

Bucklesberry, Back in the Day

Hickory Grove Church (Part 28)

It was the talk of the town in La Grange and beyond for years. The legal battle between Bucklesberry's first church and Rev. Bushrod Washington (B. W.) Nash, agent of the Union Baptist Association, included six separate and distinct lawsuits that lingered for more than two decades. Initiated in 1889, the last case was resolved in 1910.

All filed in Lenoir County Superior Court, the complaints in each case were the same. Rev. Nash alleged that, during its earliest years from 1860 to 1885 when Hickory Grove was a Baptist work, the Church was deeded to the Union Baptist Association. Thus, Rev. Nash asserted the congregation and trustees did not own their building and property. Further, they had no legal authority in 1885 to separate from the Baptists and to align with the Methodist Protestant (M. P.) Church.

The first lawsuit was roundly dismissed in 1890. Also dismissed in 1891 was the second lawsuit heard on appeal by the North Carolina Supreme Court, who upheld the lower Court ruling.

Presented in earlier Bucklesberry articles, the complaint of the third lawsuit in 1892 was considerably expanded with multiple causes of action. The reparations that Rev. Nash demanded in this complaint were severe and punitive:

"Wherefore Plaintiff [Rev. Nash] demands judgment. 1. That he recover of the Defendants the lands and premises mentioned and described in the Complaint for the use and benefit of the Union Baptist Association and the Baptist denomination. 2. That he recover of the Defendants the sum of Five Hundred Dollars as damages for the unlawful detention of the same. 3. That this Court decree the right title and interest of the Members of the Baptist Church to said property as equitable owners under said deed of trust. 4. That the Defendants B. F. Sutton, Jr., S. I. Sutton, Thomas Sutton, Jerre [Jeremiah, Sr.] Sutton and Levi Hill trustees be removed and such trustees be appointed that will execute said trust according to its true intent and meaning and 5. That Plaintiff recover of the Defendants the cause of this action. H. E. Shaw, Plaintiff's Attorney."
(Archives of North Carolina, Raleigh)

The Honorable Henry Graves Connor, U. S. District Court Judge, however, would have nothing to do with awarding Rev. Nash the judgment he demanded, rejecting it outright, despite the amplified and detailed complaint:

"North Carolina, Lenoir County } Superior Court, May Term 1893. B. W. Nash, Trustee of Union Association of Baptist vs. Julius E. Sutton and wife, Nancetta Sutton, B. F. Sutton, Jr., Jerry [Jeremiah, Sr.] Sutton, S. I. Sutton, Thomas Sutton, and Levi Hill } Judgment. This action coming on for trial. It is adjudged that that the plaintiff be non-suited and that the defendants recover of the plaintiff and L. D. Gulley surety on Plaintiff's bond for costs, the costs of the action to be taxed by the Clerk. H. G. Connor, Judge. Loftin & Rountree and N. J. Rouse, Attorney for Defendants. N. E. Shaw & Jackson & Perry, Attorneys for Plaintiff." (*Archives of North Carolina, Raleigh*)

A judgment of *non-suited* meant that Rev. Nash's suit was dismissed because he failed to make a legal case for his allegation or to bring sufficient evidence. Prevailing a third time, the ruling allowed Hickory Grove to retain its property under the M. P. Church banner.

Without missing a beat, Rev. Nash quickly filed a fourth lawsuit against Hickory Grove. Few were surprised when a judgment of non-suited was handed down again from the Honorable Edwin Thomas Boykin, Judge, North Carolina Superior Court, Sixth Circuit in 1894. Promptly appealed to the North Carolina Supreme Court, Rev. Nash received an unexpected ruling from the Justices this time.