

Bucklesberry, Back in the Day

Hickory Grove Church (Part 33)

For more than two decades, Hickory Grove Church faced repeated litigation that threatened its very survival. Six civil suits tried at Lenoir County Superior Court from 1889 to 1910 forced the Church to defend the ownership of its property.

The complaints were filed at the behest of former pastor, Rev. Bushrod Washington (B. W.) Nash of the Union Baptist Association. Each suit claimed that Hickory Grove, chartered in 1860 as a Baptist work, had deeded its property to the Association in 1872. Rev. Nash believed the Church had no authority to separate from the Baptists in 1885 and to align with the Methodist Protestant (M. P.) Church.

Appealed several times to the North Carolina Supreme Court, Hickory Grove prevailed in the first five cases. The last suit filed in 1898, however, lingered for twelve years. Court documents indicate that problems with litigants contributed to the delay:

1900, December: *Affidavit* filed by Rev. Nash's daughter, Mary Ella Nash Morris, one of five plaintiffs. Apparently unavailable for the scheduled Court proceeding, "She was in the State of Virginia and was not apprised of the said [Court] term, and...she...believes...[it] was not advertised in each and every township of Lenoir County, and...she did not know that the...case would be called for trial at this term..." (*State Archives of North Carolina*, Raleigh)

1904, June: *Affidavit and Motion* filed by plaintiff, Levi Barwick. He petitioned the Court to be removed from the suit since he, "Never consented...that his name should be used as a party to said action, but that on the contrary he...expressed his unwillingness to join in said action to B. W. Nash, who spoke to him concerning the same..." (*State Archives of North Carolina*)

1907, January: *Summons for Relief* issued to Rev. J. F. Dozier and Junius Eli Sutton. Both were ordered to show cause why they should not be added as defendants in the suit.

1907, May: *Answer to the Summons for Relief* from Rev. J. F. Dozier. He claimed, "No interest whatever in the matters involved in this action; [and] that he is not in possession of the said property in controversy," (*Archives of North Carolina*). He further claimed that, although he was pastor at Hickory Grove, his membership was with an M. P. Church in Randolph County.

1907, May: *Answer to the Summons for Relief* from Junius Eli Sutton. He similarly claimed, "No interest whatever in the matters involved in this action; that he is not in possession of the

property in controversy in said action nor any part of the same; and that he is not a proper party to the said action in any wise or manner," (*Archives of North Carolina*).

1907, June: *Subpoena* issued to Plato Collins, Clerk of Court. He was ordered to provide, "All records in all cases of B. W. Nash, Minister, etc. vs. Sutton..." (*Archives of North Carolina*) and to testify on behalf of the defendants.

1907, June: *Affidavit* of a sworn deposition from Rev. Nash. He alleged that Junius Eli Sutton, "Kept the key to Hickory Grove Baptist Church and kept the same locked, and that [he] made personal demand...for the said key and said Sutton refused to deliver up said key, claiming that the said Church was not the property of the Baptist people of which [Rev. Nash] was in charge..." (*Archives of North Carolina*).

1907, August: *Summons for Relief* issued to John Franklin Barwick, Esdras Elmore, and Junius Eli Sutton, trustees of Hickory Grove Church. They were notified that they had been added to the case as defendants, joining five previously named defendants.

1909, November: *Summons for Relief* filed by Rev. Nash's wife, Elizabeth, and son, Luther, co-plaintiffs. Newly-added defendants, John Franklin Barwick, Esdras Elmore, and Junius Eli Sutton, were ordered to pay a prosecution bond of \$200.00.

Not until 1910 did the Court rule on the last suit against Hickory Grove, finally putting the matter to rest.