

## **Closing Time – A History of Polk County’s Judiciary 1861 – 1987**

**Setting:** Polk County Courthouse – late 1980s

### **Characters:**

- Clerk 1 – Played by J. Lenora Bresler – high energy, mischievous court staffer who works in the Office of the Court Administrator and is dressed in the best 80s fashion
- Clerk 2 – off stage voice

### **ACT 1**

**Clerk 1** enters the 1908 courtroom carrying a banker box of “legal stuff” - she sets the box down on the defense table with an exasperated sigh. Looking over the courtroom she sets her eyes on the judge’s bench, sits down and begins to pantomime being a judge. A voice calls to her from off stage...

**Clerk 2** – Hey, I’ve got to grab a few more and then I’m heading across the street. Are you almost ready?

**Clerk 1** – (Loudly) Yeah, just a few more minutes!

(Softer) Just wanted to take it all in, one last time. Who knows when we’ll be over here again.

**Clerk 1** – (Addressing the audience) Can you believe it? After eighty years in this place, we’re moving. You know, when they opened this courthouse in 1909 most people thought we were off our rockers, “You’ll never need a courthouse that big!” Well, it may have felt that way in 1908 when we only had one circuit and one county judge, but were busting at the seams now! Those old timers knew they were building for the future, but I doubt they even thought we’d get this big.

**Clerk 1** – Seems like the old courthouse has always been the subject of an obstacle or two. Why I'll bet half the jurists in Polk don't realize the struggle it was to even select a site for the old, old, old courthouse. Of course, the legislature had declared that the site be called Reidville, in honor of territorial Governor of Florida, Robert Raymond Reid – but that was the easy part! They were more interested in matters of war than establishing a seat in Polk County in 1861. Voters here didn't make it any easier – the farmers out near Socrum wanted the courthouse closer to them, the cow men in Fort Meade preferred it be close to them, but neither had the votes! Turns out the old Peas Creek voters near Fort Fraser and Medulla won that argument.

**Clerk 1** – But even that didn't necessarily close the deal. Barely had the first Polk County elections finished when the Governor ordered our militia to march from Fort Blount to Gainesville.

Uncertainty for the county's future loomed on the horizon as newly elected probate judge, Levi W. Cornelius joined the men – later being held as Prisoner of War in Illinois. Responsibility for carrying on the county business as Probate Judge fell to John Davidson, an Irishman who had served during the Seminole Wars and came with the Blount family to Peas Creek.

**Clerk 1** – The tragedy of the war brought forward new hope with its conclusion. Famed cracker cattleman Jacob Summerlin came to the commission with an offer to donate land for a county seat. With a resounding yes, the commission agreed to locate the county seat and the courthouse in the bustling frontier town of Fort Blout, but of course we all know it as Bartow. Acting fast on the generous offer, the land was surveyed and a two story, pinewood building was erected, bounded by Main Street on one side, and fittingly, Davidson Street on the other.

**Clerk 1** – Seeking readmittance to the Union in 1868, the state adopted a new constitution and restructured the courts forming seven judicial circuits, with Polk joining the 6<sup>th</sup> circuit alongside our neighbors in Monroe, Manatee, Hernando, and Hillsborough County. Our first circuit judge was none other than James T. Magbee, and although he had sponsored the legislation to create Polk County, more than a few were likely unhappy to see the illustrious attorney from Tampa in town, but fortunately court terms were held only twice a year. The first county judge elected under the new constitution; James T. Wilson was undoubtedly welcomed more graciously when he came to Bartow for the term.

**Clerk 1** – Controversy arose again in 1883 when the small courthouse began to show its age, and the commission approved construction of a “first-class” courthouse in Bartow. First class sounds lovely, so it must have been the price tag of \$9000 (footed by an increase in the mill) that caused shockwaves. But Polk was booming, and it was high time that was reflected in our county seat. Circuit Judge Henry L. Mitchell would soon be appointed to the Florida Supreme Court, we were respectable folk in need of respectable surroundings.

**Clerk 1** – Yes sirree, Polk’s new two-story courthouse with b-e-a-utiful gables, a belfry, and enviable coats of paint was much appreciated when it opened in 1884. The next year a new state constitution was passed establishing the Florida Supreme Court, with the Chief Justice being chosen by lot. No kidding, those early justices would go to the library, choose a book, open a page, and on that page the first word read – the word being closes to “Z” in the alphabet would win the seat.

**Clerk 1** – The community took special care of the new courthouse, even installed a water pump outside in 1893, which turned out to be a godsend in 1906 when a fire broke out just across the street outside these windows. Fire spread faster down the main street faster than gossip, and the

cinders soon reached the courthouse. Thankfully, the watchful eyes of the community saw the early flames and were able to extinguish the fire at the courthouse. The lingering what ifs soon became hard to ignore, and just as the generation before, Polk County began to eye the future.

**Clerk 1** – In 1908, seizing on the continued fear of fire and the optimism of Polk’s prosperity, Polk County endeavored to build a new courthouse. Known as a “temple of justice,” the plans drawn up by E.C. Hosford, the gentleman from Georgia, would cost more than \$100,000. Cognizant of how the last construction project was received, the commission promised to pay for this project on credit, without a single issuance of bonds or increase in the mill. Former Mayor of Lakeland, and future Governor of Florida, Park Trammel presided over the laying of the cornerstone and in 1909 thousands showed up to celebrate the opening of this (gesture to the building) beautiful courthouse. What a literal shining beacon upon its roof, if you had not known Polk County then, you did now.

**Clerk 1** – The new courthouse opened just in time for the legislature to realize it was time to reassess the circuits. In 1911 the Legislature expanded to include 11 circuits, placing Polk at the head of the 10<sup>th</sup> Circuit with Manatee, DeSoto, and Lee counties. Esteemed Lakeland attorney, Frank Arthur Whitney would become the first circuit judge to serve in the 10<sup>th</sup> – (in awe) he would have opened his first term of court, standing right here where I am. (gleefully gesture to your audience)

**Clerk 1** – (plop down in chair) But wouldn’t you know that, that much maligned Florida Land Boom would soon spread its curse to the courts. More people meant more suits, and more suits meant more terms and as Marshall Edwards once recounted “One day, it was court every day.” To handle the caseload, Polk County established the Criminal Court of Record to hear all criminal cases except for the most egregious of crimes, murder or rape. The growing number of cases also required

additional courtroom space. And for the love of Uncle Jake and all things Polk County, the commission was not about to start again. Clever as they were they hired contractor Paul H. Smith, of Haines City to streeetch (gesture with hands) the east and west wings, while preserving the façade. Now everybody was happy.

**Clerk 1** – Growth, growth, growth, seems like that is all anyone talks about these days (wink). But the hope of counting that growth with a second courtroom was short-lived, dockets soon began to fill up. Forget packing the court in Washington, courts in Polk were packed – with litigants and not enough officers. In 1933 a second judge was appointed to the circuit and initiated a wave of changes to business as usual. In 1942 Judge W.F. Bevis began Polk’s Juvenile court, in 1957 the District Court of Appeals was initiated, in 1963 Judge Irving Wheeler opened the first term of Polk County’s Small Claims Court, and a magistrate court was established in 1971. Not to mention that by that time Lakeland, Lake Alfred, Winte Haven, Bartow, Mulberry, and Fort Meade were holding municipal mayor courts!

**Clerk 1** – Talk about confusion, Florida suddenly had more kinds of trial courts than any state other than New York (hmmm maybe that why New Yorkers liked Florida...). Fortunately, a Florida Cracker with a law firm in Bartow was ready to take on changing all that. (Point to Chesterfield Smith banner). Shortly before issuing his national plea to save the rule of law, Smith brought forward the legal minds and the gumption to save Florida’s judiciary during the Florida Constitutional Revision Commission, of which he chaired. The resulting Article V that passed in 1972 brought back the intended two-tier trial court system and gave it the flexibility needed to serve all Floridians.

**Clerk 1** – Speaking of flexibility, probably should have stretched more before moving all these boxes. I can’t believe that we have outgrown our “temple of justice,” but 15 circuit court judges, seven county judges and all the good folks in the State Attorney’s Office, Public Defender’s Office,

the Clerks office, and the administrative offices are certainly in need of some space to grow. Not to mention the law library and juror spaces.

**Clerk 2** – Hey, are you talking to yourself in there about court history again?

**Clerk 1** – (looking indignant) Listen just because I love history, doesn't mean I'm crazy and talk to myself. (winks at audience)

**Clerk 2**- Okay, okay. But we better get going if were going to catch the late showing of Dirty Dancing at the Silver Moon.

**Clerk 1** – (Picks up box and begins to leave) - wait for me, I just have to grab Mr. Sudzina's running shoes he says he thinks he left them on top of the old safe downstairs. (pauses and looks at audience) Gee, I wonder when we'll ever see this old place again and how things might change for the next generation of the court...in a whisper and a nod -spoiler alert, I bet Nick could write a book about it.

**-END-**