

UFLC 14

Interviewee: Carroll Fussell

Interviewer: Sid Johnston

Date: October 17, 1984

J: Good afternoon, your Honor.

F: Good afternoon.

J: How are you?

F: Just fine, thank you.

J: Let me begin this interview for the Law College by asking you where you were born and what date that was.

F: I was born in Webster, Sumter County, Florida, May 2, 1903.

J: And who were your parents?

F: John Wilbur Fussell was my father and Miriam Collins was my mother.

J: And where were they from?

F: They were from Webster and both of them were born in the state of Florida.

J: When did your family first come to the state of Florida?

F: About 1850. My great-grandfather came in a caravan with a number of other folks and their families and their slaves and all their belongings. They just made what they could make driving them in the daytime. That was in 1850 so there were no automobiles.

J: Did your momma and papa meet in Webster?

F: They must have.

J: How many brothers and sisters did you have?

F: Well, I had two brothers that died when they were young and one four years younger than I am.

J: Now what did your parents do for work?

F: My father was a merchant and a farmer.

J: And your momma?

F: She was a housewife.

J: What did your father sell as a merchant?

F: Dry goods and groceries.

J: What was the name of his store?

F: It was named after him. It was just Fussell's Store.

J: And that was right in downtown Webster?

F: Yes.

J: What kind of town was Webster when you were growing up as a young child?

F: Well, it was just a small town and not too many people and not much improvements there.

J: When do you remember electricity in Webster?

F: Well, it is hard for me to know the date. Of course, we started out with kerosene. To light the lamps you know. Fill them up and strike a match, and then after that we got acetylene. We put it in the tank and they told us how to mix it and we would mix it and make the gas, and got our lights from that. And then after that of course, came electricity.

J: Would you say you had electricity in Webster in your home before the First World War started?

F: I am sure we had it about that time.

J: And how about automobiles when you were a boy?

F: Well, my father first bought a Ford and it was operated differently and did not work like he liked, and he ran it into the fence that surrounded our home.

J: Yes.

F: Then he traded it off for a Buick. The Buick was right-handed drive and the gear shifts were in the door on the right-hand side and you could not get out the right-hand side. The driver had to come in from the left-hand side and slide

under. And the gear shifts were in the middle of the car. Standing straight up on a rod and the acetylene light was put in on the car too and the tank of that acetylene gas was on the running board on the right-hand side where now we enter the car through the door. But then there was no door there.

J: Do you remember many people in Webster having an automobile during this time?

F: Well, the doctor had the first one, and of course it was quite a thing for all of us to see it. That was about 1913, I guess. Somewhere a little earlier maybe.

J: And what were the roads like when these first automobiles appeared?

F: Well, the roads were not anything like they are now. In fact, when the roads were built so that when you turned the corner, it went to the right as you were going to turn to the left, the slope went to the right instead of the left. They did not realize what really controlled, you know, with regard to that.

J: You could have turned the car over pretty easily there.

F: Oh, you turn much of a corner at any speed at all, it was likely to turn over.

J: So, you had one brother, and then two other brothers that died at an early age?

F: Well, he is dead now.

J: He is dead now? Did your brothers that died at a younger age pass away during the influenza epidemic of 1918?

F: No, my father died of that in 1918.

J: Your father died. Was your mother affected by that epidemic?

F: Well, she, we were all there, but we did not get the flu like he did. He is the only one of our particular family that died as a result of it.

J: Was he living with the family at the time?

F: Yes.

J: How big of a farm did he have?

F: Well, the type of produce they raised was cucumbers, tomatoes, and beans, peppers, things of that nature. We had irrigation piping that kept it watered so it

would grow. And then, in our section of the state, it turns too cold to plant things very early in the spring, so they use wooden troughs, cypress troughs. And, of course, they would take the cypress, the part of the cypress that the bugs had eaten because that made no difference and they would make the trough out of it with a board on the back standing up. And when the trough was up, turned over, that board would hold it there. So, it would still leave the plants where they could get the fresh air. And if cold was coming, everybody stayed up all night. Of course, they had nobody to tell them like it is now.

J: Yes.

F: But they would get up in the middle of the night and go out there and turn those troughs over the cucumbers, and then that would save the cucumber plants. Of course, after the cold, they would turn the troughs back and it proceeded with the growing. But if you did not do that, the cucumbers were killed completely. You had to start planting all over again. And by that time, the people south of there, where it is warmer, did not have to have troughs and things and you could not compete with them in price because they did not have the difficulties that you had and they could not plant as early.

J: How many people did your father have working for him during the harvest season?

F: Well, I guess there would be six or eight.

J: So, he might have had twenty or thirty acres planted?

F: Yes. He had a forty acre field. It was pretty nearly all planted.

J: And we talked last time about Webster being a farmer's market. Was it a farmer's market during this time when you were a child?

F: No, it was organized in 1937, I guess, somewhere along in there.

J: Just before the Second World War then.

F: Yes. And the farmers decided they wanted to have this market, so they went out into the woods and cut trees and things, and came in and did the work to build it. Nobody charged anything for what he did. And they built the structures that housed the people when they were working and other things that they needed for the market and at first it was nothing but the fellow there that was selling it. We would get up and ask for a price over the man's wagon or truckload or wagonload of produce. They would look at it and then the buyers would each bid on it and he would just like sell tobacco or any of those other

things. And that was the way it was sold. It was not the same price for every load. It would depend on how the fellow showed it off and how good his crop was.

J: How did your father market his vegetables and crops when you were a child?

F: Well, there was not anything but mule and wagon then to haul them with. And at one time, my mother wanted me to get out and get the exercise of the farm and so forth and I did. It was in the summer. And hot weather got me and so I was in bad shape and she called me in after that and said, you cannot go out anymore because we are not going to have you sick like that.

J: Heat stroke?

F: I did not have a stroke. But, then I was awfully hot. But then she did not, in fact, I have never known of anybody to die of heat stroke in Florida. But I see where they do in other states when it gets too hot.

J: Too much humidity here I guess.

F: We have always been able to get in the shade and fan ourselves or get where the breeze was and it was very comfortable.

J: Was there a train system?

F: Yes, Atlantic Coast Line had a train that came right through the middle of town. It is not running now.

J: Would your father put the vegetables on the train in a refrigerator car?

F: Yes, they did that. They would haul them down and the ice was already in there so they put them in there. Shipped a lot of the best ones that way.

J: What elementary and middle schools did you attend growing up?

F: Well, I made the first and second grade in one year, and I took eleventh grade during the summer. I found a teacher and paid him and I graduated just before I was sixteen.

J: So you graduated in 1919?

F: From high school. It was 1916.

J: Born in 1903. So that was in June 1919.

F: Well, it was earlier than that. But it was that spring.

J: You had just missed being drafted for the war then.

F: Well, I was fourteen when they war was going on.

J: Did you attend school in one school house for all the grades?

F: Yes.

J: And was it pretty much the same teacher all the way through?

F: No, each grade had a separate teacher. I mean a different teacher.

J: Yes.

F: There was some other grades like third and fourth and first and second that one teacher would take both possibly, but after that there was just one teacher in the third and one for the fourth and on down the line.

J: How did you and most of the students get to school in those days?

F: Walked.

J: How far a walk would you say it was?

F: Well, it was not but a little over a quarter of a mile for me, but the rest of them had quite a distance.

J: That is close.

F: And I would walk to school and then go back home to eat at noon, and then walk back again.

J: Now, did you live in town?

F: Yes.

J: And the school house was in town?

F: Yes.

J: How long of a lunch break would they give you from school?

F: It was about an hour.

J: They gave you an hour off. What were some of the things you did for entertainment and the hobbies you had during those school years? Would you go hunting or...?

F: I went hunting yes. Bird hunting, and one of my friends, especially had cow pastures and a good bit of land that way and there were birds and we would go out there and hunt quite frequently.

J: Did you have chores to do around the farm and the house?

F: Well, around the house, but not around the farm.

J: How about the store?

F: I did some work in the store.

J: Would you help deliver dry goods to people that came in and placed orders?

F: Well, it was different at that time. For instance, on the grocery store, there were counters all the way around, and the people who were purchasing were not supposed to go behind the counters, and the food was in packages. Not many packages. They just were learning how to put packages up. Most of the time, a fellow came in and said I want fifteen pounds of meal and I would grab a paper sack and start putting it in and weigh it, and give it to him like that. And on Saturdays, of course, that was the big day and everybody would come, and the ones that come into town would come two or three hours early because there was only a comparatively small part of parking space there, and automobiles particularly or wagons, whatever they were, could park. And they had built big sheds for the wagons and the horses would come in and they would tie them to one of the posts and then its head was protected from rain and sunshine. And people would come in and bring, if it was raining, they would bring the whole wagon under there. We had, each side of the railroad track where two competing stores had these places for the farmers to bring, to come in and get out of the weather.

J: Had there been any tradition of law or higher education in your family to the best of your knowledge?

F: Well, my aunt married Justice Glenn Terrell [Florida Supreme Court, 1923-1964], and he was on the Supreme Court of Florida for forty-one years, longer than any one person has ever been in that capacity.

J: When was he on the bench?

F: Well, he started there, I guess it was about 1920, or maybe it was little later he got on the bench. He was appointed by Governor Hardee [Cary A. Hardee, Governor of Florida, 1921-1925], and he was hired as an attorney for the trustees of the Internal Improvement Fund. And then Governor Hardee appointed him. There was an opening in the Supreme Court and he appointed him and he served from term to term until he retired. He died shortly after he retired. But where I came in to it, he was living in Tallahassee when he had this job, just before he was made Judge and he was in the Florida House of Representatives and later the Florida Senate. There were two terms and he campaigned for me and had me chosen as one of the pages in the House of Representatives. I served there two separate terms.

J: What years were you helping as a page?

F: 1913 and 1915 I believe it was.

J: So you were taking time off from school to do this? Or were you doing this during the summer?

F: Oh yes, that is when it did not compete with school.

J: What did your parents think about that?

F: Well, they, of course, had all the confidence in the world in him. He had been a schoolteacher, you know, superintendent, not superintendent, but head man, and then he was a lawyer and he just worked himself up and then he got this appointment and he just stayed in the court from then on. He would help his kinfolks as much as possible to get a job. That is what he did for me.

J: Well, did he influence you in any degree to go to college and get an education?

F: Well, he certainly helped me out every way he could. But my folks were able to send me to school and I came to the University of Florida after I graduated from high school. And there was no hard road from Ocala to Gainesville. If you came in a car, you had to take a dirt road and go around Paynes Prairie. About Micanopy you turned west and went around Paynes Prairie to get to Gainesville. Later they built a road that went right through. Then, my method of coming to the university, coming back and transportation was the train. The train came right through the middle of Webster and came right through the middle of Gainesville. The depot was on the main street of Gainesville. The tracks ran right down the main street. And it was about a mile from there to the university and of course, different people would come in on the train. The university was just for males at that time. Later on it became coeducational.

J: I would think you were younger than the average college student. You were about sixteen going on seventeen when you started. Would you agree with that?

F: That is right.

J: I would also think that your family was rather prominent in Webster with your dad owning that much land and owning a dry goods store. Was he active politically in Webster?

F: Well, I think he served on the school board one time, but he did not take an active part in politics.

J: He was a business man.

F: Business man.

J: Did he do pretty well financially?

F: Yes, he did fine.

J: So when he passed away, he left you all in pretty good shape.

F: Well, he left, he did not have an accumulation of money to any great extent because several of the banks there had failed.

J: Yes.

F: That took place along about that time, you know. And then it really took place in 1929.

J: It really did. So your parents wanted you to go to college and you had worked for Senator Terrell at that time...

F: Yes, yes.

J: So you wanted to go yourself.

F: Yes.

J: Had you thought about going to another college besides the one in Gainesville?

F: No.

J: And you took the train up.

F: Took the train, and they had kerosene lights in the train. In order to catch the train, we knew about what time it was supposed to come through there, and it came through there at night on the way to Gainesville. And we would go down and take a newspaper with us and some matches, and we could hear the train from four or five miles away, and then you could not hear it and then, when it go about a half or three quarters of a mile away, we would get out there at night when it was coming and light this newspaper and wave it. The engineer knew then to stop the train.

J: Flag it down.

F: And then he would let us get on, you see.

J: And then you would pay your fare later on?

F: Yes, pay the conductor there.

J: I bet it was quiet out there before the train came.

F: Yes. Well, in the daytime when the train came through, it was quite a thing for everybody to go down and get parked and watch the train. See who comes in, who went out or what happened there.

J: Was there any semblance of a station there in Webster?

F: Oh yes.

J: It was a rather significant passenger station, then?

F: Well, it had a passenger station of course, and at that time it had two sides--one white and one colored.

J: And I guess they had a freight depot where they stored all the vegetables and packages.

F: Well, there was not too much storage. It was a big place because they put it on there just before it was loaded, and it was loaded on this platform and then could be loaded in the cars you know. But they would go out first to the market and bid it off, that is, after the market got established there. They would bid it off and then they would tell them where to carry it. And it maybe to the freight car itself or it may be to the platform or it may be to their place of business. Wherever they said they would take it.

J: Oh, when you stepped off the train that day at age sixteen or seventeen, what were your first thoughts about being in a university city?

F: Well, of course, I do not know whether the first time my mother brought me or I came

on, I believe I came on the train and walked there, carried my grip. But, she had to bring more clothes. She came up about that time, too. But I did not want to look like I could not handle the business by myself. I wanted her to let me do it first. And of course, when I came, it was right after the war and a large number of the students had been in the services, had been in the army. And they were of course getting tuition and everything and paid money to go to college. And that increased the size of the college enormously.

That is, proportionately, but not in there. There were 600 I think when I first went there, and six years later it was 1,200. So it had increased within that period of time and now it is about 35,000

J: When you arrived in Gainesville.

F: As I said, the ones who had been in the service entered college at that time and the facilities were Buckman Hall and Thomas Hall. They were the only two places that were operated for the school. And then you had to find a place if you could somewhere else. So, during the war, they had built a barracks for the soldiers and had trained the ROTC there and so forth, and my first place to live was in the barracks. I got a cot, and it was two stories and on the second floor, there were no things to mark it off at all, it was just a straight line all the way through. No doors, nothing but windows.

J: No walls?

F: No steps to go down. And then each of them, there must have been twenty or twenty-five cots around there, and you kept your clothes in your suitcase under your bed.

J: Had a real dormitory problem.

F: Yes, and everybody was visible to everybody else.

J: Were the barracks located to the west side towards the stadium, towards the athletic field?

F: No, they were on the other side.

J: They were towards the science hall then?

F: Yes.

J: How long did you live in these barracks?

F: Oh, I was only in there one semester. And then I got, roomed with a fellow in Buckman Hall.

- J: And you stayed in Buckman Hall the rest of your time at the university?
- F: No, later on, I got in with another student there and we rented just a room right off the campus in the agricultural section.
- J: Where was that? That agricultural section.
- F: Well, you know anything about a road that goes to a sink?
- J: That is where the Florida State Museum is today, I think.
- F: I think so. It is on the south side of that road. The head of the, fellow who took charge of most of the work in raising agricultural products lived in a house right there with his wife. They had an extra room and they rented it out and that is where I stayed the last two years.
- J: Do you remember a lady that ran a rooming house by the name of Ma Ramsey?
- F: Oh yes.
- J: Tell me a little bit about Ma.
- F: Well, there was another one too. There were two of them and one of them had charge of the cooking and one of them was in charge of looking after the women that cleaned up the dormitories. And they all were well liked by everybody.
- J: Now what did Ma Ramsey do? Did she clean up the dorm?
- F: She had charge of the folks who did the cleaning. See, they hired help, the colored women were principally the ones who did the cleaning up, and she went around with them, stayed with them, and watched them and told them what to do and when and where.
- J: Did she also operate a rooming house? Or was she only in charge of cleaning?
- F: Well, I do not know of any rooming house. She may have gotten one later.
- J: She did in later years. I am curious if she did it then.
- F: Yes.
- J: Another name is Mrs. Peeler.

F: Yes.

J: Is that the other lady?

F: Yes.

J: Was she in charge of the cooking?

F: No, she was in charge of the dormitories.

J: Of the other dorm. So, Ma Ramsey had say Buckman Hall and the other lady had Thomas Hall?

F: It was something like that.

J: What were some of the first classes you remember taking? I take it you did not go straight into Law School. You started as an undergraduate.

F: No, I took three years of arts and science and then three years of law.

J: It was a combined course.

F: Combined course, then. If you completed the second year, your three years of arts and science, and your second year in law, then they gave you a A.B. degree. And then when you finished your third year in law, they gave you your law degree.

J: So, you completed an A.B.?

F: Then, later on they combined those two degrees to call it a J.D. Degree. And if you had both completed both an A.B. and the L.L.D.

F: Yes and then later they started to combine them and they gave me the J.D. degree.

J: Were you a good student?

F: Well, yes, I think so. I was in the Phi Kappa Phi and that was the largest fraternity dealing with scholarships. You had to be in the top ten or fifteen per cent, whatever it was.

J: You must have been a very good student.

F: Well, I did better, I did all right.

J: Did you work when you were in college?

F: No.

J: And you were also on the, I believe it was the debating council.

F: Yes.

J: Tell me a little bit about that. Who you all would debate and where you would go.

F: Well, at that time, every year there was a debate between South Carolina, Tennessee, and the University of Florida. And it was the same subject that was to be debated and they chose, and they would give the one side to one team from Florida and the other side to the other team from Florida. And one of the Florida teams debated South Carolina and Tennessee. That is where I went. And the other one debated Tennessee and South Carolina, and then South Carolina and Tennessee debated at the University of Florida. That is the way they had it worked out.

J: What were some of the issues that you debated?

F: Well, the main issue at that time was whether or not there was any possibility of ever recovering some of the money that the United States had given the other countries to help them out. And the debate was whether or not that would ever be paid.

J: What did you all decide?

F: Well, we argued that there was no way. They just did not have the money to pay it. And so, our principle refuting of that was that they had bananas and we showed that there was over 500 million dollars worth of bananas sold in this country. And that they could get bananas and pay them off with them. If they did not have the money. And we won in Tennessee. We won that debate.

J: That is funny. You were inducted into the Sigma Phi Epsilon fraternity.

F: Yes.

J: I believe that was in 1925. Was that the first year it was organized on the campus?

F: Yes.

J: Tell me a little bit about organizing a fraternity.

F: Well, I really did not maneuver the major portion of it. That was done by some of the

other fellows and we of course, had just the local chapter to start with and then we applied to the main chapter and later were inducted into that. And the year after it was formed I was president. That was the first year after it went into effect. Of course, that was an honoraryfraternity. Not Sigma Phi Epsilon, but Phi Alpha Delta was. The same thing applies to Sigma Phi Epsilon. I seem to have gotten into both of those that way.

J: What were the initiation procedures?

F: Well, they were not too bad at that time. Of course, the freshmen were called rats. And they had to do whatever anybody asked them to do. In fact, in my second year in the dormitory, I roomed with a senior student from Citra in Marion County, and he was very nice. We were good friends, and whenever any of the students, the sophomores, came around and wanted to do anything, be mean like that or make fun you know, have me doing all kinds of crazy things, why he would come in and he, being a senior, could stop it. And he would come in and say, "Oh, no, that is my rat. You all leave him alone."

J: What were some of the crazy things they made rats do?

F: Oh, that is what I was going to tell. And so I did not go to the university that year, but a good friend of mine from Webster did. And he said the first thing they did to him was they caught him with his suitcase going out to the university and they stopped him by the electric light. They had him bay like a dog bays at the moon. And he was baying at the electric light. He had to stay there until they got all the fun they wanted out of him. Of course, some of them were worse than that.

J: That was an easy one.

F: That was an easy one.

J: You were at the University of Washington, at Seattle, for your sophomore year?

F: Yes.

J: Did you transfer your credits back from the University of Washington?

F: Yes.

J: How much different was it there than here at Florida, in terms of the academic excellence?

F: Well, it was an enormous difference. In Florida, we had teachers who graduated from some place and they were not very knowledgeable, and at the University of Washington, the fellow who wrote the book was our professor. And you cannot help but feel that the

fellow who wrote the book that you are studying knows as much or more about it than anybody else. And I think particularly of the chemistry subject. This man came in, and he had a big platform there, and he would perform the experiments, explaining what it was. And he would perform the experiment before the whole class, and he would take the mercury and freeze it by letting the air out of one of those tanks that cools or freezes.

J: Nitrogen or something?

F: Yes. And he would let that air out and freeze this mercury and just make a hard ball of frozen mercury, and he would be showing how cold that air coming out of there could be.

J: Freeze a person pretty quick then.

F: Yes.

J: How did you travel to Washington and back? By boat?

F: It was by train.

J: Train?

F: Going out we did some sight-seeing. We went to Little Rock and we went to Hot Springs and we went to Yellowstone Park.

J: That is a beautiful place.

F: It was marvelous at that time. And then while we were on the train, we had experiences. We were in the back of the train, and it went over this canyon and we were in the last coach and the thing stopped before it got halfway over the canyon. So that was a terrible thing. Then we went to Colorado Springs and Denver. In Colorado Springs, we saw just about everything they had to see there. And one of the things we saw was Seven Falls, and they had wooden steps, like a ladder, that you go up and then you come to another spring and then you go way up until you get to the top. My mother started it and got about halfway up the first one and got scared to death. She dropped her pocketbook with about \$1,000 in it, I think.

J: She didn't lose it, did she?

F: Well, she was scared to come down and scared to go up.

J: Oh boy, that is a bad situation.

F: And we were already to the top and she was worried about what had happened to my

brother and I. We did not even know how to be worried over anything and we did not know she was in that shape, but some man down there saw her and he climbed up there and helped her down and got her pocketbook for her and everything was straightened out.

That was the second time we had that trouble. In the train going out of Little Rock, Arkansas, we had to change trains and she forgot and left her pocketbook on the seat in one of those trains and then we had to get the man, superintendent there of the trains they were refixing those trains and putting them in different places. And we had a time finding that car, but we finally found it.

J: You all were lucky that you got out and got back.

F: Yes, we found the man to do it, and he was very nice. He found the pocketbook there and the money was in it.

J: What size was the University of Washington in people?

F: Well, it was about 5,000 or 6,000.

J: It was a huge place compared to the University of Florida.

F: Yes.

J: Were there more buildings also?

F: Yes.

J: When you returned to Florida, I see that you were on the tennis team for a while. What was that about?

F: The team ran out of players and they needed somebody. They had a contest and I happened to have played with them a little bit, but I was not really a tennis player. I just got in because they needed somebody.

J: And you were also on the Panhellenic Council as a junior, I believe. Do you remember that?

F: Well, the debating business had more to do with that. We started the university in that, but it never went national that I know of.

J: When did you take your first class in law?

F: I took three years of arts and sciences first. Two at the University of Florida and one in Washington.

J: So, it would have been your fourth year in college?

F: Yes.

J: What made you decide to go to law? Had you thought about that when you first started college?

F: I had not decided.

J: What would you say was the deciding factor?

F: I guess my contact with Judge Terrell probably was undoubtedly the strongest thing that got me that way.

J: How different was it being in law school than being in the academic arena?

F: Well, there was not much difference.

J: Were the tests any more difficult or the classes any more stimulating or anything like that?

F: No, I did not notice any particular difference. They were all capable and they were good teachers.

J: You first started law school in 1921?

F: My first year was in 1919, second year 1920, third year 1921.

J: And then 1922.

F: It would have been fall of 1922.

J: That is right. Where were you living at that time? Had you moved out of the dorms and into town?

F: Well, of course, when I did not go back to school there the second year, I lost my right to the dormitory. And then we did not come back until just before school started and I had some difficulty getting a place. But I did get one in Thomas Hall.

J: And then you moved from Thomas Hall down into the agricultural area?

F: Yes, later on.

- J: When you approached the law school from the west side and you walked in through the portal where the little porch is, it says College of Law on the lintel above that. When you walked in that west side, what do you remember seeing? Was there a library there or maybe a big room?
- F: There was a big room.
- J: Was that a classroom?
- F: If they had a large class like the freshman class generally that is where it would be.
- J: And off to the right side, was there a hallway down there where Dean Trusler's office was?
- F: Yes, Dean Trusler's office was there. [Harry R. Trusler, dean, University of Florida College of Law, 1909-1947]
- J: And immediately to the right as you walked into that doorway, was there another smaller classroom?
- F: Yes, there had to be.
- J: And where do you remember the library being? Do you think it might have been upstairs?
- F: Yes.
- J: Now your instructors were Dean Trusler, Dean Slagle [Dean Slagle, professor, University of Florida College of Law, 1923-1958] I believe was there.
- F: Yes.
- J: And then Judge Cockrell [Robert Spratt Cockrell, professor, University of Florida College of Law, 1919-1941].
- F: Judge Cockrell.
- J: Pop Crandall [Clifford W. Crandall, professor, University of Florida College of Law, 1914-1949]?
- F: Crandall.

J: Do you remember a fellow by the last name of Kline [W.G. Kline, professor, University of Florida College of Law, 1920-1923]?

F: Yes.

J: Do you remember a fellow by the last name of Rascoe [Richmond Austin Rascoe, professor, University of Florida College of Law, 1922-1924]?

F: Yes.

J: Well, tell me a little bit about Dean Trusler.

F: Well, he was the head man of course, and I believe torts was his subject, and he was very good.

J: How did he treat you in class? Would he be hard on you? Would he call on you a lot?

F: No, no. He was very nice.

J: I have got a couple of tests here from 1922 that Dean Trusler used in class. Take a look at these if you will and tell me if they look familiar, if that is the kind of test you might have taken.

F: Yes, this is about what he would do.

J: When you had a test with Judge Cockrell, would it be any different than that?

F: Yes, I do not recall if it was just like this. Of course, Judge Cockrell was able to put into the thing what actually happened, and that is what you do not ordinarily think because he had had these things happen to him when he was a judge. He was deciding these things.

J: So a lot of this questions would come from...?

F: The practical. His answers were practical answers. They were legal, too, but you had to be practical in the thing if you were going to win.

J: But, with Dean Trusler, his were generally conjectures that he formulated for the test?

F: Yes.

J: Was Judge Cockrell's test a true-false test or would you have to write as with Dean Trusler's test? Do you remember having a two-hour session?

F: Yes, I think we wrote.

J: Someone has told me that Dean Trusler used to lecture with his eyes closed and with his hands in the air and go off on his own.

F: He did. He did it like he thought it ought to be.

J: What about Judge Cockrell? He was a practical man.

F: Yes.

J: Was he practical in class too?

F: Yes, I think he was.

J: Would he call on people and encourage people to talk and look for class participation?

F: Well, I do not think he picked anybody out particularly. He just would ask questions and expect to get answers of course, and then he would give situations that involved some particular question that you would not ordinarily run up against and that is what I meant about practical things. He would bring out a practical solution. But you would not find it in the book. The books do not tell you that. For instance, experiences developed that I had a divorce case at one time in Miami, and I had talked to the witness and she told me how the husband beat the wife up on numerous occasions. When I questioned her at the trial, she did not know of anything bad that had happened, or any beating or anything. And the attorney for the other side, he could not accept a win. Now if he had just shut his mouth he would have won the case. But he was going to just ram it down my throat and show how good he was. So he asked about it, and when he did, she changed completely around. She told the whole story from one end to the other. He tried to stop her and I objected and the judge said, "Objection sustained. You asked her the question, now you are going to have to hear the answer."

J: And all you could see is Judge Cockrell up there talking about being practical.

F: That was not one of the practical things.

J: Yes.

F: But, he could tell you things that you would not have any knowledge about like that, and he like to. We always looked for those things, if we could so we could reply to it. We studied that particular course.

J: Do you remember social gatherings that he or Dean Trusler or any of the other instructors would have at their homes or over at the law school, during the course of the semester?

F: Well, they no doubt had them, but I do not remember attending any.

J: Do you remember them opening their homes to a social gathering, to all the law students at any one time?

F: I am sure they did, but we had several of those groups at the university and they generally would come through them or through the fraternities.

J: What about Dean Slagle? What do you remember about him and his method of teaching? Maybe I will ask you what you remember most, what sticks out in your mind about him?

F: Well, I do not think that he was quite as prepared maybe as some of the others. I mean the background.

J: Was he as old as the others?

F: No, he was younger. I am not sure whether I really knew him. I knew he was there, but I am not sure that I ever had any classes under him. I had them under Crandall and under the ones we have been talking about.

J: What about Crandall? What sticks out in your mind about him?

F: Well, we felt he was the deepest of all of them. He was really a good teacher and extremely well-qualified.

J: Do you remember the tradition of shuffling your feet or stomping your feet?

F: Yes.

J: Tell me a litte bit about that. Why it occurred and how it got started?

F: Well, I do not know too much about that, but of course, I have been there. And before we had a place built for everybody to come, we used the old mess hall for a place to have meetings of the student body. Of course, that is where that shuffling took place to a large extent. If there was something they did not like, they would all start shuffling their feet. And you could not hear anything then.

J: Was that what happened over the entire university, not just the law school from what you remember?

F: Yes.

J: Do you remember Professor Crandall's wife pulling up in an automobile outside the law school and when she would beep her horn the students in that class would hear her and start shuffling their feet to kind of tease Professor Crandall? Do you remember any of that?

F: No, I never had that happen.

J: What about Richmond Austin Rascoe? Do you remember him as an instructor?

F: Yes.

J: What did he look like? Was he a tall man or a short man?

F: No, he was medium size. He stayed two or three years and he taught me in contracts.

J: And do you remember anything about him? Was he a boisterous fellow or rather soft-spoken?

F: Well, he tried to run it pretty strong his way. He was the kind of fellow that you had to understand and you had to work him right and that would do you more good. I know in contracts, he did not give me a passing grade and later on, of course, they gave another exam to see what happened, and he gave me a one hundred on that exam.

J: Redeemed yourself, didn't you?

F: Well, I had learned in the meantime some of the things that you were supposed to do to get along. And I put a good deal of effort into doing the things that I thought would please him. And that made a difference I think.

J: Did you know J.M. Chapman?

F: Wasn't he just a private teacher that taught speaking?

J: Is that right?

F: Dr. Chapman, I know. I took a course in speaking under him, but it was private.

J: He was not affiliated with the law college as you recall?

F: No.

J: Were there any practitioners in Gainesville or judges from the area or the supreme court

that would come down and teach classes, or maybe sit in on the practice courts?

F: The only one I know is Judge Cockrell.

J: Judge Cockrell. Well, tell me a little bit about the practice courts, or moot courts, I guess they called them then.

F: Well, we put them on in the main room there and had it fixed up like it would be in a regular practice, and the students presented their cases and arguments and so forth, a long citation and briefs, and I thought they did a pretty good job. Of course, it was not practical. The big business in Florida at that time was abstracts, and if there was anything in the world that you should have been taught, it was how to examine an abstract. And we did not have a bit of help along that line. We had to dig it out ourselves after we got out. Of course, after I got out the boom broke and it did not make any difference about the abstracts then.

J: That is right. People were giving them away. What time frame would you say the boom started in Gainesville and the interest in abstracts began?

F: Well, that was in 1925 when I graduated, and they had a little abstract work after that, but that is the first I have known of it. It happened after that time.

J: Would the boom have started in 1922 when you first started law school or was it centered right around 1925?

F: I do not think they did anything about abstracts until later.

J: What about in the general area anywhere people invested in land. Did that start before 1925?

F: Well, I think they depended on their lawyers.

J: But in terms of just the people investing, when would you say the Florida land boom was?

F: It was in 1925.

J: Just in 1925?

F: Well, up to the time it changed about the middle of 1925 and nobody knew it. It was dead, but we did not know it.

J: Had it started before 1920?

F: Oh, well, yes, but you see it was not that strong. It was that strong in 1924 and 1925 and boys that came from the university had organized and made firms that were very wealthy then. And then of course it went down to nothing and then a lot of them left.

J: Was it pretty easy to survive during law school for you? Did you have any trouble paying the rent or getting something to eat?

F: I did not, and my mother was anxious for me to go there, and she wrote me frequently and every letter she wrote, I do not recall getting any letter from her that there was not a ten or twenty dollar bill, more if I had the need for it. My brother went there, but he was the kind that did not cater too much to all that study. He went there for a good time, and he did not stay very long. He was a good businessman however, and after he got out, he said, well I went to college, I did not graduate, but he said, I know somebody that did that is riding in a Ford and I am riding in a Cadillac.

J: Now, you were president of the John Marshall Debating Society the year you graduated?

F: Yes.

J: So you were pretty active, at least socially, if not politically around campus during your law school years?

F: Well, it was a peculiar thing. I had good friends, of course, but there was not much to politics in those days. So, basically I did not do anything. In fact, that mislead me into thinking that I could get somewhere without working hard. Most of the political things in which I got involved were just voted on and generally there were not any politics in connection with campus government.

J: What were your responsibilities as president that year for the debating society?

F: Well, we had a meeting about once a month, something like that. We had programs for those things and we had to appoint committees to do the different things that might be to an advantage.

J: Well, how was the John Marshall Debating Society any different than the University Debating Team? Was it a smaller organization than the other one?

F: No, each school did whatever they wanted to. The arts and science school had a society similar to the John Marshall Debating Society, except its members were those that go into that college. Dr. Farr [James Marion Farr, professor, University of Florida College of Law, 1933-1935] was vice-president of the university at that time and he took an interest in that. They named that the Farr Literary Society, and that had the same thing,

you might say, except it was not confined to law like the John Marshall Society was.

J: Well, was it...?

F: I was in it when I was taking the arts and science courses, the third year.

J: So, you were on several debating teams? The University Debating Team and John Marshall Debating Team.

F: Well, they call them the John Marshall Debating Society and the Farr Literary Society, but they did not do much debating.

J: Was the Farr Literary Society a debating team and a council also, or was that something else?

F: Well, it was the same kind of a thing, except it dealt with matters that you studied in that course instead of law.

J: Well, what did you do for entertainment in law school? Go down to the movie theater or...?

F: Yes, there would be five or six of us. There was one movie theater, near the old post office, right close to it.

J: The auditorium.

F: Yes. What do you call that thing?

J: As far as I know, it is still called the University Auditorium.

F: No, I am talking about the one in Gainesville.

J: I know what you are talking about but I cannot think of it either.

F: Well, Reverend Graham had something to say about it in favor of it just recently in the paper.

J: It was in that area though?

F: Yes.

J: Okay. So, that was in the town? That was not on campus?

F: Well, in town, we walked from the university to there and get us a Coca-Cola and then go

to the picture shows.

J: Well, didn't anybody have an automobile?

F: Very few.

J: Who were some of the people that did have a car?

F: Well, Stringfellow had, I am sure he had a car.

J: Is that the same Stringfellow that is in Gainesville today?

F: Well, I do not know whether he is still living or not, but then it is the same group of Stringfellows.

J: So, he had an automobile. Who else had a car that you can recall?

F: Well, there was one that I recall is Tom Collins. He was a lawyer and who lived in St. Petersburg. And he belonged to some religious group and he had a hard time getting through college because he did not have any money at all. And he was very ambitious and he wanted to belong to the fraternity and he could not get in the fraternity. And his clothes were pitiful, and nobody would take him because of that. But when a relative of his died, and left him \$100,000 and he bought himself the nicest roadster that you ever saw. And I am telling you, the fraternities came flocking at him from every angle. All of them wanted to get him. He could go to any fraternity he wanted.

J: He was a success overnight.

F: With that \$100,000 he would get on that street going from University to town and he would drive that good looking car, you know, but he always stopped long enough to let it fill up with girls. And they would be all over that car and he was riding them back and forth. He was a character.

J: So there was Stringfellow and Collins.

F: I remember his car.

J: Stringfellow and Collins. Anybody in the law school?

F: There just were not many cars and very few bicycles.

J: Lots of walking.

F: Yes, there was walking.

J: What about athletics on campus? You had mentioned Gil Martin.

F: Gil Martin, yes.

J: He was a law student that played on the varsity baseball team.

F: That is right.

J: Do you remember him talking about places that he had traveled to play other teams? And how that affected his studies or if it did at all?

F: Well, he and I were partners when we established a firm there in Miami. After the first month, well, we decided they were making too much money and we made a terrible mistake of getting out and trying to run it ourselves. And after that, he went to Tampa. He married and had children and then he went to Fort Worth, Texas. He had a hard time there, but he finally got a job as judge out there. And I do not know where, I lost track of him since then. But he was an excellent player. He played outfield, and he was a good hitter and there was a lot of talk about him going into professional baseball, but he stuck with law instead. He did not go into commercial baseball but his abilities were such that everybody thought he would not have any trouble making the team.

J: Where did he live?

F: I do not know where he lived.

J: Were you all friends then?

F: We were in the same grade. So we met each other every day.

J: What about some of the other sports on campus? What were some of the more popular things to watch? Boxing, wrestling, football or basketball?

F: Well, they had a little bit of wrestling, but it did not last. They had a little bit of boxing, but it did not last either.

J: Just about leaves football, then.

F: There was tennis and I did more tennis than anything else. And I did not do too much of that. But I did not have a teacher. I just went and bought a racquet and without anybody, nobody ever told me how to do anything. But, the strange thing, you know, these expert tennis players, you hit it, they come up to the net and you hit them with a hard ball just over the top of the net and they can operate that racquet so like that and the ball will go right over the net and drop down right there. And there you are in

the back of the court and how are you going to get to it? They are the first ones that I ever saw or heard of that used that stroke. But, when you learn that and get good at it, why you just make all kinds of points. If the fellow does not know what to look out for.

J: Was football a popular sport on campus?

F: Football was a popular sport.

J: Was there a Gator Growl and a Blue Key Club?

F: There was Blue Key. It was organized my last year.

J: 1924?

F: I was secretary and then the next year I was president.

J: Of Blue Key?

F: Yes.

J: What were your responsibilities in Blue Key?

F: Not anything.

J: Did you organize a Gator Growl or Homecoming?

F: We appointed committees and the committees would take care of these different things.

J: So, you got all the glory and delegated all the responsibility.

F: Yes.

J: Did you like holding those positions?

F: Well, not especially. I had not thought anything about trying to get one. And of course, a lot of times, on some of those things, it is just a chance to do a lot of work. You do not think of it as being too much of an honor. However, I appreciated everything that they did then.

J: Would you say you were an organizer of the Blue Key Club?

F: I was one of the ones.

J: I would think so. You were vice-president the first year.

F: No, I was secretary the first year.

J: Secretary and then president in 1925.

F: Yes.

J: Now, there was a Fall Frolic and a Military Ball. Do you remember attending those and what they were all about?

F: No, I did not attend.

J: Did you attend the spring house parties or the fall house parties that the fraternities threw?

F: No, we had nine students in the Phi Kappa Phi business and that was more than any two of the other fraternities there. We were proud of that fact you know, because we organized a fraternity that was that way. I had some friends, they were people I knew from Webster, that were going to college there and they tried to get me to join ATO. But at that time, I was not too hot about it, yet I could not say anything because they were so nice. But I did not get in a fraternity until 1924.

J: What did you all do in Phi Kappa Phi?

F: We did not do anything.

J: It was a sign of recognition.

F: After your school business, they will pick them out, in fact I do not recall it even being in the Seminole.

J: Yes, it was. Phi Kappa Phi was listed as a scholastic honor in your name. That was listed. Do you remember a fellow by the name of Sam Getzen?

F: Oh, that is the one I was talking about just then.

J: What was he all about?

F: Well, he lived in Webster, same as I did. And he and his brother Hart were both going to school the year I started here and he worked himself up to a good position. He was speaker of the House in two years, for two different terms. And he was known throughout the state. No doubt about that.

- J: He had some trouble with Judge Cockrell one time. Do you remember anything about that?
- F: Yes, well, I did not know the particulars about it.
- J: You were aware that that had happened though, at least in passing.
- F: Yes.
- J: When you attended class, how many people would you say were in there? Twenty, thirty, forty?
- F: Well, it varied. Some of them were much larger than others. When I was in the University of Washington, my history class had 450 people in it.
- J: That's a huge class. A class of 450 people?
- F: Yes.
- J: They do not have them that big today, I do not think at the university. It is close, but I do not think it is 450.
- F: They had to go to the big auditorium to hold the class.
- J: Have to hold it outside with that many people.
- F: Yes, and another thing they did there, well, I tell you that university, I hate to say this, but on account of the fellows who were at the head of it, and account of what they were doing and the advances that they had made, and they did not take you unless you were in the top, you did not go in as a freshman. You had to go in as a sophomore or something like that. And you had to be within the top ten or fifteen per cent of your class before you could go to college there.
- J: They made it tough on you there.
- F: And I had to get all of my things that I had done in Florida and get that with them so they could look at them before they would even let me register. And this class I am talking of, they organized a group with it to find things for that class to do different weekends. And, for instance, we went down to their docks and there was an ice place there where the refrigeration was and there were 500 reindeer in there hanging up all strung up. And, that is just a small part of what they had there. The train, turned around on the bridge out there, a half mile they went out and they turned around on the bridge. It did not back up and come back, it just made the circuit. And we saw that. We went to

Sears and Roebuck and they had a seven-story building and had chutes and if an inspector was coming they had to put the person's name in the floor and it went down to the bottom. The people from that department in the government fixed the place after them to, you know, give out money, where you give money and get a thing to buy with and to take their mail. They had two mail cars loaded with letters and packages that left that place every day. And we saw that. We went to places that the ordinary person would not get a chance to go in. It did not cost you anything, if you wanted to. They arranged these things with the head people for these groups to go through and I went through eight or ten of them I guess. And it was a marvelous experience for me and that was at the University of Washington. I just cannot help but say that at that time the University of Washington was far superior to the University of Florida.

J: Well, back at Florida, do you remember any women in any of your classes or even on campus?

F: Yes, one of them started school there.

J: Who? Is she still practicing in Gainesville?

F: I do not know but I would know the name if I heard it. I just have forgotten so many things.

J: There were two of them that come to mind. One of them is Clara B. Floyd Gehan [Clara B. Floyd Gehan, University of Florida College of Law, class of 1933] and the other one is Nancy Biddle.

F: Yes, Biddle, that sounds more like the one I knew.

J: Nancy Biddle I believe was her name. Do you remember if there was more than one woman?

F: No, only one in my class.

J: Do you remember her graduating?

F: I am sure she did because she was very nice, very capable.

J: Do you remember if she was a full-time student or a part-time?

F: Well, she had a hard time getting in there because it was supposed to be nothing but males.

J: Now, the first year that I recall females being allowed to take classes at the law college was 1925.

F: I am sure that is right.

J: Do you remember her, and she would have only been there your final year, that final semester or so.

F: But she had been around there some I think before then.

J: Is that right?

F: Making arrangements and so on.

J: Do you think she might have been working at the library also?

F: It is quite possible that I would have known her from there.

J: Now, talking about those classes again, did you have any classes with say fifty people in it at the law college?

F: Yes, I think we did where we used the main room there.

J: So you did have some pretty big classes?

F: Yes.

J: After your third year in the arts and sciences college, did you have to go through a registration procedure to begin taking law courses? Did you have to go up to talk to Dean Trusler or one of the law professors?

F: Well, I do not think we had to talk to him.

J: You could just sign up for a law class?

F: You could just sign up for the law and register.

J: Do you remember any long lines registering for any of the classes at the university?

F: Well, we did not have that many going there, we just had 600 when I started and 1200 when I graduated.

J: Where do you remember signing up for the classes? Would it be at the auditorium or back at the law school?

F: I think it was the secretary. He handled all the finances and everything.

J: There was a male secretary at the law college?

F: At the university. And he did the registration. But it was not a procedure like it was at the University of Washington.

J: That was pretty major there.

F: I had to get in a line two blocks long and four deep.

J: That test you have in your lap there of Dean Trusler's, would you be given a test once a year or would it be a couple of times a year? What do you remember about that?

F: I would say two or three times a year.

J: What was your favorite class? The one that stuck out in your mind, that you liked the best.

F: Torts. It had the practical parts with it and it could be made into an interesting thing.

J: I guess that was Dean Trusler's class, Torts?

F: Yes.

J: Talking about entertainment again, were there any swimming holes or, you said you did hunting when you were younger.

F: They had Lake Wauberg at that time.

J: Was that a university piece of property then?

F: I do not remember.

J: Did you have to walk out there? Or was there a bus?

F: There was not any way to go unless somebody took you.

J: That is an all day adventure, then.

F: Yes.

J: Did you go out there an hunt?

F: I never heard of that hunting out there. But there probably was ducks on the water there.

J: How about Cedar Key? Would anybody ever go over there by car? You could not walk out there I do not think.

F: No.

J: Was there even a road to Cedar Key other than the rail line?

F: I do not think so.

J: I guess there was an ice cream parlor in town that you could go to.

F: Yes. Glass's Drugstore. He used to serve a lot of ice cream. That was the main thing when I was there.

J: Had you thought at all about working as a soda jerk or anything when you were in law school?

F: No.

J: You were financially able where you did not have to and you did not want to.

F: I know that the fellows that graduated from school and made a success practically every one of them who had to work did come out better than the ones who had the money. I think it was ten times as hard to graduate if you had all the money you needed, money to throw away. I did not have it to throw away, but I had all I needed.

J: Too many distractions?

F: I just know so many cases where, the fellow who worked, he knew the value of a dollar. When he worked for it, he knew the value of a dollar. And he was not going to throw that dollar away. But you give me a dollar and what do I do. I will throw it out there and see who can throw it the furthest. Anything, you see, and they just did not. I know so many of them that did not get to finish and that had plenty of money. And I do not know of any who worked real hard that did not make a success of themselves. I am very strong in my experience with regard to that.

J: Were you in ROTC?

F: Yes.

J: How many years?

F: Two.

J: And did they pay you for that?

F: No, they did not pay me. I was anxious to get out.

J: That was mandatory, those first two years?

F: Yes.

J: And then they would pay you if you stayed on through your third and fourth year?

F: Yes, if you sign up. But I was short legged and we had a lot of drilling to do. And they split the platoon so the tall fellows were at the front and the little fellows were in the rear. And you start out one of these sandy roads drilling and you got a tall fellow up there stepping about twice as far as you are. And the little fellow in the back is going faster in order to try to keep up. And he cannot hardly take it, I tell you it is just too much. And so, I did not do but a little of that so I decided I did not like that. I did not have to have the money that the ROTC gave and there was no particular thing forcing there. But I think I was lucky to graduate.

J: You really do feel strongly about that?

F: I have a friend who is an Assistant Attorney General for the state. He handles criminal appeals for years to serve under each new man would get elected and go in they would take him as the head fellow for that criminal department. And he had one arm cut off, I mean one hand cut off here and he made his living to go through school by pressing clothes. And he had a bicycle. That is the only bicycle I can remember. And he would ride with that bicycle holding with one hand and this thing here he put the clothes over this pocketbook or take them there if he was going to deliver. And he went all over that university backwards and forwards getting clothes and taking them back. And he liked to have flunked out his last year in college because he got another man to help and he was making so much money on this deal, that he did not have to work, you know.

J: Yes.

F: And he did not spend his efforts in his college work.

J: Got a little lazy.

F: He had some trouble there and yet he was very capable and very wonderful. Just the fact that when he got that money it was not the same. Too easy.

J: How had he lost that arm?

F: A sawmill.

J: Who is that?

F: Reeves Bowen. (Reeves Bowen, University of Florida College of Law, class of 1925)

J: Did Reeves graduate the same year you did?

F: Yes.

J: You said he is from Chipley?

F: Yes.

J: And he graduated the same year you did?

F: Yes, I think he did. He was going through law college the same year almost. He took the same courses I took. And he might have had a little trouble that last year. I am not certain. No, he must have gotten it because this law firm that Gil Martin and I went in in Miami, they wanted another lawyer and they asked us who was a good one and we both recommended Reeves. But they were thinking of their clients and they were thinking that his lack of having an arm would be that the clients would not like to see him there. So, we did not like that but then there was not anything we could do about it.

J: Do you know how Reeves is doing today?

F: I am sure he must be retired now.

J: Because I think I am supposed to interview him in the next couple of weeks. Does he live in Tallahassee still?

F: I do not know. I have not seen Reeves in a while, he and I were very close personal friends.

J: But it has been a while since you have seen him?

F: Yes, it has been a long time. I was made circuit judge, he came from Tallahassee to Bushnell to attend the proceedings you know. And he got there and the train he took or the bus or whatever it was, got there before day. And instead of coming on to my house and letting me know he was there and let me give him a room to stay, he slept down on the steps at the courthouse and waited two or three hours there for daylight to come. He

was just a sight.

J: He really wanted to surprise you. What was your graduation day? Was it June or April?

F: You mean from the university?

J: Law School.

F: It was with May or June. It was right in there. One of those months.

J: And where was that ceremony held?

F: Well, the last one was in the new building.

J: Was that the auditorium?

F: Yes, I guess it is. It is there close to Benton Hall. They built it for that purpose.

J: Was everyone in the university there? The undergraduate students as well as the law students or did you all have a separate ceremony in that building?

F: Well, I think everybody that wanted to come came. I had some kinfolk who came.

J: Do you remember the law students given a separate time in the ceremony or did everybody just stand up and walk through the line?

F: That is what happened. See, it was about the first year that I think they used that building.

J: It was completed about 1922 and 1923.

F: But they did not use it, did they?

J: I really do not know. This is the first I have heard about it. So, as far as you know, that was the first year. In 1925, they used it for graduation. Where did you think they had graduation?

F: In the mess hall.

J: Graduation was in the mess hall before then?

F: The only place big enough to hold everybody.

J: Florida Field was not built yet, was it?

F: No.

J: Would it have been held out at the Fleming Field?

F: No, they had a building there. And all the university meetings practically, where the audience is any size at all were held there. And then they had speakers come in and we would have programs out there.

J: Now, do you remember any construction on campus? There was an engineering building, Walker Hall that was completed in 1926. Do you remember the foundation of that being laid? It sat south and west.

F: What kind of building was it?

J: It was for the engineering school.

F: Well, I know they got a new building.

J: Now, this would have been in 1926. This would have been just after you graduated. And then, there was a couple of other buildings. How about the library? Library East or what they would call the library at that time. Right across from Peabody Hall. Were they working on that?

F: Yes.

J: I guess they were not using it yet though.

F: I may be thinking of a later time because I got some things from the library later. After I was gone.

J: What was your favorite hangout or thing to do besides study? I guess studying was not a favorite thing to do, but what was your favorite thing to do in Gainesville?

F: Well, I do not think of anything. We would go to the picture show once or twice a week. We attended and you had studying to do.

J: I bet you had a lot of studying to do. You were a good student. Were you in the top of your class?

F: Well, I never did know just how it rated there just that I knew people that made Phi Kappa Phi but I did not know how it was rated.

- J: Now, before 1965, they awarded the J.D. degree to the top four or five per cent of law students in the class. Do you remember anybody in your class receiving the J.D.? Or do you remember anybody talking about that?
- F: Yes, they talked about it.
- J: I think Erwin Clayton, who graduated in 1924, got the J.D. degree initially. Do you remember him in school? [Erwin Americus Clayton, University of Florida College of Law, class of 1924]
- F: Yes.
- J: How good of a student was he in your eyes?
- F: Why he was a good student. He is an attorney here in Gainesville and he was in the same social fraternity that I am in.
- J: Was he in Blue Key?
- F: I do not remember.
- J: He would have been just that first year because he graduated in 1924.
- F: Yes.
- J: What did you do during the summer?
- F: Well, one summer, I studied. And another summer, I went to Jacksonville and took a business course there.
- J: Where would you take a business course in Jacksonville?
- F: Jones Business College.
- J: The other summer you stayed here and attended law class.
- F: No. I did not stay at the university. That was in high school, eleventh grade in high school. I took it from a local teacher here in the summer. They permitted you to do that and graduated you from that grade if you did it. And then, between the A.B. and the LL.B, between the arts and sciences course and the law course, I felt like it would be of benefit if I went to business college and could use shorthand and operate a typewriter and so forth. Those things they would give you and I went there for two or three months in the summer between terms at colleges. I just went there one time. But I found that it

did not do me too much good.

J: Why was that?

F: In the first place, when you get out practicing, you have got a secretary to do the stenographic work and they can do it so much better and easier and all. And you got something else you got to do that you make more money out of than you actually do in your typing. And so I just seemed like I did not use it.

J: When you graduated did you have a sense that you were going to be able to make a little bit of money and make a pretty good living for yourself?

F: Well, I got off wrong in Miami by leaving that firm. Because things went bad and then they went terrible.

J: If you had stayed with the firm, do you think it would have been any better?

F: Yes, I think it would have been better.

J: So, you left law college in 1925. Did you go directly to Miami after that?

F: Yes.

J: Did you have some people interview you?

F: Yes.

J: They came up to the college and interviewed you?

F: Well, he had been to college at the same time I was, but he was earlier and then when he graduated, he got in with this fellow in Miami and they had a nice firm going with a good business. And so then, he knew me, of course, from that and he was later put into the fraternity too. And so he came to see me and he came to find some help. They needed additional lawyers in their firm, and he came for that purpose, to find help. He talked to me and he talked to Gil Martin and he and other members of his firm offered us a place.

J: After you left the firm in Miami, where did you go?

F: Well, Gil Martin and I tried to operate the business ourselves and it was a failure because there just was not any more abstract business.

J: Had you stayed in Miami?

F: I stayed there until 1932. And it was so bad by that time, and Gil Martin had gone and I

had taken a job with Paul Taylor, a lawyer there, and I stayed with him a couple of years I guess, working for him, and his business got a little bit slow and so I came back to Webster, and decided to do a little farming. Of course everybody knew that I had taken the law course and several people who had small cases would come out there to where I was and ask me about their case, and I would handle it and so forth. So I started practicing there and just built it up from there.

J: So, did you stay in Webster?

F: I stayed there a couple of years. Then I moved to Bushnell because it was a county seat, the clerk of the court was there, all the records were there, and the judges were there. You just do not do too well trying to travel a distance from that. You better be right on hand.

J: I guess you had a car by that time.

F: Yes, I was well supplied with cars.

J: Where did you meet your wife?

F: Well, she was a resident of Webster, too, but I did not meet her until after I graduated, or about the time I graduated. I was there in Webster talking to a teacher and she happened to be there with some other girls and she wanted to say something to the teacher and the teacher introduced us. That is where I met her. Of course, no doubt she was at school the same time I was, but it was many grades below and I did not know her.

J: Were you all married shortly after that?

F: Well, several years after that.

J: Was she in Miami with you during the hard times?

F: No. That is after I left Miami.

J: How long was it before you were appointed to the circuit after you moved to Bushnell?

F: Well, I was appointed circuit judge in 1957.

J: So, you were practicing law in Bushnell from 1932 to 1957. Tell me a little bit about how you were appointed and the subsequent elections and what have you.

F: Well, you know politics is a funny thing, and the county judge died and the deputy sheriff came to me and told me about it, and said, "Put in your application right away." And I

did. And there was another lawyer there who had been practicing quite a while and belonged to one of the largest firms there, and he and his partner had been the county judge and business was not too hot right at that time and he decided he wanted the job as county judge. And he had gone to college with Spessard Holland and Spessard was governor at that time. So, he went to see Spessard and got him to appoint him as county judge. And so that was his round. Then a few years later, they increased in the population, they decided that they needed another circuit judge and so that came up and these friends of mine, one a lawyer and one the clerk in court there came to see me and said, "We want you to try to get in with this job as circuit judge." And I said, "Well, I am doing pretty good right now in the law business and I am not particularly wanting to change right now." They said, "Well, if the governor would appoint you, would you accept it?" I said, "Well, now there, I am not going ask for the job. I am not going make any effort to get it and I do not think there is one chance in 10,000 that the governor will appoint somebody that did not ask for it. But if he does, I will take it. So, I thought I was cleared but this clerk of the court was also related to Justice Terrell, but from a different source than mine. My relation is by marriage, and some of his folks married a sister of Judge Terrell. Anyway, he and this lawyer went up to see Judge Terrell and told him what I had said. Judge Terrell knew me from having gotten me elected to clerk, and they told him that I had said that I would take the job if it was offered to me. So, he and Governor Collins were good friends, and Governor Collins' uncle had married my aunt. [LeRoy Collins, Governor of Florida, 1955-1961] I did not even know Governor Collins at the time, but Judge Terrell knew him and I know what happened. He asked Governor Collins to appoint me, and so that is what happened.

J: Were you a little surprised?

F: I was extremely surprised.

J: Were you pleased?

F: Well, I was. It was a good thing for me. It was one of the best things that ever happened to me.

J: Was it a move up in salary?

F: Well, no, not to start with, and in fact I retired before the large salaries went into effect. I get a pension but it is a much smaller amount than I would if I were getting one now.

J: So, you were appointed in 1957.

F: Yes.

J: And when did you retire?

F: 1968.

J: Tell me a few cases.

F: I did a lot of work. For instance, I told the governor at that time that I was retiring, and I named the time ahead so that there would be an election instead of an appointment. I did not want to appoint who it was going to be. I wanted them to be elected. So that is what happened. And the fellow that got elected said, "Well, I have got things to straighten out and get off before I can take office and will you continue serving as circuit judge until I am ready." And so I worked about six months or more steadily, after I retired. Of course, there was nothing pushing on it you know.

J: Yes. Were you able to continue your law practice at all while you were judge?

F: No, you are not permitted to.

J: Is there an interesting case or a number of cases you would like to share while you were on the bench?

F: Well, Judge Terrell had a book written about his opinions. If you want to read something interesting, he had got them in those opinions. Because he used the old-time common language in describing it and the picture is just thoroughly there before you. It is a marvelous book.

J: Were your expectations of the judge met?

F: Well, to some extent, there was something that I had a different view of. Lawyers that practiced under me were not particularly pleased with the approach and the way that I handled their cases. In this manner, if a case came before me and I knew that I was going to have to decide, I got the papers, I read them to see what it was about and all, and then if there was some point of law in there that I was not certain about I spent a little extra time looking up the law to see what it was to make my opinion. And my view was that records are for the courts, for the purpose of justice to the people to the clients, and not for the benefit of the lawyers. I do not think that a court case ought to be decided on which has got the smartest lawyer, but where justice should prevail. I think that is the best thing. And so I did this looking and of course it created discussion and one lawyer asked him if what he was going to do about the case and he had filed a motion. Was he going to file a brief or what was he going to do? And so it happened that he had had a case before me a short time before and had not been able to find the law and they sent me these things from the Supreme Court every month, you know, keeping me up to date and I had read it, and I found a case there that had just been decided and the decision that was in it. And so when he came to the argument and the other fellow came to the argument, I said, "Well, now I want to be fair with you folks and I have read these cases that come to

me and I cannot shut my eyes to it and I want to do what I am legally supposed to do and this case just decided indicates to me that I should rule a certain way. Now, I plan on ruling that way unless you show me differently. Now, you may not have seen that case and you may not know it it is a good case or you may even answer that would cause me not to have the opinion I have now. I think you should have the opportunity to look that over and decide what you want to do and if you want to file a brief or say something, then do so. And if I think that you are right, then I will change my mind. But do not, I am like most likely to rule like I have just told you." Well they said, now there is a lawyer that knows that that happened and when we ask him if he was going to look up the law on the subject, he said no. He said Judge Fussell can find it a whole lot better than I can. I will take whatever he says. Agree with whatever he says. But the lawyers that had worked hard preparing their case, did not like it and here is a fellow that has done nothing and admits he had done nothing and yet he wins the case. But I said, "That may be true, but I am not serving a judgment in this case to supply the most brilliant lawyer. I am serving in this case to find where I think justice should go."

J: Well, let me ask you, along those lines, were you involved in some cases where the law read a little differently that what you thought justice should be? And how would you resolve that dilemma?

F: Well, I recognize that the higher courts are the ones that you finally get the law from and even though it was contrary to my belief, if it was too contrary to my belief, then I would ask to get out of that case, and let some other judge handle that particular question.

J: Can you remember doing that on some occasions?

F: Why, I am satisfied I did it numbers of times. I had a case involving custody of a minor child between husband and wife, mother and father, and they were from the same town I was. I was partially related to them and I had known them from the time they were born right on up and I felt like I ought not to pass on that case and they were looking for me to pass on the case. So I called up Judge Smith, who was the judge in Ocala, and asked him what he was doing on that date and he told me. I said, "Well, I have got a case and I do not want to decide it. How about me handling your work up there and you come down here and handle this work." And he said sure. So, we did that back and forth many times. A lot of people that he was particular friends with, he would ask me to handle the case for them.

J: Was that at all frowned upon or was that supposed to be the way it should happen?

F: No, and in fact, I would tell them. A fellow came to see my wife, he had come to see me but I was not there, so she asked him what he wanted to see me about and he said, "Well, he had this case in court and he wanted to talk it over with me and tell his side of it." And she said, "Well now, I will tell you something, before you can see him, if you see

him and talk to him and tell him your side, with the other people not there, when you go to have the case heard, he will not hear it. It will be the other people, he will have another judge hear it. He is not supposed to discuss this case or take any evidence or facts from anybody without the other side being present and having the opportunity to counteract it. I strongly believe that. So that is what happened. Well, I went to Ocala and he was coming about halfway between, and we met and stopped and talked a few minutes and came on. Well, this fellow that had the suit said what happened, Judge Fussell stopped Judge Smith and told him what to do. Well, I never thought of telling him what to do or anything about it, but those are things that come up and those are the things that you have to go by. But I felt for the lawyers about their case and I recognize the fact that it is bad for another lawyer to not do it, but on the other hand why should I make a ruling which I know is contrary to the law and which is unjust just because one fellow had got a better lawyer than the other. That was my argument. And of course, their argument was, well, we get outand work and study and try to do the best we can in bringing things before you and the other fellow does nothing and he wins.

J: You were more interested in presenting a fair case to the people like you said earlier than you were...?

F: When people go into court, what they are after is what they think of as justice. And if you decide against him because he is from some other state or some reason other than justice, I do not think it is proper. I think that you cannot have anybody punished that way. Luckily, I think luckily, because I would hate to do it. But as long as I am a judge, if it comes up and I think that it is the proper decision, that is the one I would make. And to that extent, you think, well, maybe if it is too bad that way, maybe it is better that I get out right now and let somebody else have it if they do not think that is the proper thing to do because I cannot change my mind unless you convince me that I am wrong.

J: Why did you decide to retire in 1968?

F: Well, I had trouble with the Republican governor, Claude Kirk. [Claude Roy Kirk, Jr. Governor of Florida, 1962-1971] The clerk in Citrus County had been charged with taking county money when he should not have, and he was the kind of the fellow that if somebody needed something, he would try to do something to help them and practically all the money he had taken had been to help somebody. It was not his money and he should not have given it, but it was to help somebody. It was not something that he was gaining for himself personally. And when his case was brought up before the court, he got up and pled guilty. He would not even offer a defense or anything. And he was so well-liked in the county, that if they had convicted him at all, and he had run for clerk again, they would have elected him. They just liked, you know, he was that kind of a fellow. Well, I had two people, one locally and one from another county, who were in working for the state to get the information on these criminal cases so that the judges

would know more about it and what to do and they did excellent work. And so in this case, I got the local fellow to make me a statement all about it and what had happened in the background and the whole thing. Then I got the fellow from Tampa, that I did not even know, but was working in the same work to come up and make the same kind of investigation. I had their reports to go by. At that time, the law was that the matter of secrecy and it was for the judge alone and it should not be published. Claude Kirk called to me and wanted me to give him those reports and I told him I could not do it because of that fact. And we got into difficulty over that. And I would not turn it over to him. I told him that law in the United States was divided into legislative and judicial and executive. And each one had its own place and that he in the executive cannot tell me in the judicial how to decide cases.

J: How did he take that?

F: He did not like it.

J: He did not like it at all, I bet. Was he friends with this clerk?

F: No, he was against it because he thought it and the newspapers came out in Orlando and on television he made a speech about it. And what I did, I took the man's place, put him on probation for seven years, required him to pay back all the money that he had taken from the county and to pay all the cost and other monies that were involved in connection with it and then as I say give him seven years and required that he leave the county. And he was a good fellow and he did wrong, but he paid back all the money that he had taken. And he paid the interest on that also, and he moved to Oregon and he did not come back there for the seven years at least, and I thought that the solution that I made was better than tearing up his whole family and that county and the people that liked him and everything and taking that much money away from the school children over the business of the county.

J: What did Kirk think? Did he call you again after you made the decision?

F: Yes, he ordered me to go and see him in Tallahassee.

J: He wanted you to come up there?

F: Yes. And so I just wrote him a letter and told him that I considered that a secret matter that the law was to that effect a judge's business to decide that and that the judicial and executive were two different things and that I would have to stay here and I would not be able to come up there and talk to him. Now, the reason the newspaper took it up is, at the same time I did this, I heard the case of four or five nigger boys over there at Crystal River who had been involved in stealing and it developed that this was not the only time they had stolen. They had stolen some ten or fifteen times before and been caught, been turned loose, time after time. I gave them a sentence of five to ten years, something like

that, depending on their good behavior, and they were sent off to a place where they were supposed to be trained and given a job and shown how to handle a job and so forth. But I did not see when I turned them loose one more time, would be of any benefit to them and that is the reason I did it. And Governor Kirk thought that was bad, that I would turn the white fellows loose and put the niggers, the colored fellows in jail. And then them young fellows at that. But I just did not see it that way and I was not going to change my mind unless I felt differently.

J: Is that in part what you made you decide to leave the bench?

F: That, and the attitude of those lawyers. And it was not all the lawyers or anything. But then again, I realized that the Supreme Court had the authority and they were tops and somebody had to be tops whether I liked it or not. I should either do what the law was according to them or I should get out.

J: Did you have a run-in with the Supreme Court, at least philosophically if not practically?

F: No, I did not have any argument with the Supreme Court. But, I mean, it is not the Supreme Court doing it so much as the federal judges turning out and turning loose practically a large portion of these criminals guilty of murder in the first degree. And goodness, with all the work that, and court business that there is in those things, I do not hardly see how they can be wrong because they have heard it from every angle. Many different courts in many different ways. That in fact, the Supreme Court has been changing their opinion lately and going the other way.

J: That frustrated you though back in the 1960s?

F: I would hate it, to have a case that I thought should be decided a certain way and that they were wrong, but I never have gone against them because I figured that they were the high ones and somebody had got to be tops.

J: Right.

F: And if I cannot do it, why that encouraged me. Then my health got me too. I was taking diabetes and did not know it. And I would go to sleep in the car going back and forth in one of these county seats to the other to handle these cases. Why I would find myself running off the road. And I decided that my physical condition and my view of these other subjects and view of the lawyer different, some of them, I had had excellent word from them, many lawyers, and even the lawyers in the county below us who had some cases before me, but were not in my circuit. They took the time to write a long thing that they all signed it, saying nice things about me and so on.

J: Now, you were on the Fifth Circuit, right?

F: Yes, which I appreciated.

J: What counties were those?

F: Marion, Lake, Citrus, Hernando and Sumter.

J: And after you retired, you returned to Gainesville?

F: Well, no, I was not living in Gainesville when I retired. I was living in Bushnell.

J: And when did you move here?

F: I moved here in 1979.

J: So, it had been very recent.

F: Yes.

J: Why did you move back here?

F: My wife has two sisters here and my kinfolk in that county died.

J: Oh. Closer to home then.

F: They are all dead and we just came here because she had two sisters here. And because we got a bunch of doctors here that no matter what the trouble, you can find a pretty good doctor to handle it for you.

J: The best in the state.

F: Yes.

J: Well, I want to thank you for sharing your time with me today. I have enjoyed it and I feel like I have gotten to know you better and some more about what the law is all about. So I appreciate that.

F: Well, I have gone into a lot of things that are no concern to anybody, but I have these things in my background and if you ask me I will tell you.

J: Well, I am glad to hear them. I have got a few more questions, about three or four pertaining to the law college that I would like to ask you before we close up today. Do you remember any students at the school clerking for lawyers in the town? Gainesville lawyers hiring students, run errands for them or do some law research?

F: Well, I am sure there was. I think Parks Carmichael did that a little bit. He is the only one that I would...

J: Yes, I remember him clerking. He did clerk a little bit while he was in school. And I think consequently once he was a lawyer, he hired people to clerk for him also. You were in the Black and White Mask Society. I believe that was an honor society?

F: Well, it did not amount to anything. It did not get anywhere. I do not remember anything about it other than there was one.

J: What about the Florida State College for Women? Was it active? Was it established?

F: Oh yes. It was established a long time.

J: It was established the same time the University of Florida was. Is that correct?

F: I do not know about the same time. The University of Florida came from Lake City to start with.

J: Well, that was 1853. Do you remember fellows taking automobiles and going up to Tallahassee and bringing girls back for football games or dates or anything like that?

F: Oh yes.

J: Were you involved in any of that?

F: No.

J: Before we close up, I would like you to look through this and tell me what you know about some of these people in here that you graduated with in the University of Florida College of Law. Now, all these pictures are not law students. There is the first law student right down here. Max Beehan.

F: Max Beehan. I knew him.

J: Is he still alive?

F: I do not know.

J: Do you know what he did after college?

F: No, I sure don't.

J: Let's see this.

F: There is Reeves Bowen. [Reeves Bowen, University of Florida College of Law, class of 1925]

J: And then there is a J.H. Bowman. [John H. Bowman, University of Florida College of Law, class of 1926] Do you remember him?

F: Oh gosh. I remember the face of this one and this one. I do not remember his face.

J: He was in the College of Arts and Sciences.

F: Elden Bowest and Reeves Bowen, they were both attorneys.

J: Now, you said Reeves Bowen went to Tallahassee and became the assistant state attorney?

F: Yes. He was the assistant state attorney.

J: He graduated with a Juris Doctor degree. He must have been right at the top of his class. How did he get the nickname Judge?

F: He got it from Chipley somewhere.

J: That was not given to him at school or anything?

F: Not that I know of.

J: What do you know about Elden Boyce?

F: Well, he is in the same fraternity I am, Sigma Phi Epsilon. He is dead now.

J: Let's see who else there is. There is a James Clark. This fellow right here.

F: I did not know him. There is Erwin Clayton. He was in my fraternity. He is dead now, I think.

J: Here is a couple of people. Benjamin Cary.

F: Ben Cary. He is an attorney in Key West.

J: Did he have a pretty successful practice?

- F: Yes, I think he did. But I do not know whether he is still living or not.
- J: And here at the bottom is Charles Campbell from Ohio. He went out of state.
- F: He is a very fine fellow.
- J: Did he return to Ohio after school or did he stay in Florida?
- F: I do not know. It seems to me like he was in Jacksonville for a while.
- J: Let's see what else we have. Tom Collins.
- F: There is Tom Collins that I was telling you about. [Thomas J. Collins, University of Florida College of Law, class of 1925]
- J: Yes.
- F: That is him.
- J: And then there is a Lucius Cushman. [Lucius J. Cushman, University of Florida College of Law, class of 1925]
- F: He is dead. He went to Miami. He was a very brilliant fellow.
- J: Did you practice with him when you were down in Miami right after the bust?
- F: Well, we were in the same town. I served as judge in a case where he was the attorney.
- J: How about Cecil Curry? [Cecil C. Curry, University of Florida College of Law, class of 1925]
- F: Yes, he is from Miami.
- J: Do you know what he went on to do?
- F: He stayed a lawyer.
- J: Is he still with us or is he deceased?
- F: I do not know.
- J: I know this is a long time ago. I am surprised you remember all these people actually. There is a James Newton Fielding.

F: Yes, I know Fielding.

J: He was a Gainesville fellow. What do you remember about Fielding? Did his momma run a boarding house or a rooming house? Thinking he was from Gainesville, they might have catered to the college.

F: I do not think so, but he was an excellent fellow. He was all right. But I do not know what happened to him after he left. And Emanuel Glover. He was a lawyer in Lakeland.

J: He was from Lakeland, Glover. So, he returned home and practiced law.

F: Yes.

J: Did Gothe return to Jacksonville to practice law?

F: Yes, I think he did. I do not know where he went. I did know at one time.

J: There is Gil Martin.

F: Gilroy, he is dead. There is Gil Boston, the one I was telling you about.

J: He was from Tampa and he went back to Tampa to practice.

F: He was in the Black and White Mask.

J: James Winfield Hendry. Did he go back to Tampa? [James Winfield Hendry, University of Florida College of Law, class of 1925]

F: I am sure he did.

J: I do not see anybody else in law on that page.

F: Nelson wasn't a lawyer.

J: Heiman Katz?

F: He was.

J: Heiman Katz and William King. William King was from Roanoke, Virginia though. There were several people from out of state. [W. Courtney King, University of Florida College of Law, class of 1925] I do not see anybody on any of those pages from law either.

- F: Raymond Lord was a lawyer. [Raymond R. Lord University of Florida College of Law, class of 1925]
- J: Did any of these fellows become judges as yourself or go on to serve in legislature or take any kind of political appointments or positions that you recall?
- F: Well, Fuller Warren was governor. [Fuller Warren, Governor of Florida 1949-1953]
- J: Yes. That is right. Spessard Hollard was a few years before yourself. [Spessard Hollard, Governor of FLorida 1941-1945]
- F: Yes.
- J: About six or seven if not more. What did you think about the college making the Juris Doctorate retroactive about 1965? Because when you graduated the Juris Doctorate was an honor's degree above the LL.D. and I know some lawyers felt that they had earned that Juris Doctorate and it set them apart from the rest of the law class, and that to offer it to everybody else was not quite fair. Did you have that sense from anybody, that you knew or did you feel that way yourself?
- F: Well, it was several years before they ever said anything about it to me and what they did, they said they had voted to make those people entitled to a Juris Doctorate and if I would pay five dollars, that would be the cost of printing. They would give it to me so I give them the five dollars and I do not even know where it is now.
- J: Cheapest degree you can buy, that is for sure.
- F: Yes.
- J: How active are you with the law school and the alumni association today?
- F: I am not active.
- J: So do you have a sense at all of the caliber of lawyers that are being produced by the law college today in relation to when you were in school? Have any idea of how it would be different in your eyes, in your opinion?
- F: Well, I have not had too much contact since I quit doing any legal work.
- J: Yes.
- F: I mean for two or three years after I resigned, I took assignments and put them behind me in Lake City, Miami, or Melbourne, different places, Tampa. I went around and one time

on the screen porch.

J: What were those assignments all about?

F: Appellate cases, most of them. Some of them were local. I had a hearing in Lake City, and a case at the time when Judge Smith was judge. You know the judge found him not guilty with that marijuana business.

J: I do not remember that.

F: Sam Smith in Lake City. They have had a lot of that marijuana drug business over there, and they got Judge Smith and the sheriff I think, to turn some of this marijuana caught in a pile of this marijuana and had in confinement. And they kind of turned it over to the drug people and claimed they burned it. They did not burn it up, but they turned it over to them and they sold it and made a million dollars out of it.

J: Lots of money to make.

F: He got in the trouble with that.

J: That would tend to get you in pretty big trouble, wouldn't it?

F: Yes.

J: Well, again I thank you for sharing your thoughts with me today.

F: Well, I do not know how in the world you can take up so much time with a fellow who knows so little, but my memory I find is not like it used to be and particularly in names a lot of times. It is hard to remember the names.

J: Well, I think you have remembered some pretty important ideas and facts about the law college and certainly about your time there and then of course in your later life.

F: How did it sound to you, my view about the duty of a judge and in deciding a case?

J: Well, of course, I do not know that many judges and...

F: No, I am not thinking of that. What do you think the judge should do. Should I go with the smartest lawyer or should I go with the justice of the case?

J: Well, initially, I think that is a difficult decision. It would be very tempting to go with the lawyer that presents the best case and then with a minimum amount of research myself decide the case upon those facts. That would be tempting.

- F: Well, I never did that without telling him that I would give him ten days or two weeks or more, whatever time he needed to look up that case and any other cases and give me a brief on what his opinion was. I never made a decision like that without giving him an opportunity telling him what it was based on and giving him an opportunity to change my mind about it. You know, if he thought I was interpreting it wrong.
- J: I am not quite clear on how I would react to that.
- F: Here is what disturbed me. Of course, I do not say that I have got to go down and do all the work that a lawyer would do.
- J: Right.
- F: Because a judge is not supposed to know the law, the lawyer is supposed to tell the judge the law. But now, if I know what the law is, why should I, and I am positive and I am satisfied with what the law is, why should I rule against the man and cause injustice to be done just because the other lawyer has done more work than one lawyer has done? How is that the basis for decision?
- J: It is a little difficult to determine because the lawyer that is the most brilliant and thus able to present the case is theoretically and practically, I would say, being paid the most amount of money and so on those terms, that person who is able to afford to pay for what he sees as justice should have his case taken into account with that in mind. I do not think it should be a purely egalitarian system of justice.
- F: No. Here is my position. They come up and hear a point of law that has got to be decided and I find a recent case by the higher courts which says that definitely that such and such is the law. Now, the lawyer that did not get very much money or does not get to do any work. He did not bother to look up that and he does not know anything, he did not present it to you, but can I say I have forgotten what I learned, what I know the law is and even thought I purposely rule in contrary to the law because one lawyer found it instead of the other one.
- J: No.
- F: And when I give the lawyer, tell him and give him the opportunity to change my view, tell him why my view is that way and give him the case and give him the opportunity to show me where I am wrong and he does not do anything, what am I going to do?

[End of interview]