop. I told him I would sue anybody. So I filed a suit against the bishop of St. Augustine. ^{OK,} it went before Pettaway and we started having hearings and they tried to bring in Frank Senn, that he was a member of the church, and that he was a fraud, and all this and that. Everytime we had a hearing before Pettaway, three or four priests would come and they just tickled the hell out of me because all they were doing was making ^{Herbert} Herbert Pettaway madder than hell. Nobody on God's green earth could have influenced H. G. Pettaway. Nobody. ~~He was going to call it a cardinal of law.~~ Well, they tried everything they could and finally I got a judgment against the Right Reverend Patrick Barry, Bishop of the Diocese of St. Augustine in favor of A. G. Willard. I had certified copies made and I proceeded to file them for record in various counties in the state, figuring if they ever got to where they wanted to sell a piece of real estate, they would have to satisfy this judgment. It was a sizable judgment. So, I foolishly filed it in Pinellas County and brother that's a hot bed of catholicism. So, anyway, I went down there and they filed a suit to quiet title as to all their property and to enjoin me from levying. They said, alright, you got a judgment against the Right Reverend Patrick Barry, bishop of the diocese of St. Augustine. The words bishop of the diocese of St. Augustine means nothing. When he becomes a bishop, he takes an oath of poverty. He doesn't have a thing in the world. He owns this property as trustee. They missed the boat. I went down there. They really hit me, and T. Frank Hobson, father of the kid over in Lakeland, was circuit judge, and he was the son of a baptist minister and they all lived in St. Petersburg. What