

Bucklesberry, Back in the Day

Hickory Grove Church (Part 34)

Bucklesberry's first church repeatedly found itself in Court defending the ownership of its building and property during the late 1800s and early 1900s. Former pastor, Rev. Bushrod Washington (B. W.) Nash of the Union Baptist Association initiated six lawsuits against Hickory Grove from 1889 to 1898. Not until 1910 would the legal nightmare be resolved for good.

The allegation in each of the suits was the same. Rev. Nash claimed that Hickory Grove, founded as a Baptist church in 1860, deeded its property to the Association in 1872. Further, he asserted the Church had no authority to separate from the Baptists in 1885, the year it aligned with the Methodist Protestant (M. P.) Church.

Appealed to the North Carolina Supreme Court several times, Hickory Grove prevailed in five suits tried between 1889 and 1896. The sixth and final suit was a victory as well. Ending the legal battle, the Honorable Charles Mather Cooke handed down the resounding judgment in favor of Hickory Grove in 1910:

"North Carolina, Lenoir County. In the Superior Court, March Term, 1910. Isaac Barwick, Levi B. Barwick, L[uther] M. Nash, E[lizabeth] C. Nash, M[ary] E[lla] [Nash] Morris, Members of Hickory Grove Baptist Church, v. S[amuel] I[vey] Sutton, J[erre] Sutton, and B[enjamin] F[ranklin] Sutton, Trustees, and J[ulius] E[ri] Sutton and wife, Nancetta Sutton, et al. } Judgment. This cause coming on to be heard before Hon. C. M. Cooke, Judge, and a jury at the March Term, 1910, of the Superior Court of Lenoir County, and upon consideration by the Court of the Complaint and Answer filed herein, and upon admission by counsel for the plaintiffs that the Judgment set out in the Answer of the defendants was duly rendered, and upon consideration of said Judgment and the proceedings therein, the Court being of the opinion that all matters in controversy in this section were settled and determined in the former action in which said Judgment was rendered, It is, therefore, upon motion of Loftin, Varser & Dawson and Rouse & Land, Attorneys for defendants, ordered and adjudged that all matters in controversy in this action were settled and determined in the said former action and that the said Judgment and proceedings are a bar to the further prosecution of this action by the plaintiffs against the defendants. It is further ordered and adjudged that the said action be and is hereby dismissed and that the defendants recover of the plaintiffs and the sureties on their prosecution bond, the cost of this action to be taxed by the Clerk. C. M. Cooke, Judge Presiding. To this judgment plaintiff excepts & appeals to the Supreme Court. Undertaking an appeal fixed at \$35 thirty five dollars. Notice of appeal by 30 days by consent allowed appellant to prepare and serve case on appeal by

30 days. Motion to defendant to return to me with exceptions. C. M. Cooke, Judge." (*Archives of North Carolina, Raleigh*)

The judgment rendered by Judge Cooke was definitive and put the matter to rest, once and for all. Although the plaintiffs signaled they were going to appeal, there is no indication they ever followed through.

From the filing of the suit in 1898 to the ruling from the Court in 1910, the case spanned twelve years. Three of the defendants named in the suit, Benjamin Franklin Sutton (1838-1897), Samuel Ivey Sutton (1834-1904), and Jeremiah (Jerre) Sutton, Sr. (1836-1900) had deceased before the case ended. Rev. Nash lost two children in the interim. A son, Herder Nash, died in 1904, and a daughter, Mattie Nash Gibson, died in 1907.

Hickory Grove never faced another lawsuit over its property. Perhaps it was because the driving force behind all previous litigation, Rev. Nash himself, passed away in 1911, the year after the final case had concluded.