

IN CIRCUIT COURT TWENTY-
FIRST JUDICIAL CIRCUIT
OF FLORIDA, IN AND FOR
ST. LUCIE COUNTY.

IN CHANCERY.

J. G. Coats,
Complainant,

vs

William Crane Gray, Presi-
dent, Friends of Florida
Seminole, if alive, and if
dead, to his unknown heirs,
devisees, legatees, or gran-
tees, and all persons having
or claiming to have any in-
terests in the lands herein-
after described,
Defendants.

SUIT TO QUIET TITLE.

ANSWER OF FRIENDS OF THE FLORIDA SEMINOLES, DEFENDANT:

Now comes, Friends of the Florida Seminoles by E. M. Willson, a citizen of Osceola County, Florida, as Secretary of the Friends of the Florida Seminoles, a voluntary Association or Society organized in the State of Florida, the headquarters of which are in Kissimmee, Florida, Defendant, and for answer to the Bill of Complaint herein filed by J. G. Coats says:

1. Answering paragraph 1 of the Bill of Complaint, this Defendant says that it neither admits nor denies the allegations thereof and demands strict proof of same.

2. Answering paragraph 2 of the Bill of Complaint, this Defendant denies the same, except that the Complainant is aged twenty one years, and charges that the Complainant well knew that the Defendant William Crane Gray was merely an official of this Defendant Society and well knew that the said William Crane Gray was deceased, and further knew that

the said deceased was acting as trustee for the said Society, and that the said Society was acting as trustee of the lands involved in this cause for the Seminole Indians of Florida and for their tribes.

3. Answering paragraph 3 of the Bill of Complaint, this Defendant admits the same, but says that the Tax Sale and Tax Certificate and Tax Deed therein mentioned are null and void for the reason that said lands so sold and certified and deeded were exempt from State and County taxation, for the reason that the Friends of the Florida Seminoles was from its organization in the year 1899, always has been and still is, a benevolent and charitable institution in the State of Florida, and that said lands were actually occupied and used by the said Society through its said deceased President throughout said period solely for the purpose for which the said Society was organized, said purpose being purely humanitarian, and its object being solely to befriend the remnant of the Seminole Indians in Florida, and to oppose the removal of the Seminole Indians from the State of Florida against their consent, and to secure for them permanent homes in the unsettled portion of the State of Florida, and to secure the enactment of legislation favorable to the policies and objects of the Society; and this Defendant says that the title to said lands was so vested, for the purpose aforesaid, in its President at that date, namely, the said Gray, deceased, who at that time was the Diocesan Bishop of the Protestant Episcopal Church, residing in Orlando, Florida, which fact was well known to the officers of St. Lucie County and to the Complainant, and that the said lands were never so held by

the said Society as an investment or for speculation.

And this Defendant further answering said paragraph says that the said Tax Deed is also void for the reason that neither this Defendant nor the said Society nor any of its officers or members was or were ever notified according to law by the Clerk of the Circuit Court of St. Lucie County that the Complainant had applied for said Tax Deed or that the same would be so issued.

4. Answering paragraph 4 of the Bill of Complaint this Defendant admits the same.

5. Answering paragraph 5 of the Bill of Complaint this Defendant denies the same.

6. Answering paragraph 6 of the Bill of Complaint, this Defendant admits the same.

7. Answering paragraph 7 of the Bill of Complaint, this Defendant neither admits nor denies that the said lands are now wild and unimproved, but denies that they have never been in the actual possession of any person whosoever, but says that, at the date of the conveyance of the said lands to the said William Crane Gray, deceased, as aforesaid, in trust for the said Society, the Friends of the Florida Seminoles and for the said Seminole Indians as aforesaid, the said lands were then in the actual possession and occupancy of a family of Seminole Indians, the head of which family under the Seminole Matriarchal System was Polly Parker, and this Defendant believes that the said Seminole Indian family continued to occupy the same for many years thereafter, the said lands being then locally known, and doubtless known to the Complainant, as "Polly Parker's Camp".

8. Answering paragraph 8 of the Bill of Complaint, this Defendant denies that the Complainant's title is good, notwithstanding that he paid a valuable consideration for the said void tax deed, and this Defendant admits that the said Society, the Friends of the Florida Seminoles, not only asserts some claim in and to the said premises, but further claims that its appropriate officials are now vested with the fee title to the said lands in trust for the said Seminole Indians and for the aforesaid objects and purposes of the said Society, which fact this Defendant admits must and should hinder the Complainant in selling the said premises.

9. Answering paragraph 9 of the Bill of Complaint, this Defendant says that the Complainant either knew the foregoing facts as hereinbefore stated or should have known of the said facts, as it was a matter of common knowledge throughout the State of Florida and throughout the United States that the said Society had been organized for the purposes above stated and that the said Bishop Gray had been the executive head of the said Society, and this Defendant charges that the Complainant well knew before he purchased his said void tax deed that this Defendant was either the chief active official of the said Society or was one of its chief officials, and the Complainant further well knew that the title to said land was so vested in trust for the benefit of the said Seminole Indians.

10. Without this, that any other act, matter or thing in the said Bill of Complaint set forth and alleged is true in manner and form as therein set forth and alleged.

Now, further answering the said Bill of Complaint this Defendant says that:

11. The Friends of the Florida Seminoles was organized as a humanitarian, benevolent and charitable Society or unincorporated Association on the 7th. day of January A. D. 1899 at Kissimmee, Florida, with the following officers: President, Bishop William Crane Gray, at that date a resident of Orlando, Florida, who is the named deceased Defendant in this suit; Vice-President, Rev. D. A. Dodge, at that date a resident of Kissimmee, Florida, but now of Punta Gorda, Florida; Secretary, J. M. Willson, Jr., at that date and also now a resident of Kissimmee, Florida, and the Defendant now answering this Bill of Complaint, as said Secretary; Treasurer, Senator C. A. Carson, at that date also a resident of Kissimmee, Florida, now deceased; and with the following Executive Committee, which was shortly thereafter appointed: George W. Wilson, Editor in Chief of the Times Union and Citizen, Jacksonville, Florida, now deceased; Dr. J. E. Brecht, United States Indian Agent, Fort Myers, Florida; F. A. Hendry, Member of Florida Legislature, Thompson, Florida, a member of the House of Representatives of the State of Florida and former Speaker of the said House of Representatives, now deceased; P. A. Vans Agnew at that date of Kissimmee, Florida, and now of Winter Park, Florida; R. H. Seymour at that date a resident of Kissimmee, Florida, and now of Miami, Florida.

12. That the Constitution and By-laws of the said Society as then adopted was and is now as follows:

"Constitution
of
Friends of the Florida Seminoles.

Article I.

The name of the Society shall be Friends of the Florida Seminoles.

Article II.

The object of the Society shall be to better the condition of the Florida Seminoles and oppose their deportation from the State against their consent.

Article III.

Any person subscribing to the Constitution whose name is approved by the Executive Committee, may become a member.

No membership fee nor assessment will be required, but the Society shall be dependent upon voluntary contributions for its support.

Article IV.

It shall be the aim of the Society to influence public opinion in every legitimate way; to secure the enactment of legislation favorable to its policy and to aid the government in its efforts on behalf of the Seminoles.

Article V.

By ballot there shall be a President, Vice-President, Treasurer and Secretary elected for one year, or until their successors, are elected. In voting a majority of the members present will be necessary for a choice.

Article VI.

The Executive Committee shall promote the interest of the Society by the publication of information concerning its aim, for which purpose they shall be empowered to appoint sub-committees. They shall also have power to fill vacancies in their own body.

Article VII.

There shall be an annual meeting in January, on a day to be fixed by the Executive Committee at which time the election of officers shall take place.

Article VIII.

This Constitution shall not be amended except by a vote of two thirds of all members present at the annual meeting or a special meeting called for that purpose."

"By-LAWS
of the
Executive Committee of Friends of the Florida Seminoles.

Article I.

The Executive Committee shall hold stated monthly meetings on second Monday of every Month at half past three o'clock. A special meeting shall be called whenever the President shall so direct. At all meetings three members shall constitute a quorum.

Article II.

The order of business at stated meetings shall be as follows:

1. Reading of Minutes of last meeting.
2. Report of Committees.
3. Reports of Officers.
4. Deferred Business.
5. New Business.
6. Election of Members.

Article III.

The chairman of the Executive Committee at the first meeting after the annual election, shall appoint such sub-committees as the affairs of the Society may require; said committees shall perform the duties assigned to them.

Article IV.

The Secretary shall keep a record of the proceedings of the Society, and shall be the custodian of all papers.

Article V.

No payment shall be made by the Treasurer except on the order of the Executive Committee. He shall file with the Executive Committee at its last meeting previous to the annual meeting of the Society a detailed report of receipt and expenditures.

Article VI.

The Executive Committee shall have power to amend their by-laws whenever half of the members shall be present at any meeting."

13. That the said Society was recognized by the Legislature of the State of Florida as a benevolent and charitable Association by and under the terms of Chapter 4764, Laws

of Florida, Acts of 1899, approved June 1, 1899, which Act reads as follows:

"CHAPTER 4764--(No. 103.)

AN ACT to Appropriate Funds for a Seminole Industrial School Providing for its Management, and Appointing Financial Trustees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. That the sum of five hundred dollars annually for two years be appropriated from the general school fund for the purpose of establishing and maintaining an experimental industrial school for the Seminole Indians of Florida, said school to be located in the Cow Creek settlement of the Seminole Indians in Brevard County.

Sec. 2. That the management of said school shall be entrusted to a Board of Seminole Educators, composed of the executive committee of the society, "Friends of the Florida Seminoles," who shall make an annual report of the work of the school to the Governor on the first day of January of each year.

Sec. 3. Said society shall be empowered to purchase lands necessary to the execution of said trust, the title to which shall be vested in the State of Florida, for the use of the said Seminoles, and to do and perform all acts such as may be required to the performance of its work.

Sec. 4. The custody of said funds shall be vested in the hands of the following three trustees: J. R. Parrot, G. W. Wilson and F. A. Hendry; and in case of a vacancy occurring in said Board of Trustees, the Governor shall appoint a person fit to fill the office. Said Trustees shall not receive any compensation and shall render annual report to the Governor.

Sec. 5. Said trust funds shall be paid out by said Trustees on the written warrant of the President or Vice-President of said Board, countersigned by its Secretary or Treasurer.

Sec. 6. All laws and parts of laws in conflict herewith be and the same are repealed.

Sec. 7. This act shall take effect immediately upon its approval by the Governor.

Approved June 1, 1899."

14. That during the same year, 1899, a nation wide appeal was made by Harper's Weekly, the well known illustrated weekly journal published in New York City with a nation wide circulation for subscriptions to a Fund established by the said Society for the purpose chiefly of locating, purchasing and holding in trust for the use of the said Indians some of the scattered Indian Camps or Fields located in the extreme portion of South Florida, particularly in the neighborhood of Lake Okeechobee, which Fund was successfully established, and that among the Camps or Fields so located and so purchased was the said Polly Parker Camp, the same being the lands described in this suit as evidenced by the Minutes of the Meetings of the Executive Committee of the said Society, which Minutes this Defendant is ready at any time to produce to this Court.

15. That the total membership of the said Society, including residents and non-residents and including regular members and honorary members, numbered approximately eighty, and included among others Minnie Moore Willson, the wife of the undersigned J. M. Willson, now answering for this Defendant, she being the well known author of the "History of the Florida Seminoles", Kirk Monroe, the well known author, Henry B. Plant, now deceased, the head of the Plant System, Henry M. Flagler, now deceased, the head of the Flagler System, Hon. W. D. Bloxham, Ex-Governor of Florida, now deceased, Hon. Albert W. Gilchrist, Ex-Governor of Florida, now deceased, W. A. Jones, United States Indian Commissioner, A. J. Duncan, United States Indian Inspector, and many others of State and

National reputation.

16. That for many years the efforts and activities of the said Society and of its officials were widely published throughout the State of Florida, and the fact that Bishop Gray was the active head of the Society until his death in November, 1919, was a matter of common knowledge throughout the State.

17. That the said lands were paid for out of the said Harper's Weekly Fund by and through the officials of the said Society for the use and benefit of the said Seminole Indians, and for the purpose of so securing the title the deed was expressly made to the said Bishop Gray in his official and fiduciary capacity as the President of the said Society, thus stamping the said deed with its trust character, and the creation of such trust being evidenced by the name of the party of the second part as therein stated.

18. That the only living officers or officials of the said Society now living are Dr. A. J. Holt of Punta Gorda, Florida, formerly the Pastor of the Kissimmee Baptist Church, the said P. A. Vans Agnew, who are still members of the Executive Committee, and the undersigned J. M. Willson, this Defendant.

19. That the said Society was never incorporated and that therefore the said William Crane Gray, as President of the said Society, was in fact and in law the trustee for the Society of the said Seminole Indians; that the said trust was accepted by the said Society for and in behalf of the said Seminole Indians, and that the true beneficiaries of the said trust and the equitable owners of the said lands are the said Seminole

Indians still residing in the State of Florida.

20. That this Defendant is informed and believes that the said Tax Sale Certificate No. 43 mentioned in the Bill of Complaint upon which said Tax Deed so issued to the Complainant was predicated, was either cancelled by the Comptroller of the State of Florida, or was ordered by him to be so cancelled under the authority of Section 783 of the Revised General Statutes of Florida upon the ground that the same was not subject to taxation for the reasons above stated in paragraph 3 of this Answer.

21. And this Defendant says that the said Society as trustee as aforesaid and the said cestuis que trustent are entitled to affirmative relief in this cause, and to that end this Defendant prays:

(a) that the said Tax Deed so issued to the said Complainant be declared and decreed by this Honorable Court to be null and void, and that the Clerk of this Court be appropriately directed by this Honorable Court to cancel the said deed of record;

(b) that a new Trustee be appointed by this Court to succeed the said William Crane Gray, deceased;

(c) that this Defendant be granted such other and further relief in the premises as the equity of the case may require.

And now having fully answered the said Bill of Complaint this Defendant prays to be hence dismissed with his

Indians still residing in the State of Florida.

20. That this Defendant is informed and believes that the said Tax Sale Certificate No. 43 mentioned in the Bill of Complaint upon which said Tax Deed so issued to the Complaint was predicated, was either cancelled by the Comptroller of the State of Florida, or was ordered by him to be so cancelled under the authority of Section 783 of the Revised General Statutes of Florida upon the ground that the same was not subject to taxation for the reasons above stated in paragraph 3 of this Answer.

21. And this Defendant says that the said Society as trustee as aforesaid and the said cestuis que trustent are entitled to affirmative relief in this cause, and to that end this Defendant prays that the said Tax Deed so issued to the said Complainant be declared and decreed by this Honorable Court to be null and void, and that the Clerk of this Court be appropriately directed by this Honorable Court to cancel the said deed of record.

And now having fully answered the said Bill of Complaint this Defendant prays to be hence dismissed with his reasonable costs in this behalf most wrongfully sustained.

FRIENDS OF THE FLORIDA SEMINOLES

BY _____
As Secretary of the Friends of
the Florida Seminoles.

Solicitor for said Defendant.

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As Secretary of the Friends
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