million to make refurbishments; the Philadelphia investor also created the Spanish River Land Company to take title to all remaining Mizner properties, including the Boca Raton parcels to the north of the Giblin tract. The newly-renoated inn officially opened as the exclusive Boca Raton Club on January 5, 1930. To the south, in Broward County, the neighboring Giblin tract, like so many early southeast Florida land parcels, would find its genesis in the millions of acres of swamp and overflowed lands the federal government had granted the State under the federal swamp act of 1850.

Chapter One

FLORIDA PUBLIC LANDS AND THE CAPONE TRACT: THE EASTERY PARCEL

Capone Tract Was Originally “Swamp and Overflowed” Land

More than a hundred years before Giblin’s purchase of the so-called “Capone tract,” after an 1822 act of Congress established the Territory of Florida, the federal government continued to own the East and West Floridas that Spain had ceded the United States in 1819. Federal policy was then to preserve the lands under navigable bodies of water and tidelands for the benefit of the future state of Florida and to so utilize the uplands including swamp and overflowed lands as to encourage their settlement, reclamation and cultivation. When Florida was admitted into the union in 1845, the state became entitled to all lands under navigable waters and tidelands within its territorial limits, on “equal footing” with all other states. Uplands, including swamp and overflowed lands, however, remained the property of the federal government, and were held for the purposes of such grants as were to be made or authorized by Congress. Under an act of Congress approved September 28, 1850, the federal government began to select and patent to the new State of Florida certain swamp and overflowed lands. “Swamp” lands were those lands designated as requiring “drainage to dispose of needless water or moisture on or in the lands, in order to make them fit for successful cultivation.” “Overflowed” lands, on the other hand, were those covered by non-navigable waters or were “subject to such periodic or frequent overflow of water, salt or fresh as to require drainage or levees or embankments to keep out the waters, and thereby render the lands suitable for successful cultivation.”

Under an 1855 act of the Florida Legislature, title to federally-patented swamp and overflowed lands vested in the governor and four other state officers, now the comptroller, state treasurer, attorney general and commissioner of agriculture, and their successors in office, as trustees of the internal improvement fund. Comprised not only of swamp and overflowed lands, but also other state lands and the proceeds of their sale, the fund was to be used to secure essential state “internal improvements” and to foster settlement and cultivation of state lands. To encourage the development of those improvements, the Florida Legislature, in 1879, authorized fund trustees to convey to railroad and canal construction companies the alternate sections of swamp and overflowed lands lying within six miles on either side of each six miles of railroad or canal constructed.

On February 14, 1880, only thirty-five years after Florida attained statehood, the federal government patented to the state lands that would later become the Capone Island tract in what was then Dade County among more than two million acres of swamp and overflowed lands, pursuant to the provisions of the federal swamp lands act. Under the act, the federal government would grant to the new State of Florida nearly twenty-two million acres of such lands, approximately fifty-eight percent of the state’s total land area.

In 1880, the Florida peninsula was still a vast, undeveloped expanse of largely unpopulated land. The geographical limits of what was then Dade County encompassed an area of 7,200 square miles and extended from the St. Lucie Inlet to the southern end of the Florida peninsula. Including lands now within Martin, Palm Beach, Broward, and Dade counties, the county was then home to only 257 settlers. The 1880 federal Census of Agriculture described Dade County’s geography as “[w]oodland, a strip along the coast and in the northern part of the county, about 500 square miles; of the rest, everglades, marsh, prairie, savanna, and swamp, it is impossible to give a trustworthy estimate of the proportions.” According to the census, there were no tilled lands in the county.

In 1881, the state improvement fund trustees’ sale of four million acres of swamp and overflowed lands to Philadelphia investor Hamilton Disston for $1 million resolved certain federal litigation that had placed the improvement fund in receivership and frozen the sale of public lands beginning in 1870. The sale freed up the balance of the fund’s swamp and overflowed lands including parcels comprising the Capone Island tract. The transaction enabled the trustees to sell land to private individuals and to convey parcels to railroad and canal companies in exchange for their efforts to develop Florida’s transportation infrastructure. The ensuing grant of public lands would lead to “a new era of development and progress in Florida, particularly the southern, eastern and western portions of the State;” railroad and canal development, in particular, which had been substantially halted by the enjoining of the fund for more than a decade, would begin again.

Florida Pioneers
Arthur T. Williams and James A. Harris
Purchase Easterly Lot Two

Only a year after the Disston purchase, in 1882, Governor W. D. Bloxham and the remaining members of the Florida Cabinet acting as improvement fund trustees sold a tract of swamp and overflowed land described as Government Lot Two of
Section Five, Township 48 South, Range 43 East, to Duval County real estate entrepreneur Arthur T. Williams and Williams’ long-time friend, Marion County citrus grower James A. Harris, for a dollar an acre. Encompassing nearly thirty acres, Lot Two would later constitute the easterly tract among three separate, yet contiguous, parcels comprising the Capone Island property.28

Born in the Putnam County town of Palatka in 1857, Williams was the son of Marcellus A. Williams, a United States Deputy Surveyor who prepared surveys for the federal government for much of south Florida in the mid-to late-nineteenth century, including lands now comprising Broward County, which he surveyed in 1870 and 1871.29 Twenty-five years earlier, in 1845, U. S. Deputy Surveyor George McKay had surveyed the south boundary of Township 48 South, Range 43 East. In March of 1870, the elder Williams completed a resurvey and subdivision of the township, including the platting of Government Lot Two.30 More than sixty years later an alleged error in the elder Williams’ meander of the Hillsboro River would result in a suspected defect in the title to Lot Two, the eastern portion of the Capone Island tract, that would not be resolved until 1950.

Thirteen-year-old Arthur T. Williams accompanied his father on the survey of the Broward County lands. During that period the surveying party encamped at the confluence of the Hillsboro River and the East Coast Canal and at other places throughout the county. Fort Lauderdale’s Lake Mabel was named, according to the younger Williams, for his older friend James A. Harris’ fiancée, Mabel White.31 Later, the younger Williams would become a clerk in his father’s Nassau County surveying and land sales firm, an agency which, in different forms, played a significant role in the sale and purchase of millions of acres of swamp and overflowed lands in south Florida in the 1870s and 1880s.32 From September 6, 1879, until the announcement of his resignation on January 31, 1880, Williams, then twenty-three years old, was a special agent of the internal improvement fund trustees for the collection of “stumpage” in Duval County.33

In 1881, after the elder Williams closed the land sales firm, the younger Williams began working in Ocala as land commissioner for former U. S. Senator David L. Yulee (whose company was then constructing a local railroad), adjusting land grants between the federal and state governments and the railway firm. Williams worked there until Yulee sold the railroad to an English syndicate headed by Sir Edward J. Reed. Later, Williams became land commissioner for Reed’s English syndicate company, Florida Land and Mortgage Company, succeeding his father’s former partner Hugh A. Cauley in that position after first serving as Cauley’s chief clerk, while also serving as head of the Railroad Land Office in Jacksonville beginning in 1885.34

In 1887, Williams platted two sections of land south of New River in what would later become Fort Lauderdale, naming the early subdivision “Palm City.”35 Later, Williams would be active in real estate and banking in Jacksonville and Fernandina; from 1896 until 1904, he served in the Florida Senate. The pioneer entrepreneur’s two-story, wood-frame Nassau County home would be one of the area’s more outstanding and noteworthy structures from his early days.36 From 1921 until shortly before his death in 1932, Williams served as president of the Florida Historical Society.37

Pioneer Marion County Citrus Grower James A. Harris Was “Orange King of Florida”

Williams’ real estate partner, thirty-five-year-old Marion County citrus grower James A. Harris, was

Pioneer Florida entrepreneur Arthur T. Williams (left) and his Fernandina home.
no less important in Florida land history when the pair purchased Lot Two in 1882. Long recognized as a pioneer in the large-scale commercial development of citrus, Harris had laid out in 1881 the small town of Citra on the south shore of Orange Lake in northern Marion County, seventeen miles north of Ocala. Citra became known as the center for the production of the Pineapple orange; its chief competitor then was Merritt Island on the east coast. The small town was the first settlement in Marion County reached by the railroads in the 1870s. Acclaimed as the "Orange King of Florida," the Marion County citrus grower was said to have been the first in the state to have begun the orange industry in Florida for profit. Harris was not only the first to introduce the Florida orange into the "markets of New York, Boston and Philadelphia," but he was first also to introduce grapefruit to Northern markets. Born on May 5, 1847, at Yalaha, on Lake Harris, James A. Harris was for a number of years owner of both the Ocala House and the Montezuma Hotel. While only a teen-aged Confederate army soldier, Harris reportedly had "gallantly [born] his part in the defense of the Lost Cause." Like Williams' Nassau County residence, Harris' Citra home in the late 1800s was a prominent and noteworthy structure. His Marion County residence was considered at the time to have been the "most expensive and elaborate home" in the state of Florida; each room had been decorated in the style of a different country.

In the late 1870s, Harris was one of seven directors named in articles of incorporation for a pioneering Marion County railway construction company. The minutes of the May 18, 1876 meeting of the internal improvement fund trustees reflect correspondence from Dr. John Westcott informing them of the formation of the "No Gauge or Single Rail, Railroad & Construction Company of Florida." A pioneer St. Augustine resident, Westcott had constructed one of the first railways in Florida, and later would be one of the principal organizers of the Florida Coast Line Canal and Transportation Company in 1882, serving as its first president until his death in 1888.

In addition to Westcott and Harris, the initial directors of the railway company included Harris' neighbor, fellow pioneer citrus grower and prominent Florida Baptist Reverend Putnam P. Bishop, former Westcott surveying student and acclaimed Jacksonville lawyer J. J. Daniel, and local pioneer stageline and steamboat operator Hubart L. ("H. L.") Hart. The purpose of the single-rail firm, according to improvement fund trustees' minutes, was the construction of "a railroad from Orange Lake in Marion County to the Ocklawaha [sic] river." The innovative railway company would attempt to develop a prototype of what is today's monorail that Westcott had unveiled at the Centennial Exposition. The improvement fund trustees, in turn, resolved to sell to the new railroad all of the swamp and overflowed lands contained in every forty-acre tract through which the railway should pass at ten cents an acre, unless such property should already be occupied by "actual settlers." Even with the trustees' support, however, Westcott's monorail was never built; the loose Orange Lake sand created too much friction for the single-rail system to work.

While the monorail project was underway, Harris was also participating in the development of another, yet far more practical, Ocala railway. The new railway was to form a connecting line from Ocala to Waldo, north of Gainesville, with the former Florida Railroad line, which had been laid from Fernandina to Cedar Key.
Boca Raton pioneer Thomas M. Rickards stands at far right with his fellow surveyors in the photo at left (courtesy of the Boca Raton Historical Society). The photo at right shows Rickards’ home at Candler in Marion County.

Harris and neighboring Bishop, Hoyt and Company, owners of citrus groves and packing houses on the south side of Orange Lake, cleared the right-of-way and prepared the grade between Citra and Hawthorne to the north. The local line was begun at Orange Lake in 1876; by May 1881, New York freight which had been “shipped [first] to Fernandina, was delivered to Ocala in five days.”

Before the railway entered the region, citrus was shipped by “team” to Iola on the Oklawaha river, and then by steamboat to Palatka and Jacksonville. When the Peninsular Railroad (later, part of the Seaboard railway system) was extended into the Orange Lake region from Waldo, the railway line ran along the dividing line between Harris’ groves and the Bishop, Hoyt and Company land, making possible the transportation of citrus to northern markets literally from the ‘door-step’of the Harris and Bishop groves. Later, the Atlantic Coast Line railway would run along the Harris groves’ southern boundary. In a noteworthy 1882 book describing Florida, early travelers to the central part of the state were advised that “[t]he famous orange-groves owned by Dr. Bishop and Mr. Harris are located on the shores of this lake [Orange Lake], which is skirted by the branch of the Transit Railroad that runs south to Ocala.”

In what would later become Broward County, Harris and his partner Williams would purchase additional land and overflowed land from the improvement fund trustees in 1882 and school land from the state Board of Education three years later for $1.25 per acre.

Boca Raton Pioneer
Tom Rickards Purchases Williams’ Half-Interest

Eleven years after Williams and Harris took title to Government Lot Two, in 1893, Williams, a resident then of Nassau County, sold his half interest in that lot, along with his half interest in the adjoining easterly Lot One, to Marion County resident Thomas M. Rickards, another Williams real estate partner, for $75 for nearly seventy-three acres or $2.05 per acre, a per-acre price slightly more than double what Williams had paid for the property in 1882. In 1884, Rickards and Williams purchased two other parcels in what would become Broward County; Williams also deeded to his partner Rickards a half interest in one Broward parcel in 1884 and a half interest in another in 1888.

A native of Missouri, Captain Rickards had come to Florida at the age of thirty-one in 1876 to explore the state. Like the elder Williams, Rickards was a surveyor, working for several of Florida’s early railroads. Like his real estate partner Harris, the Missourian became the founder of a Marion County town — in Rickards’ case, the town of Candler, Florida, in 1883 — when Rickards homesteaded 125 acres some thirteen miles southeast of Ocala, and thirty miles south of Harris’ Citra settlement in northern Marion County. Rickards’ faithfully preserved two-story, Victorian-styled Candler home, more than a hundred years old, remains as one of Marion County’s important historic structures. Rickards promoted his development of twenty-acre lots in the southwestern portion of Candler, which he called Edengarden Lake, by writing articles for northern newspapers.

In the 1880s Rickards purchased 125 acres on the Florida Coast Line Canal (later named Florida East Coast Canal, and thereafter, Intracoastal Waterway) just north of Lake Boca Raton; he was also a representative of the Florida Coast Line Canal and Transportation Company an earlier developer of the canal.

By 1892, Rickards owned land on both the New and Hillsboro riv-
ers. In the mid-1890s, Rickards built the first house in what was to become the town of Boca Raton. In 1896, he completed the first survey of the settlement. Three years later, Rickards became postmaster of the newly-established post office there. Rickards was also a civil engineer for the Florida East Coast Railway and a local agent for Flagler’s Model Land Company.

Rickards Cultivates Citrus in Boca Raton Area

In 1896, in what was then Dade County, there were only thirty-three acres of orange trees growing in the area, and only 874 bearing trees. By 1900, the county was home to more than 25,000 orange trees of bearing age. The county was also the state’s second-most productive in the cultivation of pineapple with more than 3.7 million plants. Florida led the nation in the growing of that spiny tropical fruit with more than 14 million plants under cultivation versus 119,000 plants in Hawaii. In 1898, Rickards had three hundred orange trees, fifty lemon trees, and hundreds of bananas under cultivation on his Boca Raton area properties. The next year, Model Land Company land commissioner J. E. Ingraham instructed Rickards to plant an orange grove in Sections 20, 29, and 30 of Township 47 South, Range 43 East, just a section of land to the northwest of the tract on the East Coast and Hillsboro canals that Rickards and Harris owned together. Rickards’ efforts in those three neighboring sections resulted in the planting there of over five thousand trees.

Rickards and Harris may have planted orange trees on that early tract which would later become known as Capone Island. Given Harris’ early commercial success in citrus culture in Marion County as well as Rickards’ pursuit of agriculture in general in the Boca Raton area on behalf of the Model Land Company, one may suppose that both Harris and Rickards were eager to plant citrus trees there during the time when they owned the property together (1893-1896). While no physical evidence of citrus cultivation on the island remains from that period, relatively young citrus trees are extant on the island today and appear to flourish there. In the early 1900s, moreover, there were widespread reports that the orange industry was booming in the Boca Raton area. The August 1900 issue of the Homeseeker reported citrus plantings in the Boca Raton area as well as plans for plantings at the Deerfield and Pompano settlements:

Boca Raton [sic] stands at the head of the list of large plantings of orange trees. During the past year there has [sic] been several groves planted varying in size from five to fifty-five acres, and many acres have been sold which later will be cleared and planted. The State has an experimental grove there which is making good progress. In the vicinity of Deerfield, Progresso and Pompano the same enthusiasm in planting citrus trees is seen and many acres will be planted in the near future.

The combination of early experience and success in agriculture as well as the devastating freezes experienced by central Florida citrus growers in the 1880s and ’90s may have made the prospect of cultivating orange trees on the peninsula appear almost irresistible to these pioneer Florida growers.

By 1891 the East Coast Canal had been dredged between the Indian and Halifax rivers, making possible the passage of steamers carrying oranges from Rockledge to New Smyrna. The Juno Tropical Sun reported at the time that “an immense orange, pine-apple and vegetable trade [had] been kept down for the want of good transportation facilities.” By 1893 forty miles of canals had been cut between Lake Worth and Biscayne Bay, opening up the possibility of transporting citrus by steamer directly from Harris’ and Rickards’ Broward County property on the East Coast Canal to New Smyrna. What had been made possible when the Florida Railroad line was laid from Waldo to Harris’ Orange Lake grove might have been possible once more for the Capone Island tract. With the dredging of the East Coast Canal south from Lake Worth, Harris and Rickards would have had no difficulty in transporting their product by water from the peninsula-shaped tract to northern markets. One can hardly imagine a more logical use to which these pioneering partners could have put their property during this three-year period than for these two men to have planted citrus there.

Rickards, then Harris, Sell Interests Back to Williams

In the year following the freeze, in 1896, Rickards, still a Marion County resident, sold his half interest in Lots One and Two back to his real estate partner Arthur Williams for $250 ($6.85 per acre), a sum more than three times what Rickards had paid Williams for that interest four years earlier. Once again Williams and Harris would become partners in the parcel that would become the eastern portion of the Capone Island tract.

Twenty-three years later, in 1919, Harris, then temporarily residing in Girardville, in Pennsylvania’s Schuylkill County, near Harrisburg, sold his half interest in Government Lot Two to his original partner in the tract, Williams, a resident once more of Duval County, for certain “other [unstated] considerations.” The pioneer Marion County citrus grower had held on to his half interest in the government lot on the East Coast and Hillsboro canals for over thirty-seven years. He died two years later on December 30, 1921, in Crystal River at the age of seventy-four. Harris somehow withstood the 1895-96 freeze, which thoroughly devastated Citra and the Marion County citrus industry. The freeze had caused area banks to fail and local businesses to collapse. Some Citra residents were said to have departed the area with such haste that “they left food on the table and clothes in the closets. Age old citrus trees were chopped down and used for firewood.”

Only five years before the chill, in the 1889-90 season, 250,000 boxes of oranges had been shipped from the Citra station alone. From 1892 to
Deerfield pioneers Mr. and Mrs. Leonard V. Waldron (right) and Mr. Waldon’s cousin Leonard Simonson (courtesy of the Deerfield Beach Historical Society).

1894, Citra was the largest shipping point for citrus in the world; twenty percent of all Florida citrus was shipped from that station, and in 1894, over a half a million boxes of citrus fruit were shipped. From 1896 through the end of the century, there were few bearing citrus trees in Marion County. What remained of the Bishop groves and parts of the Harris groves was later sold to a Marion County-based partnership. By 1921, the one-time “Orange King of Florida” no longer owned citrus groves in Citra or on Orange Lake, which he had pioneered in cultivating when he began planting citrus trees on the south side of the lake fifty years earlier in 1871.

Deerfield Pioneers
Waldron and Simonson
Purchase Lot Two from Williams

Four years after Harris’ sale of his interest in Lot Two, in December of 1923, Williams, then sole owner of the entire parcel, sold the ten-acre portion of Lot Two “lying west of the East Coast Canal” to Deerfield pioneer Leonard V. Waldron and Waldron’s cousin Leonard Simonson for $600. The sales price was equivalent to sixty dollars per acre, sixty times what Williams and his partner Harris originally paid the improvement fund trustees for the property forty years earlier.

Born in the Putnam County town of Welaka, about twenty miles south of Palatka and east of Ocala on the Oklawaha river, in 1890, Leonard V. (“Shorty”) Waldron arrived from Arch Creek (now, Miami Shores) in 1918 to serve as depot agent for the Florida East Coast Railway at the Deerfield station. The Deerfield pioneer built his home in the second block of East Hillsboro Boulevard in what is now Deerfield Beach; today, that structure partially houses the Kraeer Funeral Home there. Waldron died suddenly in 1936 at the age of forty-five; shortly thereafter the railway depot closed.

Wisconsin Entrepreneur
Simonson — a Temporary Florida Resident

Waldron’s real estate partner in the purchase of Lot Two, his cousin, Leonard Simonson, resided in the northern Wisconsin town of Laona. Simonson would die just five years after the acquisition, possibly sometime in 1928; his will, which would be executed in 1927 in Deerfield but probated in Wisconsin, stated that he had resided “temporarily in Deerfield, Florida.” The devise indicated his intent to leave his “dwelling, pool room, garage, gas and oil station and barbershop,” all in Laona, to his sister, Angeline Simonson.

Simonson’s other assets, according to the 1927 will, would include “Notes, Mortgages, Bank Deposit Certificates and Checking Accounts, mostly in Florida,” which he directed to be placed in trust for his daughter, Josephine. He left the sum of one dollar to his former wife, Anna. At his death, Simonson’s only Florida real estate would consist of two lots in the “Oakland Park” subdivision.

Given the presence of notes and mortgages among his Florida assets, the Wisconsin entrepreneur may have been among the first to engage in real estate speculation in the Deerfield area. Certainly farming would not have been the primary use to which either Simonson or Waldron would have put the property; neither investor appeared inclined to engage in that occupation. And indeed there is no evidence that either engaged in farming there in the short period they owned the property.

West Palm Beach Broker
E. B. Davis Purchases Lot Two from Simonson and Waldron

Just thirteen months after purchasing the tract, in January of 1925, Simonson and Waldron sold the ten-
acre parcel to thirty-eight-year-old West Palm Beach real estate investor Edward B. Davis. While the recorded deed reflects that only nominal consideration was given for the conveyance, federal revenue stamps affixed to the deed, however, amounted to $17.50, indicating that Davis paid $17,500 or $1.750 an acre for the parcel: a price nearly thirty times what Simonson and Waldron had paid for the tract a little more than a year earlier. As part of the purchase price, Davis executed a $12,500 mortgage in favor of Simonson and Waldron; the mortgage secured payment of three promissory notes signed by Davis and his wife, Mattie. The notes and mortgage would later become a part of Simonson's estate upon his death.

Born in Perry, Georgia, in 1887, Edward Bertrand ("E. B." or "Ned") Davis began his real estate brokerage business in West Palm Beach in 1925. Apparently already somewhat successful and an acquaintance of Addison Mizner, the Georgian commissioned the well-known Palm Beach society architect to design the E. B. Davis Office Building in West Palm Beach the same year; however, the structure was never built. Davis also paid the Mizner Development Company $50,025 cash for seventeen Boca Raton lots. Later, Davis unsuccessfully sued Mizner and Mizner's partners, Paris E. Singer and Porte E. Quinn, individually, for the Mizner company's alleged fraud in the sale of those lots.

In the late 1920s and early '30s, Davis was president of two West Palm Beach real estate companies: E. B. Davis, Inc. and Times Holding Company. In Fort Lauderdale, Davis was president of the Davis-Miller Company, a real estate investment company; Lovick C. (L. C.) Miller was vice president.

At the time of his death in 1952 at age sixty-five, the Georgia-born real estate broker would remain a widely regarded resident of West Palm Beach. Honorary pallbearers at Davis' funeral would include West Palm Beach attorneys Sidney J. Catts, Jr. and Eugene Baynes, local contractor Herbert Prather, longtime Palm Beach Circuit Judge Joseph S. White, veteran Florida East Coast Railway district passenger agent Floyd May, Davis' real estate partner Erich Schroeder, and local automobile dealer Brian Higgins.

Mizner Development Corporation Purchases Davis Tract

On April 29, 1925, Davis sold the ten-acre Broward County tract to the Mizner Development Corporation, then developing property to the north in Boca Raton. The sales price was a staggering sum: $75,000, according to revenue stamps affixed to the deed. The Mizner company assumed the $12,500 mortgage that Davis had given to Deerfield pioneers Simonson and Waldron three months earlier; the company also gave to Davis and two others a $37,500 mortgage in partial payment of the purchase price. The sale price was an astounding four times what Davis had paid for the property in January.

In July of 1925 the Mizner firm opened a branch office in Fort Lauderdale, adding an eighth office to locations in Miami, Miami Beach, Tampa, Lake Worth, Boca Raton, and Palm Beach. During the first half of 1925, total dollar volume of real estate activity in the Fort Lauderdale area grew by almost one hundred percent over the same period in 1923, from a total of $17,455,140 to an astonishing $34,331,030. While the real estate boom in south Florida appeared headed to even dizzier heights, it would nonetheless be a short-lived one.

E. B. Davis Becomes Mizner Bankruptcy Trustee

In the case of the Mizner firm, the boom would be especially short-lived. While the development company would pay the first Simonson and Waldron note for $5,000 due in January 1926, the firm would nonetheless fail to pay the second ($5,000) and third ($2,500) notes as well as the interest accruing on them after January 1925, when the firm acquired the ten-acre tract from Davis. Hard times would hit south Florida real estate developments in general, and the Mizner development in Boca Raton would be no exception. And, as in the Davis and Mizner purchases, the use of borrowed funds in the acquisition of real estate would both typify the speculative nature of the buying frenzy throughout the boom times and accelerate its inevitable crash.

In the end, a natural disaster rather than a man-made calamity doomed south Florida's real estate industry: the 1926 Hurricane would thoroughly devastate the developing Florida east coast. Along with George Merrick's dreamed-of development in Coral Gables and Joseph Young's planned Hollywood-by-the-Sea community, Mizner Development Corporation's bubble soon burst as did the prospects of other high-flying real estate development companies. The Mizner company would be adjudicated bankrupt on July 26, 1927.

Mizner creditors had initiated three separate bankruptcy proceedings seeking court supervision of the development firm's affairs. The Miami federal court consolidated the proceedings and appointed West Palm Beach real estate broker E. B.
Davis, the erstwhile owner of Lot Two, as one of three trustees to administer the affairs of the insolvent Mizner company. The other trustees were West Palm Beach attorney Louis L. Ford and former Mizner company secretary and treasurer E. T. Halter. 106

What motivated the Miami bankruptcy court to appoint the forty-year-old Davis may have been his status as a Mizner creditor. Not only had the firm defaulted in paying the Davis notes as well as the Simonson and Waldron mortgage on Lot Two, but Davis' suit for fraud against Mizner and his partners, individually, had also failed. 107

The Mizner trustees engaged Fort Lauderdale attorney Thomas F. Fleming of the prominent law firm McCune, Casey, Haasen and Fleming to represent their interests in bankruptcy court. 108 Born in Augusta, Georgia, in 1885, Fleming had received his law degree from Mercer University in 1908 and was admitted to the practice of law in Georgia the same year. He practiced law in Sparta from 1908 until 1925. From 1922 to 1925, Fleming was a member of the Georgia Legislature. In 1923, Fleming was admitted to practice in Florida, and in 1925 he began practicing in Fort Lauderdale. 109 Two years later, the forty-two-year-old Georgian would represent the trustees of the bankrupt Mizner company.

In November 1927, less than five months after the bankruptcy adjudication, and following the rejection of a number of offers for the Mizner properties, the trustees finally approved a sale of the assets to Clarence Geist, one of the original investors in the Mizner company. Geist, upon Geist agreeing to pay the company debts. 110 Geist would not, however, acquire the Mizner tract in Broward County. The mortgages on the Broward tract would continue in default, and the property would remain titled in the bankrupt Mizner company's name for at least two more years.

Southard's Chrisbar Corporation Purchases Mortgage

In 1929, Chrisbar Corporation, a Palm Beach real estate investment company, purchased the Simonson and Waldron mortgage on the ten-acre tract that had been in default for more than four years. The Chrisbar firm maintained Palm Beach offices at 138 Peruvian Avenue, the residence address of thirty-four-year-old West Palm Beach attorney Davidson Lafayette Southard, who acted as the company's counsel. 111 Born in Crossville, Tennessee, in 1895, Dave Southard was educated at the University of Tennessee and Cumberland University. Southard and his wife, Carolyn, settled in Palm Beach County in 1919, shortly after the termination of Southard's World War I service. Southard soon began the practice of law in West Palm Beach; he would later serve a two-year term as Palm Beach County Attorney. 112

The Chrisbar company's president and secretary were Southard's wife, Carolyn V. Southard, and Sadie E. Moore, a stenographer employed in Southard's West Palm Beach law office. 113 Sadie Moore was also vice-president of the investment firm. 114

Soon after the Chrisbar firm purchased the long-overdue Simonson and Waldron obligation in 1929, Southard brought a proceeding in Broward Circuit Court to foreclose the mortgage, joining as defendants in the action West Palm Beach broker E. B. Davis and others in their individual capacity, as well as Davis, Halter, and Ford as trustees of the defunct Mizner enterprise. 115 On December 5, 1929, former Judge Giblin's nemesis and his replacement on the Broward bench, Circuit Judge George Tedder, ordered the sale of Lot Two to pay the debt then owed to the Chrisbar company; the Broward jurist also appointed twenty-two-year-old Fort Lauderdale attorney Charlotte Farrington as special master in chancery to conduct the sale and convey the foreclosed property to the successful bidder. 116 One of the first female attorneys in Broward County, Farrington was the daughter of prominent Fort Lauderdale criminal defense attorney Charles E. (C. E.) Farrington, and the older sister of long-time Broward Circuit Judge Otis Farrington. Charles Farrington had served as Broward County's second school superintendent for a one-year period from 1917 until his resignation in 1918. 117 Charlotte resided with her parents and was associated in practice with her father in 1930. 118

Later, in the 1930s, Charlotte Farrington moved to Delray Beach and was married to Dr. Charles Vogler, an osteopath. She was a Delray Beach librarian from 1939 to 1943 and a founding member of the local library association. She died in 1990 at the age of eighty-three in a tragic fire at her historic Delray Beach home located in the first block of Northwest Third Street. 119

On January 6, 1930, young Charlotte Farrington conducted the sale of what would become known as the E. B. Davis tract. Offering $11,350 against its judgment for the property, Chrisbar became the successful bidder at the sale. On the same day, Miss Farrington conveyed the ten-acre parcel by special master's deed to the Chrisbar company. 120 By that time the Chrisbar company had also acquired two other parcels contiguous to Lot Two that would later become parts of the Capone tract.

Chapter Two


Adjoining Lot Three and Section Five Fractional Portion Conveyed to Henry Flagler's Model Land Company

Two months before the foreclosure sale, the Chrisbar company purchased parcels contiguous to Lot Two with a land history entirely different from Lot Two's origin of title. Those adjoining parcels consisted of that part of Government Lot Three lying...