

Bucklesberry, Back in the Day

Hickory Grove Church (Part 23)

Bucklesberry's first church was embroiled in a civil suit that lasted for more than two decades, crippling its ability to minister fully. Initiated in 1889 by former Baptist pastor, Rev. Bushrod Washington (B. W.) Nash on behalf of the Union Baptist Association, the case was later carried forward by Rev. Bush's descendants before it was eventually settled in 1910.

Multiple suits all revolved around the same central claim, specifically, that Hickory Grove did not own its building and property. Rev. Nash asserted that the Church had deeded its land to the Association years earlier. Founded around 1860, Hickory Grove operated as a Baptist church until 1885 when the congregation voted to separate from the Association and to align with the Methodist Protestant (M. P.) Church.

Like rounds in a prize fight, representatives of Hickory Grove and Rev. Nash, trustee for the Association, slugged it out legally in six separate suits. Rev. Nash's initial 1889 claim alleged that he and the Association were owners of the Church property, that Junius Eli Sutton (1847-1941), local Bucklesberrian and member of the Church was in possession of it, and that he was unlawfully withholding it from the Association. Judge Robert Franklin Armfield roundly dismissed the case in August, 1890, including Rev. Nash's claim for five hundred dollars in damages.

By the next year, Rev. Nash filed a second suit. Rather than Junius Eli Sutton, however, the defendant targeted in the second claim was Junius' twin brother, Julius Eri Sutton (1847-1925) and others in the Church. In a special proceeding, the Clerk of Superior Court in Lenoir County dismissed the action, which was heard on appeal by Judge James D. McIver on September 2, 1891, who sustained the Clerk's judgment. Rev. Nash promptly appealed to the North Carolina Supreme Court. In the opinion written by Associate Justice Alphonzo C. Avery on December 15, 1891, the lower Court ruling was upheld, allowing Hickory Grove a second legal victory.

Legal scholar, Theodore F. Davidson, reported on the 1891 Nash v. Sutton et al. Supreme Court decision (see *North Carolina Reports*, Vol. 109, 1892). He provided a succinct summary of Rev. Nash's second claim:

"The petition of the plaintiff alleged in substance—That on or about the __ day of __, 1872, the defendants Julius E. Sutton and wife, Nancetta Sutton executed unto B. F. Sutton, Jr. and others, trustees of the Baptist church at Hickory Grove, Lenoir County, a deed of trust conveying the described land; that said deed was duly probated and recorded, but the records containing the

registry were destroyed in the burning of the court-house, about the __day of __, 1878, and there is now no copy of said deed in existence, and the original deed is lost or destroyed; that the said trustees entered into and accepted the trust, and took possession of the lands as above conveyed, for the use and benefit of the said Baptist church, and Baptist denomination, and for the use and benefit of the members thereof; that the various Baptist churches in the counties of Wayne, Duplin, Pender, Greene and Lenoir organized the Union Association of the Baptist churches, and the church at Hickory Grove became a member; that this plaintiff was, at the time of the organization of the said Union Baptist Association, a member of the Baptist church at Hickory Grove, and is still a member of said Baptist church at Hickory Grove; that the said defendant trustees 'on or about the __day of __, 1885, contrary to the law in such case made and provided, and contrary to their most solemn religious covenants and agreement, violently and unlawfully abuse[d] their most solemn trust as trustees of the Baptist church at Hickory Grove, and did unlawfully connive with aid and abet and unlawfully make attornment, and did unlawfully affiliate and join with, and render possession of said Baptist church at Hickory Grove to the Methodist Protestant denomination, and the said defendants do so now unlawfully hold the said church and premises contrary to their most solemn trust and obligation, and contrary to the law in such cases made and provided, and are incompetent to execute said trust according to its true intent and meaning.'" (*North Carolina Reports, Vol. 109, 1892, pp. 551-552*)

Aside from Rev. Nash's disrespectful and baseless assertion that Hickory Grove Church trustees were incompetent, the lower Court ruling included a demurrer pleading by defendants, Julius Eri Sutton and others. In the absence of evidence to the contrary, *demurrer* is an objection by the defendants that the plaintiff's complaint is invalid or irrelevant, although it "generally assumes the truth of all material facts alleged in the complaint...even if those facts appear to be obvious fabrications by the plaintiff..." (*Wikipedia, September 2, 2019*).