

Judicial Profile Judge Hugh MacMillan  
By: Thomas A. Hoadley  
June 1995

In the sixth century, the Scots from Ireland crossed the Irish Sea to the East. They found the Argyll lands and islands attractive places in which to raise their sheep and cows. It was a cold, wet, barren place. In the 1800's, the Scots landowners replaced tenant farming with sheep farming, which was more profitable. Thousands and thousands of tenants were evicted, causing the displacement of thousands and thousands of Scots from their native homeland. Many left for the Colonies.

The elder MacMillan left in 1840, and settled on a fertile farm in Canada. Hugh MacMillan's grandfather loved the farm. His father left for Winnipeg with \$50.00 in his pocket. The Judge's father became successful land developer and businessman in this Canadian Plains City. The MacMillan family came to Florida in the 20's Land Boom; Hugh was 12. They settled on the St. Johns River, south of Jacksonville, where his father was a land developer. After graduating from high school, Hugh went back to Winnipeg to attend St. Andrew's College, then to the University of Florida. He graduated from Stetson Law School (in Deland) in 1936. He met Anne at Stetson, A native of Gainesville. They fell in love, and were married three years later.

Hugh first practice in Daytona Beach. In the early 30's he was the Town Attorney. The Judge has been described as having a restless spirit. In 1938 he took his family to San Antonio to work for Aetna. After Pearl Harbor, he immediately joined the FBI. He was transferred to posts all over the U.S. It was exciting time: national security investigations, surveillance, espionage. He came to West Palm Beach in 1943 with his two small sons to become the head of our local FBI office. There was the constant threat of landing saboteurs from submarines off our coast. There were 22 German prisoner camps from Eglin Field to Homestead; two were in the Glades. It was the FBI's job to hunt down escaped prisoners.

After the war, Hugh resigned from the FBI, He opened an office on the 7<sup>th</sup> floor of the Comeau Building. In 1950 he ran for Municipal Court Judge against Joe Farish; he lost. The FBI recalled him during the Korean War. He did a tour in New Orleans. Returning, he became General Counsel for the local Florida Flood Control office. As a land expert, he then opened a Burns-Middleton office in Boca Raton to handle their Arthur Vining Davis account. We remember that Bobby Burns had political clout. In 1957, Bobby asked Leroy Collins to appoint Hugh to the Criminal Court of Record. He was to remain a Circuit Judge for 25 years, until his retirement in 1982. He was well liked by the Judges, and was our first Chief Judge in the 1972 judicial reorganization. As a trial judge, he has involved in many interesting and important trials. My favorite was the 1957 trial of Floyd Halzapfel in the attempter murder at the ChiChi Lounge, of Harold Gray, Joe Peel's law partner. Floyd walked. Harold found out later Peel had been the beneficiary of insurance he didn't know he had.

When he wasn't working at the Courthouse, Judge MacMillan was first and foremost a family man, and adored by his wife and children. He had an interesting hobby. He had always had the Scots love of farming in his blood. He would buy land west of town. As development went west his land became more valuable. Rumor has it that this was a profitable hobby. After his retirement, he spent more time on his "farms", feeding

his two cows, trimming the orange trees and fishing in the pond. He was a true son of the MacMillan clan, making several trips to the Homeland in the Kintyre area. He was a firm believer in the Kirk. (Scots Presbyterian Church.) There was daily Bible reading at his family's breakfast. He was a church Elder, taught Sunday school, was a tenor in the choir. (as many philosophers have reflected, the ghost of John Calvin lives on in the transplanted Scotsman).

A year or two ago the Judge recovered from prostate cancer. Then it was lymphoma. But he had complications from bone marrow treatments, and seemed to go downhill. Fiercely independent, he wanted his last months to be at home, with Anne, and his loving family, four children, and ten grandchildren. He died peacefully in his sleep, surrounded by more love than we can comprehend.

We remember Bonnie Charley, Mary Queen of Scots, Robert Burns, Walter Scott, Carlyle, Macaulay, Ruskin and John Stuart Mill. We will remember Hugh MacMillan. He carried on the tradition of the transplanted Scotsman. And we will miss him.