INTRODUCTION

Broward County's first circuit judge, Vincent C. Giblin, was born in Mobile, Alabama, on November 15, 1897. Giblin's father, also Vincent C. Giblin, was Mobile's police chief from April 1, 1909 until his death in office on June 17, 1912. After graduating from high school, the younger Giblin attended the University of Notre Dame's law school, from which he graduated in 1918. While in law school, Giblin was apparently known by fellow students not only for his extracurricular activities, but for his rhetorical skills as well. The author of a profile on Giblin in Notre Dame's 1918 student yearbook, the Dome, where Giblin served as business manager, demonstrated considerable prescience in predicting Giblin's future judicial career:

It would require the combined talents of O. Henry and Conan Doyle to fittingly describe this genial-looking fellow, for Vince Giblin is before all else our man of mystery. He comes in the dead of the night. He is entirely oblivious to all rules and regulations. When subpoenaed to the appellate division of the Skivers' Court, however, he has never failed to present an air-tight, rivet-proof alibi. Vince's Notre Dame activities have been as varied as his versatility; he has secretaried to Father Morissey; he has danced in LaSalle Hall; the nooks and crannies of Springbrook Park are as an open book to him; he handled the business end of the Dome. Vince, we are proud of you, and when the centennial celebration rolls

One of Broward County's most outstanding public figures of the 1920s, Judge Vincent C. Giblin, was highly respected by his colleagues for his legal brilliance, but also received criticism for what many citizens regarded as high-handed behavior. His battle with George W. Tedder, Sr., for Broward's circuit judgeship, both during and after the 1928 primary election campaign, formed one of the most unique and interesting chapters in the county's legal history. In this article, author William G. Crawford, Jr., addresses these issues, and examines Giblin's equally controversial post-Broward career, which saw him serve as attorney for notorious gangster Al Capone, and as a Dade County circuit judge.

A Broward County native, Mr. Crawford is a Fort Lauderdale attorney, Vice-Chairman of the Historical Commission, and serves on the Board of Trustees of the Fort Lauderdale Historical Society. He has done extensive research on Broward County legal and judicial history.
around there is no hand we shall be more glad to shake than that of Judge Giblin [emphasis added].

Early Professional Career

After graduation from law school, Giblin became a law clerk in the office of U.S. Attorney John L. Neely in Pensacola, in July of 1918. Three months later, Giblin was admitted to practice law before the Supreme Court of Florida. After a short stint with the U.S. Attorney's office, Giblin became a law clerk in the Pensacola office of E. C. Maxwell, a former justice of the Florida Supreme Court.

A year later, William A. Blount, who was general counsel for the Flagler interests, sent Giblin to Jacksonville, where he became chief clerk in the legal department of the Florida East Coast Railway under Scott M. Loftin and Robert H. Anderson. Both Blount and Loftin would later become presidents of the American Bar Association.

In 1921, and for the next four years, Giblin was associated with Jacksonville attorney Giles J. Patterson, who would later become president of the Florida Bar. In 1925, Giblin moved to Fort Lauderdale, where he specialized in corporate practice, representing the railway company as well as insurance, real estate, and other companies. During his two years of private practice before assuming the Broward bench, Giblin accepted no criminal, divorce, or negligence cases. Longtime Fort Lauderdale attorney G. Harold Martin, a contemporary of Giblin's, remembers the twenty-eight-year-old Alabaman as "undoubtedly the best lawyer in the county, and probably the best in the state" at that time.

Broward County in the Twenties

In Broward County, the "Roaring Twenties" marked the rise of the "developer city." At the peak of the land boom, Broward real estate developers were instrumental in the creation of the towns of Davie (1925), Deerfield (1925), Hollywood (1925), Oakland Park (then Floranada, 1925), Hallandale (1927), and Lauderdale-by-the-Sea (1927).

At its creation in 1915 out of the southern part of Palm Beach County and the northern section of Dade, Broward County joined its two parent counties in the Eleventh Judicial Circuit. In the beginning, Broward County had only one judge, County Judge Jacob Frederick Bunn, who served until 1920. Fred B. Shippey, whose uncle, J. A. B. Shippey, had been a judge and a long-time lawyer in Dania, succeeded Judge Bunn and served until ill-health forced his resignation in 1933.

In 1917, the Fifteenth Judicial Circuit, incorporating Broward, Palm Beach, St. Lucie, and Okeechobee counties, was created. Initially, E. B. Donnell sat in West Palm Beach as judge of the new circuit; in 1923, C. E. Chillingworth succeeded Donnell. In 1925, legislation was passed reconstituting the Fifteenth Judicial Circuit out of Broward and Palm Beach counties alone.

By 1920, Broward's population had barely increased from an estimated 4,763 at its inception to 5,135. Developers began dredging and clearing mangrove swamp at New River Sound to create island subdivisions, and a year later, Joseph Young started development of land soon to become the town of Hollywood. From 1920 until 1925, the population nearly tripled to 14,242. The Florida Land Boom had begun in earnest.

Photo of Vincent Giblin from the Notre Dame yearbook, The Dome, 1918 (courtesy of the Notre Dame Alumni Association).

Twenty-Second Judicial Circuit Created

Giblin Appointed Broward's First Circuit Judge

In 1927, at the urging of the Broward County Bar Association, the Florida Legislature passed an act signed into law by Governor John W. Martin, creating Broward County's own judicial circuit—the Twenty-Second Judicial Circuit. The legislature appropriated $168,000 for all twenty-eight circuit courts in Florida; Broward's share was $6,000. (Florida's governor was then paid $10,000 annually.)

Following the unanimous recommendation of the Broward County Bar Association, and over the Ku Klux Klan's objection to a Roman Catholic candidate for judge, Governor Martin appointed twenty-nine-year-old Fort Lauderdale lawyer Vincent C. Giblin as Broward County's first circuit judge. After the Florida Senate confirmed the appointment, Giblin assumed chambers temporarily on the fifth floor of the First National Bank building (later the Sweet Building and now known as the One River Plaza building) at Las Olas Boulevard and Andrews Avenue, pending the con-
The election campaigning preceding Tedder’s victory divided both the Bar and the public at large.

Noting Giblin’s speed and efficiency in disposing of the cases before him, the majority of the local bar association, in a newspaper advertisement, endorsed Giblin’s election over Tedder. “Since his appointment, Judge Giblin has disposed of some 1200 cases and we believe that he has accomplished a feat in doing this that has been accomplished by very few judges in this State.”

Responding to a “rumor” during the campaign that Judge Giblin had been “shielding and protecting former officials of...defunct banks from prosecution for alleged violations of the State banking laws,” Broward state attorney Louis Maire in an open letter published in the Fort Lauderdale Daily News stated that he knew both Tedder and Giblin and that he held the “highest regard for the integrity of both.”

Inviting those with “evidence” of illegal banking activities to step forward, Maire further advised

Fort Lauderdale in the 1920s, looking south on Andrews Avenue.

in the 1928 Democratic preferential primary, Judge Giblin, who had been backed by the overwhelming majority of the members of the Broward County Bar Association, was defeated by former Madison County judge George W. Tedder by 611 votes.

construction of the new courthouse building at the northwest corner of Third Avenue and Southeast Sixth Street.

In one of Judge Giblin’s more humorous cases, a woman in her twenties and her husband sued an eighty-year-old man (who was barely able to walk) on the grounds that the octogenarian had seduced her. Prominent Fort Lauderdale attorney Carl Hiaasen answered the lawsuit by pleading in a number of foreign languages including Russian, Greek, and Sanskrit. When the lawyer for the seduced woman got the pleading, he protested that “not one word of this is in English.” Conceding the incomprehensible nature of the language, Judge Giblin quizzed the complaining lawyer: “Show me where the law says a pleading must be filed in the English language.” Eventually the case died for lack of further action. While a Broward circuit judge, Giblin also served for a brief period on the Florida Supreme Court in early 1929 as a substitute for Justice Louie W. Strum, who was ill. Judge Giblin authored five opinions during his tenure on the Supreme Court.

Tedder Wins Democratic Party Nomination Over Giblin

Judge Giblin would serve as Broward’s first circuit judge, however, only two years and five months. The year following his appointment,
the newspaper's readers that it was his responsibility, and not the circuit judge's, to prosecute criminal conduct.26

In what appeared to be a criticism of Giblin's background in representing the Flagler railroad interests, Tedder's advertisements emphasized Tedder's business and professional independence, noting that Tedder was "not backed by railroad corporations, special interests, or their paid attorneys."27

The Giblin-Tedder contest represented a milestone in Broward political history. During what was then reported to be the "first address given in [Fort Lauderdale] for a county candidate other than by the aspirant himself," prominent local attorney Thomas G. Farmer in a Stranahan Park speech attempted to address what he believed were three misconceptions which had arisen during the campaign concerning Judge Giblin.28 Responding to charges that Giblin had "directed verdicts for the defendant or plaintiff," Farmer asserted that Giblin had the duty under the proper circumstances to take the case from the jury since "[t]he law books from the north to the south say that all judges must do that thing."29

Advertting to criticism that Giblin had been "strict with juries," Farmer cited Florida statutory law as permitting Giblin to excuse only those jurors who satisfied the legal requirements for dismissal.30 Finally, Farmer criticized the implication in an advertisement that Tedder, because he had been a county judge in Madison County for five years, was better qualified than Giblin, who had only been a judge for one year. Farmer pointed out that at the time Tedder was elected to the county bench he was not a lawyer; that Tedder had only been admitted to practice in 1922, four years after Giblin had been admitted; and, finally, that Tedder's jurisdiction as a county judge was far below the jurisdiction of a circuit judge: only $100 in civil cases.31

One year after Tedder's election, Florida Governor Doyle E. Carlton, who succeeded Martin, appointed Tedder as Broward circuit judge on June 19, 1929; his appointment was
confirmed by the Florida Senate the same day.32 Tedder was commissioned on June 20, 1929.33

**Giblin Refuses to Relinquish Judicial Seat**

Even before Tedder’s commissioning, Giblin had refused to relinquish his seat on the bench, contending that he had been appointed to a six-year term.34 Requesting that Governor Carlson secure an advisory opinion from the Florida Supreme Court to settle the controversy, Giblin stated in a public announcement at the time that he had no intention of asking that the governor appoint him over Tedder:

> I did not ask Governor Carlson for an appointment or re-appointment. . . . I expressly stated to Governor Carlson that if it is in his power or discretion to appoint any one to the office of circuit judge, I would expect him to appoint the nominee of the 1929 primary [Tedder].

> My position, briefly stated, is that when I was appointed in 1927, by Governor Martin, I then was appointed for a term of six years; that therefore, there will be no vacancy in 1929 which Governor Carlson may fill by appointment.

The primary, insofar as the office of circuit judge is concerned, is held for the purpose of nominating a candidate for appointment to fill a vacancy. But if there is to be no vacancy, the primary should not have embraced the nomination of a candidate for the circuit judgeship.35

One month later, Giblin continued to insist that he had been appointed for a six-year term, signing orders the day after his judicial commission had allegedly expired.36 In fact, Giblin would continue to sign orders months after Tedder had been appointed.

**Quo Warranto Litigation in the Florida Supreme Court**

Hotly-contested litigation followed in which *quo warranto* proceedings were brought in the Florida Supreme Court seeking the ouster of Giblin from office.37 These proceedings, filed by Florida attorney general Fred Davis, were instituted by the Fort Lauderdale law firm McCune, Haasen & Fleming on June 24, 1929. That law firm’s avowed purpose in commencing the litigation was to settle the question who was entitled to the office of circuit judge, since Judge Giblin was still signing orders after Judge Tedder had received his commission on June 20th.38 Oral arguments on the case were held on July 5th, during which the court allowed both sides in the controversy ten days in which to file reply briefs.39

Judge Tedder was to have been represented at the hearing by Judge William H. Price of Miami, the law firms of Rogers & Morris, Roach & Hoyl, Thomas Swanson, C. E. Farrington, and Crim & Cook of Fort Lauderdale; McCune, Haasen & Fleming were to have been associated with Florida attorney general Fred H. Davis. Giblin was to have been represented by James M. Carson of Miami, John C. Cooper, Jr. of Jacksonville, and the Fort Lauderdale law firm of Baxter, Byrd & Walton.40 A decision was expected within fifteen to thirty days, and was expected to affect “several of the presiding circuit judges” in the state.41 The court, however, would not issue its decision for months after oral argument, leaving Giblin to continue to issue orders and decrees after Tedder’s gubernatorial commissioning.42

In October 1929, apparently attempting to spur the higher court into action, Giblin filed two *quo warranto* actions43 with Clerk of the Circuit Court Frank Bryan, the second of which Giblin himself personally served on Tedder since the sheriff refused to do so.44 They were soon abandoned. Both Giblin and Tedder disqualified themselves from hearing the latter case; Dade Circuit Judge W. L. Freeland heard the matter in the absence of any Broward circuit judge qualified to act. Just eleven days after Giblin filed his second *quo warranto* proceeding against Tedder, the Florida Supreme Court, then comprised of six justices, on October 30, 1929, issued an evenly divided opinion on the question, leaving both judges in office.45 One of those justices who voted for Giblin’s ouster, interestingly, was Justice Louie Strum, in whose absence Giblin had served by assignment when Strum was ill just a few months earlier.

Broward County thus had two circuit judges occupying the same office and exercising jurisdiction over the same cases. Both continued to conduct business as circuit judges occupying the same seat, but in different places: Tedder occupied chambers in the new 1928 Broward County courthouse; Giblin retired to offices on the fifth floor of the First National Bank Building (formerly the Sweet Building, now One River Plaza Building) at Las Olas Boulevard and Andrews Avenue.

**Florida Comptroller Refuses to Pay Giblin — Giblin Wins Mandamus Litigation in Leon County Circuit Court**

After Tedder’s commissioning as Broward’s second circuit judge on June 20, 1929, Florida comptroller Ernest Amos issued warrants in payment of Tedder’s salary but refused payment to Giblin. Apparently weary over the controversy (no one knows exactly why), Giblin resigned on November 7, 1929 and moved to Miami.46 Just six weeks later, however, on December 27, 1929, Giblin brought mandamus proceedings in the Leon County Circuit Court in Tallahassee seeking an order requiring Amos to pay Giblin his salary for the four-and-one-half-month period from June 20th (the date of Tedder’s commission) until November 7th (the date of Giblin’s resignation), in 1929.47 The case was heard by Tallahassee judge John B. Johnson, of the Second Judicial Circuit.

Amos, through Florida Attorney General Fred H. Davis, responded the next day, December 28, 1929, by asserting that Giblin had not been paid because Tedder had been appointed by the Governor and confirmed by the Senate on June 20, 1929, and had been duly issued a commission for the office of Broward circuit judge. That same day, Judge Johnson entered a peremptory writ of mandamus ordering Amos to pay
Giblin a salary for the period June 20, 1929 through November 7, 1929.66 Broward County thus had two circuit judges occupying the same seat for four and a half months in 1929, albeit in different places, with both receiving state salaries.

Giblin Moves to Miami —
Represents Capone
Carlton Bans Capone From Florida

On March 19, 1930, less than four months after Giblin had moved to Miami, Governor Carlton "banished" Capone from Florida following his release from a Pennsylvania prison, ominously advising Florida law enforcement: "It is reported that Al Capone is on his way to Florida. Arrest promptly if he comes your way and escort him to the state border. He cannot remain in Florida. If you need additional assistance, call me."67 Governor Carlton appealed to all citizens "to cooperate by all legitimate means towards ejecting a public menace and impostor and to exterminate the growth of organized crime." To Miami's prosecutor, allowing Capone to live there was like allowing "a rattlesnake to live in a garden where it could bite children."68

Giblin & Gordon Obtain
Federal Injunction Barring Ban — Papers Served on Sheriffs in 20 Counties

Within days of Carlton's ban on Capone, Giblin, now in Miami and in association with J. Fritz Gordon, who would also later become a Dade County circuit judge, prosecuted a federal civil suit on behalf of Capone, resulting in an injunction on March 28, 1930 forbidding law enforcement officials in Florida from interfering with Capone.69 Giblin had a copy of the injunction served on the sheriffs of twenty counties in Florida through which Capone was likely to travel to reach his Miami residence, preventing them from stopping Capone's move to the Sunshine State.70 The injunction restrained the sheriffs from "seizing, arresting, kidnapping and abusing" Capone.71

Following his legal victory, Capone stated: "I have no interest in politics, neither in Chicago nor Miami. I am here for a rest, which I think I deserve. I have done nothing in violation of the law in Miami and will not. All I wish is to be left alone and enjoy the home I purchased here."72

Dade County Attempts to Padlock Capone Mansion —
Capone Arrested for Vagrancy
Four Times

Less than one month later, however, on April 22, 1930, Dade County State Attorney N. Vernon Hawthorne instituted injunction proceedings seeking to padlock Capone's Palm Island mansion as a public nuisance, alleging that the residence was a "re-treat" for all classes of criminals, rackets and fugitives from justice," that Miami Beach "real estate values" had been affected by Capone's presence,73 and that the mansion was "a place where liquor was kept and served."74

On May 13, 1930, while Capone and his companions, including Giblin, were attending a boxing show at the American Legion building in downtown Miami, city police arrested Capone. Capone was later detained in the city jail for "investigation," and remained there overnight, since Giblin could not find a judge to issue a writ of habeas corpus.75 In all, during the month of May, Capone was arrested four times for "vagrancy." Giblin swore out warrants against city authorities, charging them with conspiracy to deprive Capone of his liberty.76

On June 10, 1930, Dade Circuit Judge Paul D. Barns began hearing State Attorney Hawthorne's nuisance suit. The state subpoenaed fifty witnesses to testify; the defense team, headed again by Giblin and Gordon, summoned thirteen.77 On Friday, June 13, after calling dozens of witnesses, the state rested its case. Without calling one defense witness, Giblin and Gordon immediately moved for a dismissal of the suit, Giblin arguing in open court:

... that the existence of a nuisance at or on the premises at the time of the filing of the bill of complaint has not been shown; on further grounds that if any nuis-
nance ever existed it was abated long prior to the institution of the suit, and that the defendants appearing for the state have testified that at the time the bill was filed there was no nuisance on the premises and no nuisance has been maintained or conducted on the premises since the institution of this suit. 60

Giblin’s expert argument on behalf of America’s “public enemy number one” carried the day. The next day, Saturday, June 13, 1930, Judge Barns granted Giblin’s dismissal motion, ruling that the state had not proven the allegations in its bill of complaint that Capone’s Palm Island mansion was a “nuisance.” 61 Demonstrating admirable courage in the face of overwhelming public opposition to Capone’s presence in the community, Barns stated the rationale for his decision:

The positive testimony of all of the witnesses appears to be true. I am not inclined to question any of it.

The nuisance statute was enacted to provide that neighborhoods could protect themselves against invasions of certain rights, but the law does not provide for the expulsion of undesirables, as such.

It is evident that liquor has been served liberally upon the premises on at least several occasions, and that on one occasion before the arrival of the owners, eight sacks of liquor were seized under a search warrant; that the premises are occupied by Al Capone whose reputation is known generally by all.

It is apparent that the popular action to take in this matter would be to enjoin Al Capone from further occupancy of the premises, and if the proof would justify it this order should certainly be reversed, but if I am to abide by my oath, I can not do it, believing that even under the proof, the only cause of annoyance is the mere presence of Al Capone upon the premises. 62

Capone’s freedom from the courtroom, however, would be short-lived. Within minutes of Barns’ decision dismissing the padlocking suit, Dade deputy sheriffs were sent out to serve four perjury warrants upon Capone. 63 Those warrants emanated out of four alleged false statements made by Capone while on the witness stand during the May 27 preliminary trial of Miami public safety director S. D. McCreary in the justice of the peace court on Capone’s charges of false arrest and false imprisonment. 64

McCreary previously had caused Capone’s arrest on four occasions, three without warrants. 65 Dade County solicitor George McCaskill charged in the perjury warrants that Capone had falsely testified against McCreary in the preliminary hearing: 1) that McCreary had denied Capone the right to use a telephone to call his attorneys and friends; 2) that McCreary had denied him a receipt for valuables and had ordered his valuables thrown in the jail toilet; 3) that McCreary had ordered that Capone be given no food, water, or blankets; and, 4) that McCreary had told Capone he would arrest both Capone and members of his family, including his wife and child, if they were with him when he came to Miami. 66 Capone was later released after posting a $14,000 appearance bond. 67

McCaskill, facing strong opposition in a campaign to retain his office as county solicitor, unwittingly filed the perjury charges against Capone before a decision had been
handed down in McCreary's false arrest case. Giblin and Gordon, in an adroit legal maneuver, submitted argument to Justice of the Peace Newcomb in support of a request that the preliminary hearing be reopened so that additional testimony could be taken from Capone, even though the case was technically closed and under consideration. Newcomb granted Giblin's request and reopened the case to allow additional testimony. Giblin then put Capone on the stand again to clarify the testimony that he had given in the May 23 justice-of-the-peace court hearing. Giblin led Capone through a step-by-step reconsideration of his prior testimony:

"Mr. Capone, do you remember your previous testimony?" Mr. Giblin asked.

"I do," Capone answered.

"Do you remember testifying that at the police station you made a request to use the telephone?"

"That's the part I want to correct, with permission of the court. I was excited about my valuables and do not remember if I asked or not. I know that I asked the officer in the police car on the way to the police station if I would be allowed to use the telephone."

"That was in Biscayne Boulevard?" Mr. Giblin asked.

"Yes, sir."

"Was there any similar request made at the police station?" Mr. Giblin asked.

"Not to the best of my knowledge," Capone answered.

"Is the rest of your testimony as transcribed true?" the attorney asked.

"To the best of my knowledge, I wouldn't swear to it," Capone said. [emphasis added.]

Following Capone's testimony, Justice of the Peace Newcomb dismissed the false arrest and imprisonment charges against McCreary. Later, McCaskill filed four new informations restating the original perjury charges against Capone, but the county solicitor ultimately was forced to drop those charges because of the recanted testimony.

A year later, following Giblin's victories over the Miami legal establishment on behalf of Capone, the notorious gangster apparently refused to pay Giblin's bill for legal services rendered. One author states that when Capone balked at paying "Giblin's fee of $50,000, the former athlete [Giblin] stormed into his [Capone's] home, grabbed him [Capone] by the shirtfront and threatened to knock his teeth down his throat. Capone was so startled that he handed over what cash there was in the bedroom chest." This author goes on to state that the Giblin & Gordon law firm later sued to collect the balance of the fee.

Another author gives a similar account; that author opines, however, that the Miami fee litigation was contrived by Capone and his lawyers in a clever attempt to delay a hearing in Capone's income tax evasion case in Philadelphia.

**Giblin Assists Capone in Acquiring Capone Island Tract**

In June 1930, Giblin also assisted Capone in quietly acquiring title to vacant property in Broward County later known as Capone Island, and now known as Deerfield Island Park. According to a deed filed for record on June 30, 1930, Giblin, as trustee for an undisclosed beneficiary or beneficiaries, acquired title to property described in part as: "Government Lot 2, lying west of the Florida East Coast Canal in Section 5, Township 48 South, Range 43 West and all of that part of Government Lot 3 lying north of the Hillsborough Canal."

Noting that Giblin, a former Broward circuit judge, was Capone's attorney, the *Miami Herald*, in an article reporting the transaction, described the "35-acre" parcel as "part of the former Mizner development in Boca Raton and is south of Boca Raton club (now, Boca Raton Hotel and Club) developed by Clarence Geist at a cost of $6,000,000." Giblin declined at the time to state for whom he was acting.

Capone intended to build a mansion there, but the Boca Raton town council apparently spoiled his dream by requiring him to build an access road from the peninsula to the town. After Capone was imprisoned for income tax evasion in 1931, the Town of Deerfield foreclosed on the peninsula for back property taxes and turned it over to the Florida Inland Navigation District in 1934. In 1961, the peninsula became an island with the dredging of the Royal Palm Waterway. The name of the property was changed from Capone Island to Deerfield Island Park in 1980, when Broward County developed it under lease from the state. Technically, a fifteen-foot-wide easement on the northern edge of the island, along the Royal Palm Waterway, is in Boca Raton. The rest is in Deerfield Beach and belongs to Broward.

Years later Giblin commented on his representation of the notorious gangland leader: "The last thing in the world I wanted right then was a criminal practice but suddenly I had it and it cost me money. Some of my best business clients dropped me like a hot potato. It was not politically expedient to have been Capone's attorney." Giblin, who had embarked upon the practice of law in civil practice, resigned to the inevitable and made criminal practice his forte. Performing brilliantly in his new-found area of expertise, Giblin lost only a handful of criminal cases in all the years he practiced.

**Giblin Cited for Contempt Three Times**

After representing Capone, Giblin's legal reputation continued to grow. Giblin was also known to stand up to Dade's judges, earning a reputation as a feisty and no-nonsense attorney. "As a practicing attorney, Mr. Giblin was sentenced to jail by three different circuit judges for contempt of court but he beat all three cases by applying the one yardstick of his life—the law." On one of those occasions, in 1947, Giblin was sentenced by Dade Circuit Judge Charles A. Carroll to thirty days in jail and fined $2,000 for making a personal attack on Judge Stanley Milledge. In a suit Giblin brought to stop gambling operations at a Miami club, Giblin sought dismissal of the action, which initially had been assigned to Judge Milledge, accusing the judge of bias in favor of the operators of the club. In overturning
that contempt citation, the Florida Supreme Court later ruled that since the motion alleging bias was filed pursuant to a statute authorizing the relief requested, Giblin’s statements were privileged.81

Giblin Serves as Circuit Judge a Second Time — This Time in Dade County

In the fifties, Giblin served as a circuit judge a second time — this time as circuit judge in Dade County for eight years from 1951 until 1959. On August 12, 1952, Giblin announced his candidacy to fill the unexpired term on the Florida Supreme Court of Justice Roy Chapman, who had died just a few days prior to Giblin’s announcement. Sometime later, Florida Governor Fuller Warren announced the appointment of West Palm Beach attorney E. Harris Drew to fill Chapman’s unexpired term.82

During the campaign with Drew, Giblin was an outspoken critic of proposals to increase the number of justices from seven to ten. Giblin was reported to have stated that Florida needs more competent justices rather than more justices, and said that figures being circulated to prove the need were a “hypocritical sham.”83 Giblin also said that the office of chief justice should be occupied by a “dominant figure who can give orders and see that they are carried out” rather than “rotated among the justices so all can have the honor of being chief justice.”84 Giblin lost the election by a narrow margin, conceding the race after an analysis of early returns when he was 1,137 votes ahead.85

From 1952 until 1957 Judge Giblin taught civil procedure courses as a part-time lecturer at the University of Miami law school. Fort Lauderdale lawyer John Payne remembers Judge Giblin as a colorful and interesting speaker who often regaled his night school law classes with stories of Giblin’s Capone representation. One Giblin story Payne remembers particularly well involved an occasion when Giblin had been invited to dinner at the Capone Palm Island mansion. When Capone’s formally-attired dinner guests began to seat themselves, Giblin was rather shocked to see shoulder holstered pistols underneath the jackets of many of Capone’s male guests.86

As a Dade judge, Giblin opposed “quickie” divorces, vehemently criticizing from the bench Florida’s then ninety-day residency requirement, and railing against “ineffecual practices of some members of the bar.”87 In 1953 Judge Giblin appointed Miami attorney Abe Aronovitz as “friend of the court” to investigate all divorces granted in Dade County since January 1, 1953, and determine how many persons who gave Florida addresses were still living in the state. Giblin also directed the Dade state attorney to bring disbarment proceedings against an unnamed Miami lawyer who was involved in a divorce action the judge called “fraudulent.” Giblin publicly announced that he was going to continue to deny divorces to “migratory perjurers who come here to rid themselves of the responsibility of marriage assumed in another state.”88

Giblin during the McCarthy Era

During the McCarthy era, Giblin was strongly anti-Red, regularly inveighing against American apathy in facing up to the internal threat of Communism. Speaking several times weekly at civic clubs, social and other groups in 1954, Giblin would also defend his disbarment of Miami attorney Leo Sheiner, whom Giblin disbarred in September, 1953, because Sheiner invoked the Fifth Amendment when questioned in court about his Communist affiliations.89 In one such speech, Giblin criticized the press for letting Red propaganda creep into its news columns, stating: “What they can’t seem to realize is that this army of Communists has landed and is trying to destroy us from within.”90

During his tenure as a Dade circuit judge, Giblin sat for the second time as a judge on assignment to the Florida Supreme Court, authoring as associate justice five opinions for the court in 1954.91 Giblin also sat as an associate judge of the Third District Court of Appeal, and in that capacity authored opinions for the appellate court in two cases in 1958 and 1959.92

Harris Drew, who defeated Giblin for a seat on the Florida Supreme Court.

Judge Giblin Arrested; Resigns Bench a Second Time

On January 23, 1959, Judge Giblin’s second wife, Virginia, was driving him to court when Virginia was stopped for speeding. Giblin tried to explain who he was and that he was going to court, but the Coral Gables police officer would have none of it. Giblin drove away, resulting in the arrest of both Giblin and his wife.93

The case ended up in Dade circuit court, which ruled that the Coral Gables municipal court had no right to try the judge on charges emanating from his wife’s speeding charges. Coral Gables appealed to the District Court of Appeal, which reversed the case and ruled in favor of the city. Giblin then appealed the District Court of Appeal’s decision to the Florida Supreme Court, which reversed the District Court of Appeal and ruled in Giblin’s favor.94

Giblin’s wife then brought a damage suit against Coral Gables, which resulted in a $34,000 award to Mrs. Giblin, but that judgment was overturned after Coral Gables appealed to the District Court of Appeal.95 By then, Giblin had already resigned for the second time in a ju-
Association cocktail party, Giblin was told the next day that he had been singing with his arm around his worst enemy. Swearing off booze for four years, Giblin remarked: "Anytime the stuff makes me buddy up to that so-and-so it's time to quit."

Giblin died in 1965 in Miami Beach of colon cancer at the age of sixty-seven. One of the many obituaries appearing in the local newspapers following his death stated that Giblin "was held in high regard for his knowledge of the law, even by attorneys who objected to the limelight that seemed to seek him."

Notes

1. Personal interview with Tom Jennings, Public Information Officer, City of Mobile (Alabama) Police Department on April 20, 1995.
2. Arthur J. Hope, *Notre Dame: One Hundred Years* (South Bend, IN: Leaves Press, 1978), 369. It was not until 1928 that college work was a prerequisite for admission to the College of Law.
3. The Dome (South Bend, IN: University of Notre Dame, 1918), 65.
4. The word "skiver" is archaic; it meant "to absent oneself from a hall, without permission, after hours, at night, for private reasons." If apprehended, the skiver was "compelled immediately to pack (his) trunk and forever go." Richard Sullivan, *Notre Dame: Reminiscences of an Era* (South Bend, IN: University of Notre Dame Press, 1951), 146-147. The term "Skivers' Court" apparently referred to a college disciplinary court.
5. This may be the Father Andrew Morrissey [spelled with two r's and two s's] who became the eighth president of the University of Notre Dame in 1893 and remained in office until his resignation in 1905. Thereafter, Father Morrissey served as Provincial, and later as Coadjutor Superior General; he died in 1921 at the age of sixty-one. Hope, *Notre Dame: One Hundred Years*, 252, 279, 352.
6. The University of Notre Dame celebrated its centennial on November 26, 1942, some twenty-four years after Giblin's graduation from law school and thirteen years after his investiture as Broward's first circuit judge. *Ibid.*, Preface to First Edition, xi. Nine years after the centennial, Judge Giblin would be judge again; this time in Dade County.
7. The Dome, 65.
21. *City of Jacksonville v. Broward*, 122 So. 521 (Fla. 1929); *Seaboard Airline Ry. Co. v. Tampa Southern R. Co.*, 121 So. 477 (Fla. 1929); *Brett v. First National Bank of Marianna*, 120 So. 554 (Fla. 1929); *McKinney v. Gainey*, 118 So. 917 (Fla. 1929); *Vance v. Rovers*, 118 So. 205 (Fla. 1929).
23. The author acknowledges Donald G. Lester, "Broward Politics, 1928-1938: Political Influence in Depression Era Broward," *Broward Legacy*, vol. 13, nos. 3-4 (Summer-Fall 1990) as the starting point for researching Judge Giblin's biographical history. This article contains background information on Broward County's political, legal, and judicial affairs in the late 1920s and early 1930s. See also Donald G. Lester, "The Darsey Case: Little Scottsboro Revisited," *Broward Legacy*, vol. 11, nos. 1-2 (Winter/Spring 1988), and Roger Fleming and Ron Cole, "Lawyers and the Law in Early Fort Lauderdale," *New River News*, vol. XXII, no. 2 (Fall 1983) for additional background material on Giblin and other lawyers in Fort Lauderdale in the late 1920s.
29. Ibid.
30. Ibid.
31. Ibid.
35. Ibid.
37. The Latin phrase quo warranto literally means "by what authority." A quo warranto proceeding is a law suit designed to test the right of a public official to hold office.
39. Ibid.
41. "Judge Tedder and Attorneys Return to City," Ibid., July 8, 1929.
43. State ex rel. Giblin v. Tedder, Broward Circuit Court, quo warranto proceeding filed on October 7, 1929; "Quo Warranto Proceedings Against Judge," Fort Lauderdale Daily News, October 8, 1929.
44. "Giblin-Tedder in Legal Skirmishing—Sheriff Refuses to Serve Papers, Giblin Presents Himself," Ibid., October 18, 1929.
45. State ex rel. Davis v. Giblin, 98 Fla. 802, 124 So. 375 (Fla. 1929).
47. State ex rel. Giblin v. Amos, mandamus action, Leon County Circuit Court, Case No. 1681, Docket No. 5, 161, December 28, 1929.
51. Schoenberg, Mr. Capone, 254-55, supra, at n. 49.
52. "Capone, Finally Arriving in Miami, Wants Only Peace and Quiet During His Vacation," Palm Beach Post, April 21, 1930; "Capone Injunction Hearing Is Ordered," Palm Beach Post, April 22, 1930. The initial injunction was only temporary; it was made permanent at a subsequent hearing before Miami federal judge Halstead L. Ritter on April 25, 1930. "Capone Is Protected by Permanent Order," Palm Beach Post, April 26, 1930.
53. Kobler, Capone, 284, supra, at n. 50.
58. Kobler, Capone, supra, at n. 50.
63. Ibid.
64. Ibid.
65. Ibid.
66. Ibid.
67. Ibid.
68. "Blunder Seen Aiding Capone to Freedom," Ibid., June 20, 1930.
69. Ibid.
70. "Capone to be Called Today for Hearing," Ibid., July 10, 1930.
71. Kobler, Capone, 284, supra, at n. 50.
72. Schoenberg, Mr. Capone, 311-12, supra, at n. 49. This author's account is well-documented.
73. Warranty Deed executed by E. B. Davis, Incorporated in favor of Vincent C. Giblin, Trustee, on June 7, 1930, and recorded on June 30, 1930 in Deed Book 216, at page 519, of the Public Records of Broward County, Florida.
75. Final Decree, Town of Deerfield, etc. v. First Hollywood Bank, etc., et al., Chancery Case No. 6926, filed for record on November 3, 1934 in Minutes Circuit Court Book 17, 413, and recorded in Book 73, 413 et seq., of the public records of Broward County, Florida. The decree reflects Giblin as married to "Julia L. Giblin." In the 1950s, public records would indicate that Giblin's wife was Virginia Giblin. Judge Giblin's nemesis, John Kobler, signed the final decree foreclosing any interest Giblin may have had in the property.
76. Tax Collector's Deed executed by R. R. Richardson, as Tax Collector of the Town of Deerfield, in favor of the Board of Commissioners of the Florida Island Navigation District ("FIND") on December 11, 1934, and recorded on December 21, 1934 in Deed Book 253, at page 426, of the public records of Broward County, Florida. Microfilm copies of this instrument are somewhat illegible. Legible copies of this and other instruments by which FIND acquired title to the Capone Island tract are in the offices of FIND, Jupiter, Florida, in the FIND Property Ownership Record for FIND Designation: MSA 702 Group (Capone Tract); another copy of the Property Ownership Record is in the Broward County Historical Commission archives. FIND also has an abstract of title to the property. An abstract of title to the Capone tract alone, Attorney's Title Insurance Fund, Inc. Abstract No. 10-94-13185, which was compiled from public records recorded June 1, 1930 through August 1, 1994, is in the archives of the Broward County Historical Commission.
77. "Serene Sanctuary, Racketeer's Dream Has Evolved into County Park Nestled in the Wilderness," Sun-Sentinel (Fort Lauderdale), May 15, 1949, 9.
78. "Ex-Judge Giblin...," supra, at n. 19.
79. Ibid.
81. Giblin v. State, 29 So. 2d 18 (Fla. 1947) (en banc).
83. Ibid.
84. Ibid.
86. Comments made by John H. Payne at a lecture on Giblin by the author for the Broward County Historical Commission held on Tuesday, November 22, 1994, at the Broward County Main Library. A tape recording of the lecture and the comments made by Payne and others who knew Giblin is in the Commission's archives.
87. "Ex-Judge Giblin...," supra, at n. 19.
89. In Scheiner v. State, 82 So. 2d 657 (Fla. 1955), the Florida Supreme Court reversed Giblin's judgment disbarring Scheiner on double jeopardy grounds. That decision was reiterated in a second proceeding brought to disbar Scheiner which, like the first, did not succeed. State v. Scheiner, 112 So. 2d 571 (Fla. 1959).
91. Porter v. Meigs, 74 So. 2d 82 (Fla. 1954); In re Peterson's Estate, 73 So. 2d 225 (Fla. 1954); Warn v. Board of Public Instruction of Duval County, 73 So. 2d 61 (Fla. 1954); State ex rel. v. Harlow, 72 So. 2d 666 (Fla. 1954); Dickler v. Gates, 72 So. 2d 393 (Fla. 1954).
94. Ibid.
95. City of Coral Gables v. Giblin, 127 So. 2d 914 (Fla. 3d DCA 1961), affirmed, Giblin v. City of Coral Gables, 149 So. 2d 561 (Fla. 1963). Virginia Giblin would continue the litigation long after her husband, Vincent, had passed away. See Giblin v. City of Coral Gables, 206 So. 2d 434 (Fla. 3d DCA 1968).
96. "Ex-Judge Giblin...," supra, at n. 19.
97. Ibid.