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Bucklesberry, Back in the Day

Hickory Grove Church (Part 32)

Burdened with seemingly endless litigation, the final Court ruling for Bucklesberry's first church handed down in 1910 was a long time coming. Not just because it was the last in an astounding series of six lawsuits that spanned twelve years, but because the entire legal ordeal initiated in 1889 took more than two decades to resolve.

Gasping for litigious breath, Rev. Bushrod Washington (B. W.) Nash, agent of the Union Baptist Association, directed a final, sixth lawsuit be filed against Hickory Grove in 1898. To the surprise of many, however, he was not the plaintiff. Rather, his wife, a son, a daughter, and two Bucklesberrians, Isaac Sutton Barwick, Sr. and son, Levi B. Barwick, were recruited as plaintiffs.

There were some changes in the delegation of defendants as well. Named again in this round were Benjamin Franklin (B. F.) Sutton, Jeremiah (Jerre) Sutton, Sr., Julius Eri Sutton, wife, Nancetta Sutton, and Samuel Ivey (S. I.) Sutton, all defendants in four previous suits. Why B. F. was retained, though, is a mystery. He died in 1897, one year before the complaint was filed. Thomas Sutton, deceased in 1894, and Levi Hill, Sr., deceased in 1893, also defendants in earlier suits, were rightfully omitted.

The defendants' answer to the complaint, filed two years later in 1900, included a number of indisputable admissions. They acknowledged the first point of the complaint, that B. F., Jeremiah, Levi, and S. I. were trustees when Hickory Grove was originally founded. The *Hickory Grove Church 1860-1991 History* book verified these four men were indeed charter members.

The book identified two other Church founders, Hardy Sutton (1803-1861) and Josiah Sutton, Sr. (1810-1898), who were not named as defendants in any of the suits. Understandably, Hardy was deceased prior to the first lawsuit in 1889. But Josiah was alive throughout the filing of the fifth lawsuit in 1896. Yet, oddly, he never was a litigant.

The defendants also admitted to the second point of the complaint, that Julius and Nancetta deeded land in 1872 to the trustees at Hickory Grove, then-Baptist. They acknowledged point three of the complaint as well, that the deed had been lost or destroyed by the fire at the Lenoir County Courthouse in 1880.

But the defendants did not admit to the final two points of the complaint. Flatly denied was the fourth point, that they had withheld the Church lot and property for the use of the members of the Hickory Grove *Baptist* Church, including the plaintiffs, and used it instead for the Methodist

Protestant (M. P.) Church. In fact, they could not have withheld Church property from *Baptist* Church members since the congregation had voted unanimously in 1885 to separate from the Baptists and to adopt the doctrine and organization of the M. P. Church.

Finally, the defendants rejected the fifth point of the complaint, that "Plaintiffs, at various times as members of said Church [Hickory Grove Baptist], have demanded the free use and occupation of the Church from the defendants, and they in violation of their plain duty and trust have denied the same..." (*State Archives of North Carolina*, Raleigh). Clearly referencing the 1885 change in denomination, the defendants further affirmed,

"There is now no organization known as the Baptist Church at Hickory Grove and it is denied that the plaintiffs, or either of them, are members of an organization known as the Baptist Church at Hickory Grove, or the Hickory Grove Baptist Church." (*State Archives of North Carolina*, Raleigh)

From initial filing in 1898 until the judgment in 1910, the sixth and final case was continued by the Court numerous times. Unfortunately, documents available at State Archives in Raleigh for this suit are incomplete. Some inconsistent allegations in this lawsuit, then, likely may never be explained.