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REID v. BARRY: THE LEGAL BATTLE OVER THE "BEST LOCATION" IN ORLANDO

by JANE QUINN

THE Florida Supreme Court case, *Robert R. Reid et al. v. Bishop Patrick Barry*, cleared the cloud of title of the Roman Catholic Church to its downtown Orlando property. The final decree in Circuit Court, Seventeenth Judicial Circuit, was announced in Orlando, on June 21, 1927.¹ The judgment also established that in Florida a bishop is a corporation sole and that a deed of property to him and to his successors conveys ownership in the bishop's corporate capacity. The bishop who was first involved in this lawsuit was John Moore of St. Augustine, who presided over the Catholic Diocese of Florida from May 13, 1877, to July 30, 1901.² The Orange County property that was the basis of the litigation had been sold to Bishop Moore on May 20, 1881, by Robert R. Reid, Sr., of Palatka and his wife.³ The Reids by deed had conveyed title to block 33 in Reid's Addition to Orlando, the community's first subdivision⁴ The deed did not specify that Bishop Moore could or would build a Catholic church on the property, but a letter to him from Reid (which was not in the public records) makes that inference.⁵ At that time Bishop Moore was also securing other sites for future Catholic churches in the area. He purchased lots in Maitland on May 17, 1881, and in Sanford, November 3, 1881.

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1. *Robert R. Reid et al. v. Bishop Patrick Barry*, Chancery 6694, October 17, 1924; final decree, Chancery 436, June 21, 1927, on microfilm, Orange County Courthouse, Orlando, Florida (hereinafter cited as OCC).
2. Bishop Moore was born in Rossmead, Ireland, June 24, 1834. He emigrated to Charleston, South Carolina, and entered the seminary there to study for the priesthood. He completed his studies in France and Italy, was ordained a priest in Rome, and returned to Charleston at the beginning of the Civil War. Father Moore was elected bishop of St. Augustine on February 16, 1877, and was consecrated May 13, 1877.
3. Warranty deeds, S 319 Willcox and X 112 Reid, microfiche, index department, OCC.
4. *Ibid.*
5. Robert Reid to John Moore, June 6, 1881, Diocese of Orlando Archives, Orlando, Florida (hereinafter cited as DOA).

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Father William J. Hamilton, pastor of the Immaculate Conception parish in Jacksonville, assisted by Captain Robert R. Reid, Sr., helped build the first Catholic Church in Palatka in 1858.⁶ Father Edmond Aubril, who served in Palatka between 1858 and 1861, blessed and dedicated the church, which was named St. Monica. During the Civil War, Reid was a captain in the Confederacy military, possibly in a unit from his native state of Georgia.⁷ After the war, he operated a grocery business in Palatka, and began to acquire property in and around the Orlando area.

The earliest date on record in Orange County involving a transaction by Reid was as the grantee of a mortgage deed to James P. Hughey of Orlando on April 18, 1867.⁸ Hughey, later one of the incorporators of Orlando, served as clerk of the circuit court and clerk of the town council. He had arrived in Orlando in 1855 from Georgia to homestead land on the south side of Lake Lucerne. About the same time, William A. Patrick had moved into Orlando from South Carolina, and he bought land from W. A. Lovell in what is now downtown Orlando.⁹ Later, when Patrick and Lovell became involved in a land boundary dispute, they called upon Reid to help mediate the prob-

6. Reid, a convert, was of great assistance in securing contributions to the church, circulating a subscription list among both Catholics and non-Catholics. See Michael V. Gannon, "Parish Histories in the Diocese of St. Augustine," unpublished galleys, 1968, in the P. K. Yonge Library of Florida History, Gainesville, Florida.
7. When Reid applied for a Confederate soldier's pension as a resident of Lincoln County, Georgia, he listed himself as a member of the Company A, 1st Regiment Georgia Militia. There are no records for this unit; few militia records survived the war. There is a Robert R. Reid, private, Company F, 22nd Regiment Georgia Volunteer Infantry, listed in the Index to the Compiled Service Records of Confederate Soldiers in Georgia Units, National Archives, Washington. "Captain" Reid of Palatka was probably one of these Reids researched in the Georgia Department of Archives and History, Atlanta, Georgia.
8. Courthouse records in Orange County were lost in a fire in 1869, with the exception of Book D. See index to deeds, M-R, Grantee Book, from earliest records to January 1, 1916, OCC; Robert R. Reid to James P. Hughey, Book D, 563, OCC.
9. Eve Bacon, Orlando: *A Centennial History*, 2 vols. (Chuluota, 1975), I, 13; William Fremont Blackman, *History of Orange County, Florida: Narrative and Biographical*, 2 pts. (DeLand, 1927; reprint ed., Chuluota, 1973), I, 84-85. Lovell arrived in Ocala in 1854 from South Carolina. He later lived in Mellonville, Orlando, and Apopka. He was superintendent of Orange County public schools from 1869 to 1873. While in Orlando, Lovell set up a sawmill, grist mill, and a cotton gin on the northwest side of Lake Eola. He also was a merchant and owned Lovell's Hotel.

lem. For compensation, they gave Reid a tract of land which he would later lay out.¹⁰ Reid married Lovell's daughter, Mary, and they continued to live in Palatka. Subsequently, Patrick and Reid argued about property boundaries, but they were able to work out an agreeable settlement. Reid accepted that portion of the land lying east of the railroad tracks, and Patrick, believing that he had the best of the bargain, took the property west of the tracks.¹¹ Reid then hired Samuel A. Robinson to plat his newly-acquired acreage.¹² It's name in the public records is "Robert R. Reid's Addition to Orlando."

Reid invited representatives of the Sisters of St. Joseph of LePuy from St. Augustine to Palatka in 1876, and helped them select a lot on the corner of Lemon and Fourth streets for a convent which was built that same year. Reid, Martin Griffin, and the McGill, Price, and Shelley families were Catholic, and they welcomed the sisters and their school to the community. Funds to purchase the lot and the building had been obtained from France by Reverend Mother Marie Leocadie Broc. Day schools for both black and white children were organized by the sisters in 1876. The white school became the Academy of the Sacred Heart. Mother Superior Broc supervised the organization of the convent in Palatka before she returned to her headquarters in France.¹³ In 1876, the priest at St. Monica Church also served Catholics in Marion, Orange, Brevard, and Volusia counties.¹⁴

William Forward, Reid's son-in-law, and his daughter, Jessie, witnessed the May 20, 1881, warranty deed transaction which conveyed the Reid lots 3 and 4, block 33, to Bishop Moore and his successors.¹⁵ At that time, Robert Reid informed the bishop

10. Bacon, *Orlando*, I, 13.

11. *Ibid.*, 81; Blackman, *Orange County*, 163.

12. Plat recorded on June 16, 1881, OCC. Note in pencil on the record says the plat was surveyed August 1880.

13. Sister M. Julia, comp., *Sheaves Gathered From the Missionary Fields of the Sisters of St. Joseph in Florida: 1866-1936* (St. Augustine, 1936), 55-56.

14. Jane Quinn, *The Story of a Nun: Jeanie Gordon Brown* (St. Augustine, 1978), 254. The Palatka academy was closed in 1915. At first prominent non-Catholics sent their children to the academy, but "gradually prejudice and bigotry spread insidious poison," and only a few Catholic and Protestant pupils remained. See Julia, *Sheaves*, 56.

15. William F. Forward was the clerk of court in Putnam County, and was married to Reid's daughter, Annie J. They were residents of St. Augustine by 1900.

by letter that he was donating the equivalent of \$400 in cash and property as part of the transaction.¹⁶ Development of early Orlando lay south of this block purchased by Moore. The church lots were in the center of a fast-growing section and "the best location in town," according to James M. Willcox, a Philadelphia attorney, who represented the Catholic parish in Maitland.¹⁷ While Reid was himself a Catholic, he sold lots to other religious denominations, who planned to put up church buildings in Orlando. In a letter to Bishop Moore, Mr. Willcox asked, "If you find yourself in position to start your Orlando improvement, I hope you will let me know, as we all feel a great interest in it."¹⁸ The first Catholic Church construction in Orlando began with the laying of the cornerstone for St. James Church on January 23, 1887. At the same time, Father Felix P. Swembergh, the first priest of the diocese of St. Augustine to reside in Orlando, was building a church in Sanford.¹⁹ His leadership in both places was disrupted in the autumn of 1887 when Bishop Moore sent him to Tampa to replace a priest who had died while assisting yellow fever victims. About a month after Swembergh arrived in Tampa, he also became a victim of the epidemic, and his successor had the job of completing the churches in Orlando and Sanford. While St. James Church was in use by February 1888, it was not completed until June 1891. The rectory was probably ready two years later. The Sisters of St. Joseph built a separate building for their convent school in Orlando in 1889. As a result, by the beginning of the twentieth century, the Catholic Church property included the church building, a rectory, convent, and school. The property was then bounded by Orange Avenue, Jefferson Street, Main (now Magnolia) Street, and

16. The letter shows that Reid had sold the undeveloped property in Orlando to Bishop Moore, even if he did make a personal gift of cash and land. The letter reads in part: "You will perceive that I made the consideration \$1,050. My reason for that is to place you on the same footing with the sale of other lots to the different denominations, it being for my interest to do so. For instance, my price for the Block was \$1,200, and I gave you one lot at \$300 at 1/2 price, \$150, which bases it at \$1,050. You have given me \$800 cash and I present you with the \$250 and 1/2 lot \$150 equal to \$400 being my donation . . . Prices are going up daily more or less. Your Block would now bring more than \$1,200. I sold a lot in Block 30 adjoining yours for \$400. You see that would make the Block worth at least \$1,600."

17. James M. Willcox to Moore, February 15, 1884, DOA.

18. *Ibid.*

19. Felix P. Swembergh to Moore, June 7, 1887, DOA.

Robinson Avenue. These same buildings were on the property in 1924 when the suit was filed by the heirs of Robert R. Reid, Sr., against Bishop Patrick Barry of St. Augustine.²⁰ Barry had been appointed bishop in 1922, two years before the litigation began.

Louis C. Massey was a partner in an Orlando law firm with Judge T. Picton Warlow. The firm had represented the Sisters of St. Joseph in a Florida real estate dispute in 1895, and Bishop Michael Curley in another matter in 1921.²¹ Bishop Barry turned to the firm also when Richard Reid's heirs decided to dispute church ownership of the Orlando property which had become so valuable.²²

Eugene Carpenter, a graduate of the University of Florida College of Law, was a member of the firm. *Reid v. Barry* was the first case Carpenter presented to the Florida Supreme Court. He had briefed the case carefully in British and American law books, and before going to Tallahassee had worked closely with his senior associates, Massey and Warlow. Carpenter went first to Jacksonville, and then by train from Jacksonville to Tallahassee. There had been little media attention toward the case, and when Carpenter later returned to hear the court's decision, the only ones who knew he had won the case were the few people who were in the courtroom. The court found for the church; it ruled that a bishop is a corporation sole and that a deed of property to him and his successors conveys ownership in the

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20. Patrick Barry, fifth bishop of St. Augustine (1922-1940), was born in Inagh, County Clare, Ireland. He attended Mungret College, Ireland, and was graduated from St. Patrick College, Carlow, Ireland. He was ordained June 9, 1895. His pastoral ministry in Florida included Jacksonville and Palatka. When Michael Curley became bishop on June 30, 1914, he made Father Barry his vicar general and rector of the St. Augustine cathedral. Barry succeeded Curley as bishop on May 3, 1922. Barry delivered the baccalaureate address to the 1934 graduating class at the University of Florida.
21. T. Picton Warlow, "The Coming of the English to Florida in the Eighties," unpublished mss., 1937, in Mrs. Martin Anderson Papers, Orlando, Florida; Massey and Warlow to Michael J. Curley, May 21, 1921, DOA. Bishop Curley was born October 12, 1879, in Athlone, Ireland. He studied at Mungret in Ireland and was ordained in Rome on March 19, 1904. He was serving at his parish in DeLand, in 1914, when he became bishop. He was later archbishop of Baltimore and archbishop of Washington, D. C.
22. Conversation with Eugene Carpenter, Sr., July 10, 1984, in Orlando. Warlow came to Orlando in 1884, formed a law partnership—Massey and Warlow—in 1894, and continued his extensive practice into the 1920s as Massey, Warlow and Carpenter. He became judge of Orange County Criminal Court of Record in 1911.

bishop's corporate capacity. Not only was it a landmark case, but it had been in litigation a long time—from 1924 until June 21, 1927.²³ The Reid heirs did not appeal the decision.

Robert and Mary Reid's two children, Robert Reid, Jr., and his sister, Jessie Ireland, were the main litigants in the case against the bishop. In 1924, when the case began, Robert was residing in Chicago working as an agent for the Northwestern Life Insurance Company. Mrs. Ireland was living in Palatka. They and the other heirs had retained the Palatka firm of Thomas B. Dowda and J. J. Canon to represent them. It was their claim that Bishop Barry held no title nor interest to block 33 in Orlando, the property conveyed to Bishop Moore in 1881. The deed for this property had been recorded in the Orange County courthouse on July 20, 1923.²⁴

In his will Robert Reid, Sr., had urged his children, "for your dear old very humble Papa, engrave his memory deep in your hearts, with fervent prayers for the repose of his poor soul. Have Masses said for us all, poor sinners."²⁵ Whatever Reid's religious piety, his heirs wanted to secure title to the Orlando property that he had once held. There is no record of their attempting to regain the lots Reid had sold to other religious groups. The Reid heirs were concerned with the legal concept of "life estate," an estate whose duration is limited to the life of the party holding it.²⁶ In English law, private corporations are divided into ecclesiastical and lay. Ecclesiastical corporations are those organized for spiritual purposes, or for those administering property held for religious uses.²⁷ A corporation sole is one person only and his successors, who are incorporated so as to give them legal advantages, particularly that of perpetuity, which in their natural persons they would not have.

23. Ibid. Carpenter and his partners were Episcopalians.

24. Deed Book 232, 198; later re-recorded to correct an error in record of deed, Deed Book X, 112, OCC. Bishop Barry's lawyers amended their bill with Exhibit B on a document filed in Orlando, December 18, 1924. Exhibit B was a warranty paper showing that Robert Reid, Sr., and his wife, Mary, sold block 33 to Bishop Moore on May 20, 1881 for \$1,050, described on the map or plat of the town of Orlando as Robert R. Reid's Addition to Orlando.

25. Chancery 6694, OCC; Julian C. Calhoun, judge of Putnam County Judge's Court, attested to Robert R. Reid's will in his office on September 13, 1924.

26. *Black's Law Dictionary*, 4th ed. (St. Paul, MN, 1968), 1074.

27. James W. Day, "Extent to which the English Common Law and Statutes are in Effect," *University of Florida Law Review*, III (Fall 1950), 316.

The question of a bishop as a corporation sole was raised most recently in the case of the Reverend Sun Myung Moon, leader of the Unification Church. He was sent to prison after the United States Supreme Court refused to hear his appeal of a 1982 conviction for tax evasion. Moon had been supported by a friend-of-the-court brief filed with the Supreme Court at its October term, 1983. The amici (friends) included Catholic Bishop Ernest L. Unterkoefler of Charleston, South Carolina, several business executives, a publisher, lawyers, teachers, veterans of the armed forces, and a number of Catholics. While the latter group did not, of course, claim to represent all Catholics, they informed the court that their views represented a sizable segment of the American Catholic community. One section of the brief stated: "The practice for which Reverend Moon was condemned-taking and holding in his own name property given to him for church purposes-is a long-established practice of the Roman Catholic Church and of other religions in America. Since the Edict of Constantine, civil authorities have recognized the validity of bequests to the Catholic Church, and throughout this Nation's history, the Catholic Church and other religious bodies have held property through individual spiritual leaders, constituted as 'corporations sole'. The corporation sole is a form of property ownership tracing its origin to colonial times; judicial decisions recognizing it appeared as early as 1807."²⁸ The brief, initiated by Bishop Unterkoefler, noted that several states specifically allow the incorporation of bishops of the Catholic Church as corporations sole, and ownership of church property through the corporations sole is provided by statute in fifteen states.

The attempt of the amici in the Moon case shows the relevance of *Reid v. Barry* to Florida history. It may have seemed unusual in 1927, when there was still much anti-Catholic sentiment present in Florida, for the Florida Supreme Court to render a decision in favor of a Catholic Church official. One scholar calls it ironic in view of the small percentage of Catholics then living in Florida and in the South. The most intense period of

28. Brief Amici Curiae for Bishop Ernest L. Unterkoefler, Clare Booth Luce, Eugene J. McCarthy, Robert Destro, and a Coalition of Catholic Laymen, in the Supreme Court of the United States, October Term, 1983, No. 83-1242, *Sun Myung Moon and Takeru Kamiyama, Petitioners v. United States of America, Respondent*.

hostility in the South against the Catholic Church was from 1900 to 1920, but there were still many problems throughout the twenties. It was a time "singularly notable for the absence of Catholic migration into the South or Catholic growth either by size or influence."²⁹

Attorney Eugene Carpenter's recollection concerning the case has dimmed somewhat, but he still recalls how his partners were pleased that the court had stressed in its decision the concept of corporation sole, which had been a strong feature of their case.³⁰ The bill filed by Bishop Barry against Robert Reid and his sister came within the jurisdiction of Circuit judge Charles O. Andrews, Seventeenth Judicial District of the State of Florida, in Chancery.³¹ Orlando attorney Thomas Warlow was sworn in as agent of Bishop Barry on September 19, 1924; Benjamin McCain Robinson was the clerk filing the bill.³² Publication of the legal notice in the Orlando *Reporter-Star* appeared once a week for eight weeks, beginning October 2, 1924. Judge Andrews sent orders to Reid in Chicago to appear in court, and he issued a subpoena to Mrs. Ireland in Palatka, returnable November 3, 1924, to appear on December 1 to answer the premises. On October 17, 1924, the Reid family attorneys asked for the case files, and their request was granted. Putnam County Sheriff W. M. Canon received a subpoena for Mrs. Ireland and read it to her on October 18. Robert R. Reid, personally and as the executor of his father's will, and Mrs. Ireland were present in Judge Andrews's court on November 3, 1924.³³ Their attor-

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29. Samuel S. Hill, *Welcome the Stranger: Contemporary Ministry in the Church of Florida* (Boynton Beach, 1983), 28. The ruling of the Florida Supreme Court in favor of the Catholic claim in Orlando came just one year before the election of Herbert Hoover as president. Many Floridians rejected Alfred E. Smith, the Democratic party nominee, because he was Catholic. The Ku Klux Klan was active in Florida during the campaign.
 30. Conversation with Eugene Carpenter, Sr., July 10, 1984, in Orlando. During the time that *Reid et al. v. Barry* was under litigation, the Florida Supreme Court included William H. Ellis, chief justice, and Louis W. Strum, James B. Whitfield, Glenn Terrell, Rivers H. Buford, and Armstead Brown.
 31. Charles Oscar Andrews was a circuit judge until 1925, and later served as United States Senator, 1936-1946.
 32. Blackman, *Orange County*, pt. II, 3-4. Robinson, a native of Alabama, bought sixty acres in Orlando in 1874 and moved there in 1891. He served as clerk of the circuit court there for twenty-three years.
 33. Chancery 6694, OCC. Thomas B. Dowda and J. J. Canon filed the statement of appearance of the Reids' heirs. Sheriff Canon and Attorney Canon may have been related.

neys, in answer to Barry's exhibit of the bill in Chancery to quiet land title and to declare the bishop to be the owner of the land under dispute, argued that Barry "has no title nor interest in the premises described," that there was no equity in the bill, and that Barry had not stated a case which would entitle him to any relief in equity from the Reid family.³⁴

A demurrer to the bill was filed by the Reids' lawyers on December 1, 1924. Counsel for both sides agreed to an amendment by Barry's attorney. The warranty deed held by the bishop was filed in Orlando, December 18, 1924.³⁵ Judge Andrews overruled the demurrer on December 22, and gave the Reids thirty days to plead or to answer Barry's bill of complaint. The Reids entered an appeal on January 16, 1925, and three days later Judge Andrews considered the Reids' application for an order superseding the interlocutory decree and fixed the amount and condition of the supersedeas bond. Andrews ordered that the interlocutory decree be stayed upon the furnishing of a \$500 bond by the defendants. The Reids wanted the order of supersedeas dissolved; their attorneys argued that it would prolong litigation, delay final adjudication, cause them great loss, and hold up the growth of Orlando. The lawyers also stated that staying the decree prevented the Reids from proceeding against Barry, and that the order had been issued without notice to the Reids or to their counsel. The bill designating all parties claiming interest under Robert Reid's will was filed with the Florida Supreme Court by Judge Andrews on January 19, 1925.³⁶

A transcript of the record, begun on February 16, 1925, in the Orange County Circuit Court, was filed with the Florida Supreme Court on March 20, 1925. The demurrer had attacked the bill for want of equity, and the title to the land was questioned. The supersedeas order was granted on the twenty-seventh day after the order overruling the demurrer was made. The supersedeas order effectively stopped all proceedings in the circuit court until the Florida Supreme Court could rule. The motion to dissolve the stay was denied. The case came

34. Chancery 6694, OCC. The Palatka firm's letterhead was used in the item that acknowledged the warranty deed.

35. *Ibid.* See *Reid et al. v. Barry*, December 4, 1925, *Southern Reporter*, CVII (1925), 264-65.

36. Chancery Order Book No. 17, January 15, 1925, 299, OCC.

under study by the court beginning December 4, 1925, but the justices did not hear the case until April 14, 1927.³⁷

Bishop Barry contended that the deed to Bishop Moore had conveyed the property to the Catholic Church in perpetuity. The Florida Supreme Court agreed that it was the purpose of the deed in question to vest full title in fee, with full power of alienation, in Bishop Moore and his successors in their official, as apart from their individual, capacities, and that as the title was to pass, not to the bishop's heirs, but to his successors in office, the use of the word "heirs" would have been meaningless; the law did not require it. The deed was absolute on its face acknowledging the payment of a valuable consideration, to wit, \$1,050, and conveying the property in Orlando to the bishop and his successors in their official capacities. Justice Armstead Brown wrote the Florida Supreme Court's decision. Using precedents set in other states, the court ruled that Bishop Barry was a corporation sole entitled to hold property and to pass it on to his successors in their official position as bishops of the church. This, Justice Brown noted, was because Florida had by statute adopted the common law doctrine of the corporation sole. Under common law, a bishop was a corporation sole, and a deed to him and his successors was understood to convey the fee to such bishop in his corporate capacity. Justice Brown said that the word "successors" was as necessary as the word "heirs" to the conveyance of an estate inherited by a natural person. Brown noted the land had been purchased: "No doubt the price of \$1,050 was considered a good one in those early days. And the wording of the deed shows beyond a doubt that Mr. Reid, Sr., intended to convey the title to the then-bishop . . . and his successors, without the remotest indication of any idea that his children should have the right at any future time to take it away from them."³⁸

The Florida Supreme Court decision favoring Bishop Barry was filed in Orange County on May 20, 1927, forty-six years to the day of the date of the original deed to Bishop Moore by Mr. and Mrs. Reid, Sr. The original frame church of St. James in Orlando, the two-story frame rectory on Orange Avenue, and a frame garage on East Jefferson Street were replaced in the

37. *Southern Reporter*, CXII (1927), 846-60.

38. *Ibid.*, 859.

posed of roughly one-half of the original property. Portions facing on East Robinson, Magnolia, and East Jefferson streets were sold by Monsignor James G. Bishop, pastor of St. James, to the federal government. It became the site for the post office and federal offices. The final decree on *Reid v. Barry* had made it possible for the parish to sell part of the land. The decree of June 21, 1927, signed by Circuit Judge Frank A. Smith, successor to Judge Andrews, showed that A. E. Carpenter, attorney for the bishop, and George B. Carter, guardian answering for the Reids, were present when Judge Smith issued the final decree.³⁹

The diocese of Orlando when it was established on June 18, 1968, comprised Brevard, Highlands, Indian River, Lake, Marion, Okeechobee, Orange, Osceola, Polk, St. Lucie, Seminole, Sumter, and Volusia counties. The passing of deeds from one bishop to another took place through the legal instrument of quit claims. For example, Bishop Paul Tanner of St. Augustine executed a quit claim on June 18, 1968 (recorded July 29, 1968) to Bishop William D. Borders as bishop of the diocese of Orlando, and his successors in office, a corporation sole. This quit claim pertained to the deed to the property upon which the cathedral of Orlando was built.⁴⁰

The effect of *Reid v. Barry* upon legal decisions since 1927 is revealed by the column of citations that make reference to it in Shepard's *Southern Reporter Citations*. More pertinent to Catholics in Orlando today is the realization that if the Florida Supreme Court had not ruled in favor of Bishop Barry in 1927, members of the Cathedral Parish of St. James would not be looking forward to the celebration of their centennial on the very property where their church first began in Orlando in 1887.⁴¹

39. Remaining to the Catholic parish after the sale were 186.76 feet from lots 3 and 4, block 33, according to the plat as recorded in Plat Book C, 62-63, OCC.

40. Quit claim deed, DOA.

41. Shepard's *Southern Reporter Citations*, 2 vols. (Colorado Springs, 1977), I, 989.