

Bucklesberry, Back in the Day

Hickory Grove Church (Part 29)

Race car drivers and runners often take victory laps when they win. From 1889 to 1894, Bucklesberry's first church won four lawsuits filed against it by Rev. Bushrod Washington (B. W.) Nash, agent of the Union Baptist Association. The four wins certainly earned Hickory Grove the right to take a victory lap of sorts. But it would have been short-lived.

On appeal from Rev. Nash, the North Carolina Supreme Court reviewed the ruling made in the trial of the fourth suit heard by Judge Edwin Thomas Boykin at Lenoir County Superior Court in 1894. To the shock and awe of many, the high Court reversed the decision in 1895, acknowledged error, and sent the case back to the lower Court. Writing for the majority, Associate Justice Walter Alexander Montgomery summarized the case and provided a legal basis for the reversal:

"The plaintiff brings this action in his own behalf as a member of Hickory Grove Church and as trustee of Union Baptist Association, to have set up a lost deed to the property in dispute, and to have the defendants, whom he alleges to be faithless trustees of the church, removed, to have himself declared trustee, and for the possession of the property, to hold for the benefit of the Union Baptist Association. It is alleged in the complaint that a deed was made by by J[ulius] E. Sutton and wife to the trustees of the church, the defendants, for the land on which the church was built. The deed was made in 1872 for 'the use and benefit of the Baptist Denomination and Church at Hickory Grove'; that the defendants, as such trustees, took charge the property, and the church congregation used and enjoyed it as a place of worship for many years thereafter; that the deed was duly registered, but has been lost, and the registry containing the registration has been destroyed by fire; that the plaintiff has been unlawfully deprived of the use of the church property, and ejected therefrom; and that the defendants abandoned their faith as Baptists, and, with the greater number of the congregation, have joined another denomination of Christians [Methodist Protestant Church], and have been there for some time using and enjoying the church property exclusively for the benefit of the church which they recently joined, and claim the property as that of the church of their new faith; that the defendants have been removed as trustees the Union Baptist Association on account their faithlessness, and the plaintiff appointed by the association sole trustee for their benefit, that association claiming the right to move the defendants, and to appoint the plaintiff in their stead, under powers conferred them by the action of the churches comprising the association, including the church at Hickory Grove; and that the plaintiff, as such trustee, has demanded the property from defendants, and also a deed from them to him, which the defendants refuse to give."

"The plaintiff on the trial, testified to all material facts set out in the complaint; and, upon the conclusion of his testimony, the court intimated that the plaintiff could not recover, although the church at Hickory Grove might be disorganized and incapable of transacting its business, as the plaintiff admitted that no conveyance had been made from the trustees of the church to him. There was error in this ruling. It was not necessary that Plaintiff should have had the legal title to the property to entitle him to relief in this action. It is not required of us to pass on the regularity and effect of the appointment of the plaintiff as trustee of the Union [Baptist] Association, for, as an interested member of the Hickory Grove Church and of the Union Baptist Association, he had an equitable interest in the property, sufficient to enable him to bring this action against the defendants, who, as he had alleged and testified, proved faithless to trust, and to have them removed for the breach, and a new trustee appointed. When the case is heard on the complaint and answer, if the plaintiff shall recover, the judgment can be so framed as to remove the defendants for their bad faith in their office of trustees, and to appoint the plaintiff a trustee in their place, to hold the property for the benefit of the Union Baptist Association; he, at any time the association may require, to convey the property as the association may direct. The defendants may also be required to convey to the new trustee the legal title to the property, and the registration of the judgment be made to operate as the conveyance. Error." (*Archives of North Carolina*, Raleigh)