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# Bucklesberry, Back in the Day

## Hickory Grove Church (Part 24)

A twenty-year legal battle between Hickory Grove Church and Rev. Bushrod Washington (B. W.) Nash of the Union Baptist Association took a heavy toll on the Church, leaving it ministerially crippled for years. Founded in 1860, Bucklesberry's first church was affiliated with the Baptists until 1885 when it formally aligned with the Methodist Protestant Church.

Strangely relentless, Rev. Nash filed six separate and distinct law suits, the first occurring in 1889. All contended that the Church did not own its building and property because trustees had deeded the property to the Union Baptist Association in 1872. A timeline and summary of the first two suits follow:

Suit #1: Filed in 1889 at Lenoir County Superior Court against Church member, Junius Eli Sutton (1847-1941); dismissed in 1890 by Judge Robert Franklin Armfield; no appeal.

Suit #2: Filed by 1891 at Lenoir County Superior Court against Junius' twin brother, Julius Eri Sutton (1847-1925), wife, Nancetta Sutton (1857-1929), and other Church members; dismissed in a special proceeding by the Clerk of Court; Rev. Nash appealed to Judge James D. McIver in September, 1891, who sustained the Clerk's ruling; Rev. Nash then appealed to the North Carolina Supreme Court in December, 1891; lower Court ruling was upheld in an opinion written by Associate Justice Alphonzo C. Avery.

Like rounds in a prize fight, Rev. Nash delivered a third legal blow in 1892 by filing suit yet again against Julius and wife, Nancetta, along with Benjamin Franklin Sutton (1838-1897), Jeremiah Sutton, Sr. (1836-1900), Samuel Ivey Sutton (1834-1904), Thomas Sutton (1826-1894), and Levi Hill (1830-1898). The first two of seven points in the complaint follow:

"North Carolina Lenoir County } Superior Court May Term 1892. B. W. Nash, Trustee of Union Baptist Association, Plaintiff Against Julius E. Sutton & wife Nancetta Sutton & B. F. Sutton, Jr., S. I. Sutton, Jerre [Jeremiah, Sr.] Sutton, Thomas Sutton, Levi Hill, Defendants } Complaint. The Plaintiff above complaining of the Defendants alleges 1. That this Plaintiff is the owner and entitled to the immediate possession of the following tract of lot of land. Lying and being in Falling Creek Township Lenoir County State of North Carolina, known as the Hickory Grove Baptist Church lot on which now stands Hickory Grove Baptist Church adjoining the lands of Julius E. Sutton and more particularly described as follows to wit: Beginning at a dogwood tree on the North side of the Public Road [now Kennedy Home Road] leading from White Hall [now Seven Springs] in Wayne County to the town of Kinston, County of Lenoir and running thence

about North East seventy (70) yards to a stake thence about North West seventy (70) yards to a stake thence about North West seventy (70) yards to a stake thence about South West seventy (70) yards to a stake, on the road side thence with said road to the beginning containing one acre more or less, which is wrongfully and unlawfully withheld and retained from this Plaintiff by the Defendants."

"2. That this Plaintiff is the lawfully elected and lawfully constituted trustee of the Union Baptist Association and vested with full power to sue and be sued, plead and be impleaded for on an account of lands gifts and donations held or claimed by said Association to receive purchase take and hold property real and personal in trust as trustee for the same." (*North Carolina Archives*, Raleigh)

The remaining points in the complaint and the judgment rendered for the third suit will be shared in an upcoming Bucklesberry article.