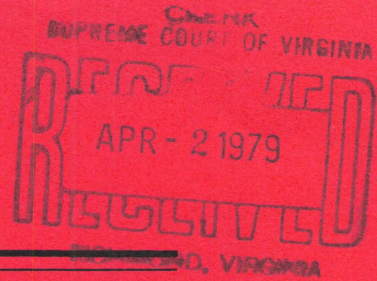


221VA547



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IN THE  
**Supreme Court of Virginia**  
AT RICHMOND

---

RECORD NO. 781388

---

WESLEY J. GREEN, PASTOR, ET AL.

Appellants

v.

TIMOTHY LEWIS, ET AL.

Appellees

---

JOINT APPENDIX

---

Daniel T. Balfour, Esq.  
MALONEY, YEATTS, BALFOUR,  
AYERS & BARR  
600 Ross Building  
Richmond, Virginia 23219

Counsel for Appellants

Lawrence D. Diehl, Esq.  
SPERO AND DIEHL  
Suite 203  
The Community Bank Building  
Petersburg, Virginia 23803

Counsel for Appellees

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PETITION

Comes now Wesley J. Green, Pastor of Lee's Chapel of the African Methodist Episcopal Zion Church (A.M.E. Zion Church) on River Road in Chesterfield County, Virginia who states the following:

1. A small minority of the members of the church have attempted to prevent use of the church by the majority of the members and the group has attempted to prevent such members from using the church premises.

2. This small group has not had any legal order entered allowing them to prevent the majority of the members and the pastor from using the church and no deed has been recorded showing that they are the new trustees of the property.

3. Pursuant to Section 57-9 of the Code of Virginia of 1950, as amended, this court is hereby requested to restrain the defendants from using the property or from entering the premises for any reason whatsoever.

WHEREFORE this court is asked to enter an injunction preventing the defendants from entering or using the premises and from harrassing or molesting the majority of the members of the church and the pastor of said church.

WESLEY J. GREEN, PASTOR

By \_\_\_\_\_  
Counsel

Christopher C. North  
Daniel T. Balfour  
MALONEY, YEATTS, BALFOUR, AYERS & BARR  
600 Ross Building  
Richmond, Virginia 23219

AFFIDAVIT

The undersigned does solemnly swear that the allegations of the Petition requesting an injunction preventing the named Defendants and those whom they represent from using the African Methodist Episcopal Zion Church are, to the best of my knowledge and belief, true.

WESLEY J. GREEN, PASTOR

---

November 3, 1977



( )

AFFIDAVIT

The undersigned does solemnly swear that the allegations of this Petition requesting an injunction preventing the named Defendants and those whom they represent from using the African Methodist Episcopal Zion Church are, to the best of my knowledge and belief, true.

JOHN A. STRINGFIELD

---

November 3, 1977

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF CHESTERFIELD

WESLEY J. GREEN, PASTOR,

Plaintiff,

v.

TIMOTHY LEWIS

ROSA MAE GOODEN

~~JEAN ANN HALE~~

~~JAMES TRENT~~

*11625 Reedy Branch Rd Chesterfield County*  
*11985 River Rd Chesterfield County*

Defendants.

O R D E R

Upon motion of plaintiff herein it is ADJUDGED,  
ORDERED and DECREED that the defendants and all persons having  
knowledge of this Order are hereby temporarily ~~restrained and~~  
ordered to ~~allow~~ <sup>allow</sup> the proper officials of the  
African Methodist Episcopal Zion Church to enter and use the  
premises known as Lee Chapel of the African Methodist Episcopal  
Zion Church on River Road in Chesterfield County, Virginia, ~~and~~  
~~or~~ <sup>restrained from</sup> destroying or removing any property from said premises  
or from harrassing or molesting the pastor or any members of  
said church until further order of this Court. *A copy of this*  
*Order shall be served on the defendants.*

ENTER:

*11-3-77*

*Ernest P. Hater*  
Judge

I ask for this:

*Christopher Colt North*  
Daniel T. Balfour  
MALONEY, YEATTS, BALFOUR,  
AYERS & BARR  
600 Ross Building  
Richmond, Virginia 23219

A COPY, TESTE.

Lewis H. Vaden, Clerk

By *Ellen L. Hylke*  
Deputy Clerk

PETITION OF INTERVENER

To The Honorable Ernest P. Gates, Judge of the Circuit Court of the County of Chesterfield, Virginia:

Pursuant to Rule 2:15 of the Rules of the Supreme Court of Virginia, as amended, and §8.01-7 of the 1950 Code of Virginia, as amended, for the addition of new parties, NOW COMES John Lewis, Timothy Lewis, William Brown, Sr., Jean Holmes, LeRoy Harris, Eldridge Harris, Philip Brown, Sr., Elton Webster, and Magnolia Turner, as Trustees of Lee Chapel Methodist Episcopal Church, formerly known as Lee Chapel African Methodist Episcopal Zion Church, and for their Petition of Intervener, filed by leave of Court, states as follows:

1. That they are the duly elected and appointed Trustees of Lee Chapel Methodist Episcopal Church, located on River Road in Chesterfield County, Virginia, having been elected by the majority vote of the local congregation and membership of said church on October 23, 1977 after due and timely notice of said election.

2. That said church was formerly known as Lee Chapel African Methodist Episcopal Zion Church, but that on or about October 11, 1977, after due and timely notice of said meeting to the membership, a resolution was adopted by the majority of said duly enrolled membership to withdraw from the African Methodist Episcopal Zion Church and its organization on district, state and national levels and to become an Independent Methodist Episcopal Church, effective October 11, 1977 and due notice of said withdrawal by the local congregation was provided to the appropriate Pastors, Elders, Bishops and officials of said Church.



3. That, pursuant to the aforesaid resolution, the local membership and congregation of said Church, on November 20, 1977, after due and timely notice of said meeting to the duly enrolled membership, adopted by an affirmative vote of sixty-four (64) of the seventy (70) eligible and duly enrolled members of said church, the remaining members duly enrolled to vote being unavailable to said meeting, the resolutions labelled Exhibit "A" attached hereto and made a part hereof, along with a copy of the endorsement and consent of the members voting in favor of said resolutions, which is labelled Exhibit "B", attached hereto and made a part hereof.

4. That your Interveners state that they have a claim germane to the subject matter of this suit in that the issues in controversy are the control and management of the Lee Chapel African Methodist Episcopal Zion Church, now known as the Lee Chapel Methodist Episcopal Church, and the use and ownership of the property of said church; that your Interveners, being the appointed Trustees of the local church with authority invested by the local membership and congregation to control and manage the affairs of said church, claim full power and authority to control and manage said church to the exclusion of the plaintiff and all other parties, officials, or organizations of the African Methodist Episcopal Zion Church.

5. That your Interveners state that they obtained complete and sole legal ownership of the property of said church by deed dated February 2, 1875, and recorded on October 14, 1878, in the Clerk's Office of the Circuit Court of Chesterfield County in Deed Book 61, at page 289, said deed conveying the property to the "Trustees of A.M.E. Church of Zion", to be known as "Lee's Chapel," thereafter being known as Lee Chapel African Methodist Episcopal Zion Church, there being no language in said deed conveying any

interest whatsoever in the property of said church to the plaintiff or to any other officials or organizations of the African Methodist Episcopal Zion Church, a copy of said deed being labelled Exhibit "C", attached hereto and made a part hereof; that said deed conveys legal title to the Trustees of Lee Chapel African Methodist Episcopal Zion Church, now known as Lee Chapel Methodist Episcopal Church, for the use and benefit of the local congregation; and said property, both real and personal, is owned by the local congregation and all matters governing its property both real and personal is determined by a majority vote of its congregation, and such local control and ownership of said property has long been recognized in all African Methodist Episcopal Zion Churches and specifically by the African Methodist Zion Church in Virginia and its officials, organizations or governing bodies.

6. That your Interveners affirmatively claim full legal and equitable title and ownership and the right of full use thereof, to said property of the church, on behalf of the local membership and congregation, and the Trustees themselves, and deny any control whatsoever, any proprietary interest, or any other claim in said property by the plaintiff, or any other officials, organizations or governing bodies of the African Methodist Episcopal Zion Church in Virginia, the African Methodist Episcopal Zion Church in America, the General, Annual and District Conferences of said church and the Bishops, Elders, Pastors or other officers of said church, organizations or governing bodies.

7. That the previous Order of November 3, 1977, entered in this matter denies your Interveners the full use, benefit and ownership of said property, the full control of the affairs of the local church as expressed by the overwhelming majority of its members and congregation and such denial of the ability of the


local congregation to assemble and worship freely and without coercion or restraint, is in violation of the First Amendment of the United States Constitution and Article 1, Section 16, of the Constitution of the State of Virginia, and in violation of §57-9 of the 1950 Code of Virginia, as amended.

8. That as a result of the facts stated hereinabove in paragraphs 1 through 7, an actual controversy exists between the plaintiff and other officials of the African Methodist Episcopal Zion Church, and the trustees and local congregation of the Lee Chapel Methodist Episcopal Church, concerning the issues of the control and management of the affairs of said church and the ownership and beneficial use of the property, both real and personal, of said church, which, in accordance with §8.01 - 184, et seq. of the 1950 Code of Virginia, as amended, your Interveners request a final determination thereon.

WHEREFORE your Interveners pray that the Court dissolve the Order of Temporary Injunction previously entered in this matter, and, after a hearing on same, enter a decree declaring that all church property real and personal is for the usage and benefits and religious enjoyments of the local congregation of the said Lee Chapel Methodist Episcopal Church, formerly known as Lee Chapel African Methodist Episcopal Zion Church, and that the ownership thereof is vested in the duly elected Trustees thereof, and that the control and management of said church is vested in the Trustees of said local congregation, as duly elected by the majority of the membership of said church, and, further, that the court supplement its declaratory decree with such injunctive relief and other relief as may be proper to insure compliance thereof, and that your Interveners recover any costs and attorneys fees incurred.



JOHN LEWIS, et al., as Trustees of  
Lee Chapel Methodist Episcopal  
Church, formerly known as Lee Chapel  
African Methodist Episcopal Zion  
Church.  
by counsel

  
SPERO AND DIEHL, counsel for Interveners  
by LAWRENCE D. DIEHL, Esquire  
Suite 203, The Community Bank Building  
Petersburg, Virginia 23803

CERTIFICATE

I hereby certify that a true copy of this Petition of  
Intervener was mailed to Christopher C. North, Esquire, attorney  
for the plaintiff, at his office at Malongey, Yeatts, Balfour, Ayers,  
and Barr, 600 Ross Building, Richmond, Virginia 23219 on this  
23<sup>rd</sup> day of November, 1977

  
LAWRENCE D. DIEHL

RESOLUTIONS adopted by Lee Chapel Methodist Episcopal Church, formerly known as Lee Chapel African Methodist Episcopal Zion Church, at a meeting of the congregation held on November 20, 1977:

RESOLVED:

1. That Lee's Chapel of the African Methodist Episcopal Zion Church, in accordance with the resolution of the members of its congregation adopted on October 11, 1977, shall become and it is so declared to be, by its members and congregation, an Independent Methodist Episcopal Church, to be known as Lee Chapel Methodist Episcopal Church, free from any affiliation with the African Methodist Episcopal Zion Church in Virginia; the African Methodist Episcopal Zion Church in America; the General, Annual and District Conferences of said church; and the Bishops, Elders, Pastors or other officers of said Church.
2. That all decisions concerning the Lee Chapel Methodist Episcopal Church its property and all of its affairs shall be lawfully made by its local membership and congregation, through their duly elected officers or trustees.
3. That the local members and congregation, through their locally elected officers, shall endeavor to make, of their church, a House for the Worship of God, serving the religious needs of the people in their community, and, as a continuing Methodist Episcopal Church, will base their faith and belief in Jesus Christ as head of the Church and in the Bible as the Word of God and in the faith and practice of the Methodist Episcopal religion.

PETITION TO STAY ORDER OF TEMPORARY INJUNCTION

To The Honorable Ernest P. Gates, Judge of the Circuit Court of the County of Chesterfield, Virginia:

Now come your defendants, Timothy Lewis and Rosa Mae Gooden, by counsel, and for their Petition to Stay Order of Temporary Injunction previously issued by this court, they respectfully represent as follows:

1. That on November 3, 1977, your honor temporarily ordered the defendants and all persons having knowledge of this Order to allow the proper officials of the African Methodist Episcopal Zion Church to enter and use the premises known as LEE CHAPEL of said church, and to restrain from destroying or removing any property from said premises, or from molesting the pastor or any members of said church until the further order of this Court.

2. That at the time said Order was entered, your defendants were without counsel to represent them and were without knowledge as to their rights in said matter; that since said date they have retained counsel and desire to contest the entry of said Order, as hereinafter specified.

3. That simultaneously with the filing of this Motion for Stay of Order of Temporary Injunction, your defendants have filed a Motion to Dissolve Temporary Injunction specifying certain facts which, prima facie, at law and in equity, establish the full and absolute ownership and control of said property on River Road in Chesterfield County, and of the functioning and




management of said church in the trustees of Lee Chapel Methodist Episcopal Church, formerly known as Lee Chapel African Methodist Episcopal Zion Church according to the more specific grounds stated therein.

4. That your defendants are informed that simultaneously with the filing of this Motion for Stay of Order of Temporary Injunction, a certain Petition of Intervener has been filed by the trustees of the Lee Chapel Methodist Episcopal Church, formerly known as Lee Chapel African Methodist Episcopal Zion Church, requesting this court to establish and declare the full and absolute ownership and control of the property, management and affairs of said church, as that of said trustees, to the exclusion of the plaintiff and other parties having an interest in or knowledge of this matter, as more specified in said Petition of Intervener.

5. That a stay of said Order of Temporary Injunction should be granted to your defendants in order that the issues presented in the Motion to Dissolve Temporary Injunction and the Petition of Intervener be finally resolved by this Court, the failure of the entry of an order staying said Order of Temporary Injunction causing continuing irreparable harm to your defendants, to the membership and congregation of Lee's Chapel Methodist Episcopal Church and to the Trustees of said Church, by denying them the full use of the property, management and control of said church, to which they claim ownership and control thereof, and by denying your membership and trustees, their inalienable rights to exercise freedom of religion in accordance with the First Amendment of the United States Constitution and Article 1, Section 16 of the Constitution of the State of Virginia as to religious freedom.

WHEREFORE, your defendants pray that the Order of Temporary Injunction, entered on November 3, 1977, by this Court be stayed until such time as a hearing and final ruling on the issues presented in your defendants' Motion to Dissolve Temporary Injunction and the Petition of Intervener, be made and determined.

TIMOTHY LEWIS and  
ROSA MAE GOODEN  
by counsel

  
SPERO AND DIEHL, p.d.  
by LAWRENCE D. DIEHL, Esquire  
Suite 203, The Community Bank Building  
Petersburg, Virginia 23803

CERTIFICATE

I hereby certify that a true copy of this Petition to Stay Order of Temporary Injunction was mailed to Christopher C. North, Esquire, attorney for the plaintiff, at his office at Maloney, Yeatts, Balfour, Ayers and Barr, 600 Ross Building, Richmond, Virginia 23219 on this 23<sup>rd</sup> day of November, 1977.

  
LAWRENCE D. DIEHL

MOTION TO DISSOLVE TEMPORARY INJUNCTION

To The Honorable Ernest P. Gates, Judge of the Circuit Court of the County of Chesterfield, Virginia;

NOW COME the defendants, Timothy Lewis and Rosa M. Gooden, by counsel and for their Motion To Dissolve Temporary Injunction previously entered against them by this Court, they respectfully represent as follows:

1. That they are residents of Chesterfield County, Virginia and duly enrolled members of the congregation of Lee Chapel Methodist Episcopal Church, formerly known as Lee Chapel African Methodist Episcopal Zion Church, located on River Road, in Chesterfield County, Virginia.

2. That the proper parties to respond to the plaintiff's petition, being the duly elected trustees of Lee Chapel Methodist Episcopal Church, formerly known as Lee Chapel African Methodist Episcopal Church, whom, to the defendants' information and belief, have control of the management and affairs of said Church and are the legal owners of the property of said church, are not before this Court and have not properly been made parties hereto, nor have they been served with any notice or process as to the proceedings herein, and in accordance with §57-7, et seq., of the 1950 Code of Virginia, as amended, this Court has no jurisdiction over the affairs, ownership and use of said church and its property until and unless said parties are properly brought before this court.

3. That in any event and should this Court determine your defendants to be proper parties to this matter, they emphatically deny the allegations of paragraphs 1, 2 and 3 of the Petition previously filed against them in this matter; they affirmatively state that, as members of said church, they voted affirmatively on a resolution adopted by said church and effective as of October 11, 1977, which resolution was passed by a majority of the congregation, after due and timely notice, which resolution declared its intention to be an Independent Methodist Episcopal Church; that they voted affirmatively for certain trustees of said independent church on October 23, 1977, along with the overwhelming majority of said church members; that pursuant to the resolution adopted on October 11, 1977, on November 20, 1977, they affirmatively voted for certain resolutions, properly passed after due and timely notice, labelled Exhibit "A", attached hereto and made a part hereof, which was passed by the overwhelming majority of the membership of said Church and supported by sixty-four (64) of the seventy (70) duly enrolled members of said congregation, the remaining members being unavailable to vote thereon; that said resolutions were properly passed and endorsed by the church and are the expression of the desire of the congregation of said church; further, that to the best information and belief of your defendants, the property of said church is owned solely by the Trustees of Lee Chapel Methodist Episcopal Church, formerly known as Lee Chapel African Methodist Episcopal Zion Church, as shown by a copy of a deed dated February 2, 1875, conveying the property to the trustees of said church, labelled Exhibit "B", attached hereto and made a part hereof; that, to the best information and belief of your defendants, no further conveyance of said property has been made,

and that the church has been used continuously by the local congregation for over one hundred one (101) years, without control, or any proprietary interest therein, on the part of the plaintiff, or any other group or official of the African Methodist Episcopal Zion Church, either locally, state or nationwide.

4. That in their capacity as individual members of said congregation, as specified in paragraph 3, they have not participated in any of the acts specified in said petition, but that their acts or actions involving the dispute between the plaintiff and the membership of said church have been solely as elected Trustees of the said church and not as individual members thereof, and that said injunction should be dismissed as to them in their individual capacities.

5. That said Order of Temporary Injunction should be dismissed in that the defendants have suffered and will continue in the future to suffer irreparable harm in being denied the right to exercise, along with the rest of the membership and congregation of said church, their freedom of religion as expressed in the First Amendment to the Constitution of the United States and in Article 1, Section 16, of the Constitution of the State of Virginia, as to religious freedom and that they are being denied said rights and will continue to be denied said rights until and unless said injunction is dismissed.

WHEREFORE, your defendants move this court to dismiss the Order of Temporary Injunction against them as individual members of the church and move the court to dismiss them as party defendants to this proceeding; further, they join in the Petition of Intervener and ask the Court to grant said petition

and the relief requested as more specified therein.

TIMOTHY LEWIS and ROSA MAE GOODEN  
by counsel



SPERO AND DIEHL, p.d.  
by LAWRENCE D. DIEHL, Esquire  
Suite 203, The Community Bank Building  
Petersburg, Virginia 23803

CERTIFICATE

I hereby certify that a true copy of this Motion To Dissolve Temporary Injunction was mailed to Christopher C. North, Esquire, attorney for the plaintiff, at his office at Maloney, Yeatts, Balfour, Ayers and Barr, 600 Ross Building, Richmond, Virginia 23219 on this 23<sup>rd</sup> day of November, 1977.

  
LAWRENCE D. DIEHL

- 3 -

RESOLUTIONS adopted by Lee Chapel Methodist Episcopal Church, formerly known as Lee Chapel African Methodist Episcopal Zion Church, at a meeting of the congregation held on November 20, 1977:

RESOLVED:

1. That Lee's Chapel of the African Methodist Episcopal Zion Church, in accordance with the resolution of the members of its congregation adopted on October 11, 1977, shall become and it is so declared to be, by its members and congregation, an Independent Methodist Episcopal Church, to be known as Lee Chapel Methodist Episcopal Church, free from any affiliation with the African Methodist Episcopal Zion Church in Virginia; the African Methodist Episcopal Zion Church in America; the General, Annual and District Conferences of said church; and the Bishops, Elders, Pastors or other officers of said Church.
2. That all decisions concerning the Lee Chapel Methodist Episcopal Church its property and all of its affairs shall be lawfully made by its local membership and congregation, through their duly elected officers or trustees.
3. That the local members and congregation, through their locally elected officers, shall endeavor to make, of their church, a House for the Worship of God, serving the religious needs of the people in their community, and, as a continuing Methodist Episcopal Church, will base their faith and belief in Jesus Christ as head of the Church and in the Bible as the Word of God and in the faith and practice of the Methodist Episcopal religion.



We the members and congregation of Lee's Chapel Methodist Episcopal Church do hereby confirm our consent to the adoption of the resolution attached hereto, declaring us as an Independent Church as more specified therein.

1. Elton T. Webster
2. James R. Trent
3. Leda M. Lorden
4. Magnolia B. Turner
5. Jean A. Holmes
6. Josephine Pughan
7. Arroy S. Henderson
8. L. or F. Brown
9. Mary J. Brown
10. John H. Lewis
11. Eldridge Harris
12. William Brown
13. Chester C. Brown
14. Timothy E. Lewis
15. Elnora & Rollins
16. Shirley E. Brown
17. Felicia Brown
18. Tanya Brown
19. Mary Evans
20. William D. Brown
21. Walter H. Gossop
22. Sheldon J. Turner
23. Peggy Jefferson
24. Mable Brown
25. Estelle Jones
26. Josephine Trent
27. Phillip Brown Sr.
28. Nettie Maskey
29. Glora Searley
30. Betty Maskey
31. Dixie Maskey
32. Hazel Brown
33. Phyllis Brown
34. Gloria Brown
35. Marie J. Turner
36. Vanessa Jefferson
37. Patricia H. Anderson
38. Eloise Jefferson
39. Theresa Brown
40. Linnard P. D. Lewis
41. Phyllis McFar
42. Mitchell E. Brown
43. Phillip Brown, Jr.
44. William Brown Jr.
45. Jane Lee
46. Jonathan Jones
47. Jean Janner
48. Theresa King

We the members and congregation, of Lee's Chapel Methodist Episcopal Church,  
do hereby confirm our consent to the adoption of the resolutions attached  
hereto, declaring as we do today that we are a church of Christ.

48. O L L D. D. D. D.
49. Rose Trent
50. Carl Gooden
51. Wayne Gooden
52. George A. Harris
53. Paul Harris
54. Craig Harris
55. Charles L. Harris
56. Patricia Henderson
57. RAY A. MANUEL
58. Cornelia A. Harris
59. Mary J. Webster
60. Cheryl A. Webster
61. Otelia Davis
62. Ricky Harris
63. Gwatten Brown
64. Ada M. Coleman

ORDER GRANTING LEAVE TO FILE PETITION OF INTERVENER

This matter came on this day to be heard by John Lewis, Timothy Lewis, William Brown, Sr., Jean Holmes, LeRoy Harris, Eldridge Harris, Philip Brown, Sr., Elton Webster and Magnolia Turner, as Trustees of Lee Chapel Methodist Episcopal Church, formerly known as Lee Chapel African Methodist Episcopal Zion Church, by counsel, who presented its Petition of Intervener and asked leave to file it, and it appearing to the Court leave to file said Petition should be granted, in accordance with Rule 2:15 of the Rules of the Supreme Court of Virginia, it is ADJUDGED, ORDERED and DECREED that leave to file the Petition of Intervener is granted.

ENTER THIS:

Jan 3, 1978

Ernest P. Hater, JUDGE

I ask for this:

A COPY, TESTE;

Lewis H. Vaden, Clerk

By Jacqueline D. Gerald  
Deputy Clerk

Lawrence D. Diehl  
SPERO AND DIEHL, counsel for Interveners  
by LAWRENCE D. DIEHL, Esquire  
Suite 203, The Community Bank Building  
Petersburg, Virginia 23803

Seen & objected to:

Christopher C. North, p.a.  
Maloney, Yeatts, Balfour, Ayers and Barr  
600 Ross Building  
Richmond, Virginia 23219

RECEIVED AND FILED  
AUG 17 1978  
LEWIS H. VADEN, CLERK

1 VIRGINIA:

2 IN THE CIRCUIT COURT OF CHESTERFIELD COUNTY

3  
4 - - - - -  
5 :  
6 WESLEY J. GREEN, Pastor, and the :  
7 A.M.E. ZION CHURCH, :  
8 :  
9 :  
10 :  
11 :  
12 :  
13 - - - - -

Petitioners,

v.

CHANCERY NO. 3687-717

TIMOTHY LEWIS, et al,

Respondents

14 Complete TRANSCRIPT of all the testimony and other  
15 incidents in the above when heard on February 28, 1978, before  
16 Honorable Ernest P. Gates, Judge.

17  
18 APPEARANCES:

19 MALONEY, YEATTS, BALFOUR, AYERS & BARR  
20 8th and Main Streets  
21 600 Ross Building  
22 Richmond, Virginia  
23 By: Daniel T. Balfour, Esquire  
24 Counsel for Petitioners

25 SPERO and DIEHL  
The Marshall Building  
Adams and Marchall Street  
Petersburg, Virginia  
By: Lawrence D. Diehl, Esquire  
Counsel for Respondents

021A

Hearing on  
February 28, 1978

I N D E X

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
S. P. Spottswood	6	22	34	35
Clarence Boykin	36	49	54	--
James Coleman	55	58	58	--
J. A. Stringfield	60	68	73	75
Timothy E. Lewis	86	104	115	--
Rosa Gooden	116	120	127	--
Jean Holmes	128	131	--	--
Mary Evans	132	--	--	--
Elton T. Webster	135	139	--	--

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Interveners' Exhibit No. 3 Church Budget	127

Reported by Catherine B. Harris

082

1 February 28, 1978  
2

3 NOTE: Court is convened at 9:55 o'clock a.m.  
4 The Court Reporter being duly sworn, the hearing is  
5 begun:

6 THE COURT: Gentlemen, are you ready?

7 MR. DIEHL: Your Honor, if we could have just  
8 a few minutes to complete our stipulations. I just  
9 want to reread them and revise them.

10 THE COURT: Yes, sir. I have a funeral I  
11 have to go to, so I must leave at 10:30. I will  
12 return shortly after the service is concluded. This  
13 is the wife of my family doctor, and she is going to  
14 be buried at 11:00 in Chester. I will go there and  
15 return and we will continue the case.

16 MR. DIEHL: All right, Your Honor.

17 MR. BALFOUR: Your Honor, these are our  
18 stipulations. We have two documents, that you will  
19 notice, in stipulation. We have stipulated in as  
20 evidence, one being a copy of the deed --

21 THE COURT: That is filed with the Petition.  
22 Also, copies have already been filed of the Discipline  
23 of the African Methodist Episcopal Zion Church.

24 MR. BALFOUR: Mr. Diehl and I both have a  
25 copy, and my client has a copy in the car. We

1 thought while you were gone we would get the other  
2 copy and bring it in for the Court.

3 THE COURT: That will be fine. The Court  
4 will file your stipulation of facts.

5 One thing that has given me some concern,  
6 having read the pleadings, is the African Methodist  
7 Episcopal Zion Church is not a party to the  
8 proceedings. The matter is brought before the Court  
9 by Wesley J. Green, the pastor. I assume that the  
10 Court will first consider the Petition for Intervention  
11 of Trustees.

12 MR. DIEHL: The Court did enter the order  
13 allowing them that right, that is correct.

14 THE COURT: I have some reservations about  
15 the finality of this. If only the pastor is the one  
16 involved, I can make a decision regarding the rights  
17 of the persons involved in this proceeding; but for  
18 the ultimate final decision, it looks like to me the  
19 African Methodist Episcopal Zion Church should be  
20 party to the proceedings.

21 MR. BALFOUR: Your Honor, perhaps Mr. Diehl  
22 and I would stipulate them to be parties and file  
23 the appropriate pleadings after the hearing to take  
24 care of that.

25 MR. DIEHL: I think so. It has been the



1 intent to have --

2 THE COURT: I am sure it was the intent of  
3 the pastor when he filed for the temporary injunction,  
4 that the rights of the African Methodist Episcopal Zion  
5 Church be protected.

6 MR. BALFOUR: Yes, sir. In fact, at that  
7 time I think he was petitioning as the sole trustee  
8 remaining that could act on behalf of the church for  
9 injunction purposes. We would stipulate the  
10 plaintiff would also include the church.

11 THE COURT: The African Methodist Episcopal  
12 Zion Church --

13 MR. DIEHL: The defendant would have no  
14 objection on that.

15 THE COURT: Mr. Balfour, I guess it is your  
16 burden to go forward.

17 MR. BALFOUR: Yes, sir.

18 NOTE: At this point opening statements are  
19 made by counsel; following which the taking of  
20 testimony begins:

21 THE COURT: Mr. Balfour?

22 MR. BALFOUR: I would call as my first  
23 witness Mr. Spottswood. Counsel have agreed we will  
24 not separate the witnesses.

25 THE COURT: All right.

NOTE: At this point Mr. Spottswood is sworn

1 by the Clerk.

2  
3 S. P. SPOTTSWOOD, a witness being called by  
4 Mr. Balfour, having been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. BALFOUR:

7 Q Reverend Spottswood, would you state your  
8 name and address, please?

9 A Stephen P. Spottswood. 3009 Hawthorne  
10 Avenue, Richmond, Virginia. 23222.

11 Q What is your position in the African  
12 Methodist Episcopal Zion Church?

13 A I am the pastor of Hood Temple A.M.E. Zion  
14 Church.

15 Q Where is that located?

16 A At Clay and Adams Streets, North.

17 Q In Richmond, Virginia?

18 A Richmond, yes.

19 Q What other positions have you held in this  
20 church?

21 A Well, I have been a District Superintendent  
22 of the Pine Bluff District, Arkansas. I have been a principal  
23 of their school there, Walters Institute. I have been a  
24 member of the connectional budget board, and am currently  
25 a member of the foreign mission board.

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7

1 Q How long have you been a minister in this  
2 church?

3 A Twenty-four years.

4 Q Have you ever held any other positions, such  
5 as elder or deacon or anything of that nature?

6 A Well, I am an ordained elder and I have been  
7 a district superintendent.

8 Q Is anybody else in your family connected  
9 with this church?

10 A My father is Bishop S. G. Spottswood.  
11 Deceased.

12 Q Has this been your primary occupation for  
13 the last twenty-five years?

14 A Yes, sir.

15 Q Have you read right much church history  
16 regarding your church?

17 A Well, I am not an expert, but I am knowledge-  
18 able.

19 Q Are you fairly knowledgeable on the connectional  
20 relationship; that is, ownership of property and matters of  
21 discipline of your church?

22 A Yes.

23 Q Have you read the Discipline of your church?

24 A Yes, sir.

25 Q Would you describe briefly some differences

S. P. Spottswood - Direct

8

1 between the A.M.E. Zion Church and the A.M.E. Church?

2 A I think the major differences --

3 MR. DIEHL: Excuse me. Your Honor, is he  
4 being admitted as an expert witness on this. He has  
5 stated he is not an expert, although he is  
6 knowledgeable.

7 THE COURT: I would say a person who is  
8 knowledgeable is an expert. I will go on and let  
9 him answer.

10 MR. DIEHL: All right. Fine.

11 Q State some differences you are aware of, from  
12 your experience in your position with the church, that exist  
13 between your church and the A.M.E. Church.

14 A Well, they are independent structures. They  
15 are independently autonomous. They have their own hierarchical  
16 structure. They are a connection as we are. The origin, of  
17 course, if practically the same, having grown out of the  
18 Methodist Episcopal Church. Their Discipline varies in some  
19 ways from ours, but basically it is the Discipline which has  
20 been taken from the Methodist Church.

21 Q How does their Discipline vary from yours in  
22 regard to ownership of property, or do you know?

23 A I do not know, except that in our instance  
24 we are not legally required to dedicate property.

25 Q Is that your understanding of the Discipline

S. P. Spottswood - Direct

9

1 regarding that?

2 A Yes.

3 Q Are you familiar with the trust clause that  
4 you heard Counsel speak of a minute ago?

5 A Yes.

6 Q I refer you, if I may, to page 154 of the  
7 Discipline, at the bottom of the left-hand page where it  
8 talks about the clause not being required. What do you  
9 understand that to mean?

10 MR. DIEHL: Your Honor, again, this is more  
11 of a conclusion for the Court to make on this matter.  
12 It is a legal conclusion. I think we stipulated that  
13 this is a fact, but his testimony would just be a  
14 self-serving statement. I think this is a legal  
15 determination for the Court to make.

16 MR. BALFOUR: Your Honor --

17 THE COURT: I would like to see what his  
18 interpretation is.

19 MR. DIEHL: I would like then to reserve our  
20 right to have it interpreted by our witnesses.

21 A This trust clause was placed in our  
22 Discipline after either the 1956 or the 1960 General Conference.  
23 It was placed in there because under certain legal conditions  
24 our lawyers advised us that this should be inserted in all  
25 deeds. I am speaking of the clause of conveyance. Now,

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10

1 because it had not priorly been in Deed Section II, which you  
2 are referring to, it is interpreted to mean that if it is  
3 not in there, the property still belongs to the A.M.E. Zion  
4 Church, and they are still responsible to the connection to  
5 hold that property in trust for the general church.

6 Q What are some of the responsibilities that  
7 a local church has to its District Conference and Annual  
8 Conference and the General Conference?

9 A Well, each local church sends delegates that  
10 make reports to both conferences. There are also assessments  
11 which are levied, which are paid at the particular conferences.  
12 The general business of the District and the Annual Conferences,  
13 respectively, are discussed.

14 Q What is probably the most important report  
15 that is made by the local church to its District Conference?

16 A The delegates' report.

17 Q Is that an annual report?

18 A A District Conference is an annual report,  
19 yes.

20 Q Are there other reports that you would like  
21 to have, too?

22 A The Annual Conference is an annual event, of  
23 course, where the total activity of the church is reported not  
24 only for the Annual Conference but for the Connection.

25 Q What other reports do you like to have, besides

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11

1 the annual report from your local churches? Are you familiar  
2 with any other reports?

3 A Local church reports to the District and the  
4 Annual Conference. The Annual Conference reports to the  
5 General Conference.

6 Q What are some things that the National Church  
7 will do for the benefit of the local churches?

8 A Well, we have a Home Missions Department.  
9 That department administers funds, which are available to the  
10 local churches, or any entity of the church who are in need  
11 and without.

12 Q Does that mean they will make grants  
13 occasionally?

14 A Yes.

15 Q What about loans?

16 A Yes.

17 Q What kind of publishing apparatus does your  
18 church have?

19 A A publishing house in Charlotte, North  
20 Carolina. It is a modern structure.

21 Q What do they publish?

22 A Literature for our Sunday Schools, our  
23 Disciplines, our Hymnals.

24 Q They are used by local churches?

25 A Yes.



S. P. Spottswood - Direct

12

1 Q Describe the uses and the benefits and the  
2 preferences of the Dinwiddie Institute. Where is that located,  
3 by the way?

4 A Not far from Petersburg. I have only been in  
5 this Conference three months and I have been to Dinwiddie  
6 twice, but I could not give you the exact location.

7 Q All right. I will get that later. What  
8 Conference is your church, A.M.E. Zion Church on River Road,  
9 Chesterfield County, a part of?

10 A My church?

11 Q This church we are talking about here.

12 A It is part of the Virginia Conference.

13 Q What District?

14 A The Petersburg District.

15 Q Isn't the Dinwiddie Institute, as far as you  
16 know, for the use of the Petersburg District?

17 A The use of their District, the Conference,  
18 or any part of the Connection that so desires.

19 THE COURT: Mr. Balfour, I am going to have  
20 to go right now. I apologize. I regret to have to  
21 do it, but I feel it is an obligation. I will be  
22 back as soon as I can, it should be about 11:30 or  
23 11:45. Just do other things until I come back.

24 MR. BLAFOUR: Do you think we ought to take  
25 a lunch break during that time?

S. P. Spottswood - Direct

13

1 THE COURT: Fine. Whatever you want to do.

2 NOTE: At this point a short recess is  
3 taken, following which the hearing is resumed:

4 MR. BALFOUR: We would call Mr. Spottswood.

5 NOTE: S. P. Spottswood resumes the stand,  
6 and testifies further as follows:

7  
8 BY MR. BALFOUR: (Continuing)

9 Q Reverend Spottswood, before the recess you  
10 were discussing briefly the history of the church, the  
11 organization of your church from top to bottom, some of the  
12 responsibilities of the local church which reports to the  
13 National Church. I believe you testified that financial  
14 assistance was available to local churches, either in loans  
15 or grants, upon request, if need be. As I recall, we ended  
16 up talking specifically about the Annual Reports, and the fact  
17 that they were the most important reports. Are there any  
18 other reports that are made by the churches?

19 A Well, I mentioned also the District Conference  
20 Report made by the delegates and the pastor; and of course,  
21 there is a Quarterly Conference Report which is made four times  
22 a year.

23 Q Which are the most important of the reports?

24 A From the local church's standpoint the  
25 Quarterly Conference Report is the most important, because it

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1 reflects minutely the internal activities of the church and  
2 gives some idea of the progress that it is making. The District  
3 Conference Report is a more general report; and of course, the  
4 Annual Conference largely comes from the elected delegates  
5 from the church and the pastor, reflecting all of these  
6 reports that have been made.

7 Q Is that why you say that is the most  
8 important?

9 A Yes, sir.

10 Q If you do not have all of the Quarterly  
11 Reports, can an Annual Report still be made, and if so, how  
12 is it made?

13 A The Annual Report?

14 Q Yes.

15 A The Annual Report should be taken from the  
16 records of the church. Usually the pastor has a record, or  
17 a clerk in the church has a record.

18 Q Who makes the report; those two?

19 A The delegate who is elected makes the  
20 report, and the pastor.

21 Q What kind of educational facilities does your  
22 church offer for -- I am not talking about church education  
23 particularly, but you may include that.

24 A Yes. We have one major college, Livingstone  
25 College, at Salisbury, North Carolina. Two junior colleges;

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1 Clinton College, Rockville, South Carolina, and Lomax Hannon  
2 in Alabama.

3 These are the principal educational  
4 institutions which we support, to which we send students, and  
5 for which scholarships are available for A.M.E. Zion prospective  
6 students.

7 Q These are members of local churches you are  
8 speaking of?

9 A Yes.

10 Q How about seminaries'? Do you have any  
11 religious types?

12 A Yes. Hood Seminary is part of Livingstone  
13 College in Salisbury, North Carolina.

14 Q I see. Is that likewise available for  
15 members of the church?

16 A Yes, indeed.

17 Q What type of missionary work does your church  
18 do in this country and overseas?

19 A Overseas we have two mission areas. We have  
20 Africa and the West Indies and South America. Really three,  
21 because three Annual Conferences. We sponsor the building  
22 of churches, schools, and hospitals in those particular areas.  
23 If need be, we extract promising students to come to American  
24 schools, principally Livingstone College, or perhaps Lomax Hannon  
25 and Clinton, and educate them.

S. P. Spottswood - Direct

16

1 Q How can a local church participate in this  
2 missionary work?

3 A On the national scale. Part of what we  
4 call our general claims portion of that is allocated for  
5 missions work, and it is --

6 Q Where do your general claims come from?  
7 What are general claims and where do they come from?

8 A They are paid by the members of the local  
9 churches to the Connection.

10 Q What kind of training do pastors receive?

11 A At Hood?

12 Q Well, to be a pastor in your church, what  
13 kind of training do they receive before they are given a local  
14 church, ordinarily?

15 A If they do not matriculate at a seminary,  
16 there is a prescribed course outlined in our Book of  
17 Discipline for the training of various classes; the exhorters,  
18 the local preacher, the deacon, and the elder. These are  
19 studies over a period of years that they have to show  
20 themselves proficient in the knowledge of, and they are  
21 examined by what we call our Annual Conference Examination  
22 Committee.

23 Q Before they are allowed to minister local  
24 churches, they receive this training and this testing?

25 A Yes.

S. P. Spottswood - Direct

17

1 Q How do they end up at local churches? Are  
2 they appointed, elected, called, or what?

3 A They are appointed by the Bishop.

4 Q Can a local church refuse a pastor if they  
5 want to?

6 A Not legally.

7 Q Is there an established liturgy  
8 of worship, church program, that most A.M.E. Churches use;  
9 and if so, describe that briefly.

10 A Well, there is a guideline in our Discipline  
11 and also a guideline in our A.M.E. Zion Hymnal. It usually  
12 includes an invocation, scripture, prayer selections, offering  
13 of tithes and gifts, invitation to Christ, discipleship,  
14 sermon.

15 Q Is this generally followed by local churches?

16 A Yes.

17 Q Do these churches generally operate Sunday  
18 School programs on Sunday for Sunday School classes? I mean,  
19 in addition to the worship service?

20 A All churches are required by the Discipline  
21 to have a Sunday School, or Church School, however you want  
22 to phrase it.

23 Q Where do they get their materials that they  
24 use for instructional purposes?  
25

S. P. Spottswood - Direct

18

1           A           That is also a requisite of the Discipline. If  
2 at all possible all material must be obtained from the A.M.E.  
3 Zion Publishing House.

4           Q           That is furnished to local churches?

5           A           Yes.

6           Q           Where are your District meetings generally  
7 held?

8           A           Those are decided by the presiding elder and  
9 his cabinet.

10          Q           Are they often held in local churches, or  
11 not?

12          A           Yes.

13          Q           Describe some ways in which, if you have  
14 several local churches in a District, they may help each other.

15          A           Well, very often there is an interchange of  
16 pulpits, meaning, of course, that congregations will go over  
17 and help another church when they are having a rally, or when  
18 they are having special affairs. Or they will request the use  
19 of a choir if they are having a program. Or they will just  
20 ask the minister to come and preach for them, and hopefully  
21 attract a large enough congregation to raise money or to show  
22 that they are about the Master's business.

23          Q           Are ministers ever exchanged among the  
24 churches?

25          A           I do not quite understand the word exchanged.



S. P. Spottswood - Direct

19

1 Q Do they have revival services in each others  
2 churches?

3 A Yes.

4 Q How long has the name A.M.E. Zion Church  
5 been used by your church?

6 A Well, I have --

7 Q Roughly. I mean, you have a history, but  
8 generally some period of time?

9 A Yes.

10 Q What are some benefits to a local church in  
11 seeking new members, having established themselves in the  
12 community, or whatever, using the name A.M.E. Zion Church as  
13 opposed to a local name? How does that help them retain and  
14 obtain new members?

15 A I should imagine that the history being as  
16 lengthy as it is, and its name has a connection, and the  
17 prominence of its officials and their work within the church  
18 and without the church in the community, would be beneficial  
19 to any local church.

20 Q What are some ways that maybe a local A.M.E.  
21 Zion Church might work in the community to help the community?

22 A Well, I am not familiar with the community,  
23 but there are always ways that the community can be approached  
24 with some sort of social concern which is dear to them and  
25 which is needed in the community. For example, I do not know

S. P. Spottswood - Direct

20

1 whether any of the churches in the Petersburg District have  
2 day care centers, senior citizen centers, or whether they  
3 have street ministry. I mean, there are any number of things  
4 that could be done in the community to better the community.

5 Q They have special funeral services and  
6 wedding programs and whatever provided in the Discipline, do  
7 they not?

8 A Yes.

9 Q How long has this Discipline's custom of  
10 doing things, having weddings, baptisms, funeral services,  
11 whatever, through your church; how long have they been a  
12 custom and tradition in your church?

13 A I should say since 1796.

14 Q So, there is some meaning to the members for  
15 the way you all do things?

16 A Oh, yes.

17 Q Do you all provide parsonages for ministers?

18 A In most instances, depending on the affluence  
19 of the church.

20 Q What kind of oath do new members in the  
21 church take? Is that provided in the Discipline, likewise?

22 A Yes.

23 Q How about for a new congregation that wants  
24 to come into the congregation as a group?

25 A At the Annual Conference when the church is

S. P. Spottswood - Direct

21

1 proposed for membership in the Annual Conference, the Bishop  
2 asks certain Disciplinary questions. They have to be  
3 satisfied not only in their mind, but also before the sitting  
4 congregation of the Annual Conference.

5 Q What is the tenor of both of these oaths?  
6 That is, what do they require people to do, either as a  
7 congregation or as an individual member?

8 A Well, essentially they take an oath to  
9 belong to the A.M.E. Zion Church, to uphold its rules and  
10 policies, and also of the advices of the Discipline.

11 Q How is a member removed from the membership  
12 rolls of a church once he takes an oath to become a member  
13 of the church?

14 A To remove a member, charges have to be filed.  
15 A member may withdraw without a certificate.

16 Q How else?

17 A Or with a certificate.

18 Q How about death and transfer?

19 A Death and transfer, yes.

20 Q If a member is not expelled, transferred, or  
21 dead, he remains a member?

22 A He remains a member.

23 MR. BALFOUR: I believe that answers my  
24 questions.  
25

S. P. Spottswood - Cross

22

CROSS-EXAMINATION

BY MR. DIEHL:

Q Reverend Spottswood, we have established that we have a hierarchical church here. Would you explain what factors, what facts, make this in essence, a hierarchical church?

A Well, to begin with, the A.M.E. Zion Church is a Connection.

Q Would you explain what you mean by a Connection?

A Yes, I am.

Q Thank you.

A In its connectional organization we have an Executive Branch in our church; it is both executive and judicial. Those are the Bishops. Then there is a Legislative Branch known as the General Conference; and of course, the Bishops are subject to appointment by the General Conference through the Episcopal Committee. The Episcopal Committee also makes the assignments of Bishops to the several Annual Conferences over which they have jurisdiction. After the assignment is made, the Bishop makes the appointments of ministers over the several local churches in the Annual Conference, including the District Superintendent or Attendants for the Annual Conference.

S. P. Spottswood - Cross

1 Q Would it be fair to say that at least in an  
2 administrative sense there is a level of authority going from  
3 the General down to the local?

4 A Yes.

5 Q What more than just administrative relation-  
6 ship does the church have with the local membership? You have  
7 described, or course, their getting pastors. But from purely  
8 what we are dealing with today, I think you are aware within  
9 the local church the structure of the church, the ownership  
10 of the property and who has the right to use it. What, in  
11 addition to what you have testified to, goes toward that  
12 relationship?

13 A Well, there is the general oversight of the  
14 church in its temporal affairs and its spiritual affairs.

15 Q So, you are saying there is a spiritual  
16 relationship, in a sense, between the higher church and the  
17 local church?

18 A That is what church is all about.

19 Q Fine. That is what I wanted to know.

20 A It goes back and forth.

21 Q You have stated that the Discipline of the  
22 A.M.E. Church as opposed to the A.M.E. Zion Church is basically  
23 the same, being Methodist Episcopal. I believe you made that  
24 statement, is that correct?  
25

S. P. Spottswood - Cross

24

1 A Yes.

2 Q And you stated specifically in reference to  
3 the dedication ceremony of a church structure, church building,  
4 that this was not legally required, is that correct?

5 A Yes.

6 Q Let me ask you this before you go on. You,  
7 of course, made certain references to other parts of the  
8 Discipline in terms of other services which are found in the  
9 rear of the Discipline, and I am referring to the baptismal,  
10 funeral, consecration, and other types of services recommended,  
11 I assume, by the Discipline. In this there is also found a  
12 dedication ceremony in quite some detail. Are you stating that  
13 this is not required to be done?

14 A I am saying that that is ceremonial.

15 Q What does that mean?

16 A If I can put it in another sense of the word,  
17 it is more spiritual than it is in the legal sense of  
18 dedicating.

19 Q You are making a legal conclusion on that,  
20 I assume?

21 A Well, we have never required, to my knowledge,  
22 in my lifetime in the church, a group to be legally dedicated  
23 to become a piece of property of the A.M.E. Zion Connection.  
24 I founded a church in Detroit. I pastored there for ten years,  
25 and that church was not dedicated until after I left, but that

1 was a ceremonial dedication. There was no fact in law involved  
2 in that dedication.

3 Q Didn't you state that those, the ceremonies  
4 and customs and traditions, are integral parts of the church's  
5 activities?

6 A Yes, yes.

7 Q Wouldn't it be fair to say that the over-  
8 whelming number of churches which you are familiar with have  
9 had formal dedication ceremonies?

10 A There have been ceremonies in custom.

11 Q My question was, isn't it fair to say that  
12 the overwhelming majority have gone through this?

13 A But, it is not required. That is what I am  
14 saying.

15 Q Well, I think that may be a legal conclusion,  
16 I do not know. Are you saying that none of these ceremonies  
17 in the back of the Discipline are required?

18 A Oh, no. I am speaking of the dedicatorial  
19 portion of the Discipline.

20 Q Let me go back to another one then. The  
21 burial of a child. This formal ceremony, is this required to  
22 be utilized?

23 A Yes, of course.

24 Q Well, there is no language in here that would  
25 say whether it is required or not; would that be fair to say?

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S. P. Spottswood - Cross

1           A           Well, in the canons of the church, the  
2 church definitely is the exponent of Christian burial.

3           Q           I understand that.

4           A           Yes.

5           Q           My question was, the way I read the burial  
6 provisions, the dedication provisions, and the other provisions  
7 in here; is there a statement, or is there not a statement,  
8 which says this is required to be done by the local churches  
9 and has certain effects? There is nothing in there to that  
10 categorically, is there?

11           A           No, there isn't. But in another portion of  
12 the book you will find that there are certain sacraments which  
13 have to be observed, and they are specifically said in the  
14 Discipline to that effect.

15           Q           All right.

16           A           And they differ from dedication.

17           Q           You stated concerning this trust clause, and  
18 I will refer you to --  
19

20           MR. DIEHL: Does the Judge have a copy of  
21 the Discipline?

22           THE COURT: No, sir, I do not.

23           THE WITNESS: Would you like my Discipline?

24           THE COURT: I would like to have one. The  
25 witness should have one.



1 THE WITNESS: Page 152, section 2.

2 MR. DIEHL: Your Honor, I am sure you will  
3 want to read this in a little more detail later, but  
4 we are referring specifically to page 154, paragraph  
5 434, section 2, halfway down the page.

6 Q This, you testified, was added in approximately  
7 1960 based upon legal advice?

8 A Yes. It was added after 1956. I do not  
9 know whether it was at the sitting of the '56 General Conference  
10 or the '60.

11 Q You said that this is interpreted to mean  
12 this implies ownership by the General Church, the way you read  
13 it, is that your interpretation?

14 A I think a better explanation would be it is  
15 the grandfather clause to clarify the relationship of A.M.E.  
16 Zion property to the Connection and to the local church.

17 Q Are there written interpretations of the  
18 Discipline to explain the meanings behind these clauses you  
19 are referring to, or is this your own personal opinion, or  
20 what are you making that judgment upon? What are you basing  
21 your statement on?

22 A On my reading of the clause.

23 Q On your reading of the clause?

24 A Yes.

25 THE COURT: Pastor's property. It does not

1 say anything about church property.

2 MR. DIEHL: That is correct. Your Honor,  
3 I do not want to mislead you, it does say the absence  
4 of the trust clause, stipulated in paragraph 433 and  
5 434, 433, the previous page, is a general trust  
6 clause for non-parsonage property.

7 THE COURT: This is under the heading  
8 involving parsonage property. The previous heading  
9 is Section 2, the trust clause and conveyance of  
10 church property.

11 MR. BALFOUR: I noticed that, too. Your  
12 Honor, I think probably the order would not be the  
13 best, but it does refer back to 433 at the bottom of  
14 that page.

15 MR. DIEHL: I think this is a matter of legal  
16 interpretation, and not anything but.

17 THE COURT: That was just a problem.

18 MR. DIEHL: I understand that. Of course,  
19 that is our position.

20 Q Reverend Spottswood, if you would turn to  
21 page 437 -- I mean, section 437, page 156, the next page.  
22 There is a section that states that basically, I think, the  
23 trustees of the church should not dispose of the property except  
24 by a vote of the members of the full Connection and with the  
25 consent of the Bishop. Doesn't that imply to you that the

S. P. Spottswood - Cross

29

1 consent is more of a stamp of approval on the disposition of  
2 the property by the local congregation? Isn't that what it  
3 says?

4 A That is not my interpretation.

5 Q Then, what would be the purpose for having  
6 any local rules of the disposition of the property whatsoever?  
7 Why would they even bother to put the first sentence in here?

8 A I think the reason that this section reads as  
9 it does is to prevent a group of people from disposing of  
10 church property without proper approbation of the congregation,  
11 presiding order, and the Bishop; and if necessary, the Board  
12 of Bishops sitting.

13 Q Would it be fair to say that in most cases  
14 the local decision as to the property of the A.M.E. Zion  
15 Church are approved by the higher membership?

16 A The sale?

17 Q Sale or mortgage.

18 A Or disposition, yes, sir.

19 Q So, in fact, would you say 99 per cent maybe  
20 even go that far?

21 A Yes, sir.

22 Q So, it is more of a formality than that the  
23 hierarchical officials put their stamp on what the local  
24 officials do.

25 A I would not agree to that, sir.

S. P. Spottswood - Cross

30

1           Q           The Quarterly Report, which you referred to  
2 as one of the duties of the local church to be filed, is this  
3 the information located on the next page?

4           A           That is the trustees' Quarterly Report?

5           Q           Yes, sir.

6           A           Yes.

7           Q           This is the information on all of the --

8           A           That is just one. That is just one of the  
9 Quarterly Reports.

10          Q           Would this be the only report which would  
11 indicate money used for church property; this kind of  
12 information?

13          A           When you say money used for church property,  
14 what --

15          Q           Maintenance of property, repairs, improvements,  
16 this kind of thing.

17          A           Yes, yes.

18          Q           Do you, of your own knowledge, know whether  
19 this particular church, now known as Lee's Chapel, has ever  
20 filed these reports?

21          A           I don't know.

22          Q           In fact, you do not know of your own  
23 knowledge any specific facts as to the use of this local church  
24 by its membership, do you?

25          A           No, I don't.

S. P. Spottswood - Cross

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1           Q           You do not know the facts of when it was  
2 organized, other than what we have stipulated here today,  
3 is that correct?

4           A           Well, if it is the same date that my counsel  
5 gave me, 1875.

6           Q           We stipulated as to that.

7           A           Yes.

8           Q           You, of your knowledge, do not have any  
9 knowledge of the facts on or about 1939, concerning the  
10 rebuilding of this church and whether it was dedicated,  
11 leaving out whether that is required or not, you have no  
12 direct knowledge of that.

13                   MR. BALFOUR: I did not ask any of these  
14 questions on direct because he did not know anything  
15 about that.

16           Q           All your testimony, then, is the church  
17 generally and not related to any of the specific factors of  
18 the local church involved in this case today, is that correct?

19           A           As it relates to organization and structure  
20 and requirements.

21           Q           Fine. How many times have you been to Lee's  
22 Chapel?

23           A           None.

24           Q           The relationship you have testified to is  
25 merely reports and dues assessments. Would you explain the

S. P. Spottswood - Cross

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1 dues assessments process and how that is arrived at?

2 A Dues assessments for what purpose?

3 Q For the general, I believe you called it the  
4 general --

5 A Claims.

6 Q Claims that are made each year. I believe  
7 that is paid at the Annual Conference, if I am not incorrect.

8 A All right. By law each church is required  
9 to forward "X" number of dollars known as general claims.  
10 Some churches call them benevolences. They are forwarded for  
11 the support of the Connection. These monies are -- they  
12 originate out of the General Conference where the budget is  
13 decided upon, and then they are passed down to the Annual  
14 Conference where they are probated among the several churches.  
15 They are raised in the several churches and then sent to the  
16 Connection.

17 Q You stated, basically, that these are used  
18 for publishing, education, missionaries, and this type of  
19 budget; is that basically correct?

20 A For the support of the Connection, yes.

21 Q I would like to show you this. This is a  
22 little leaflet called "The A.M.E. Zion Church Budget, 1972-  
23 1976." Are you familiar with this particular document?

24 A I do not think I have seen it.

25 Q Would the information on there concerning --

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1 MR. DIEHL: Well, if he cannot identify it  
2 I will withhold it for another witness.

3 Q Let me ask you some questions on that, as far  
4 as use in examination anyway. We have some budgetary items  
5 on here I was basically interested in. I was wondering if the  
6 budget of the church was correct as stated on this diagram, to  
7 the best of your knowledge?

8 A You are saying is this correct to the best of  
9 my knowledge?

10 Q Yes.

11 A I would assume so. The budget under which  
12 we are operating would be published in the Discipline and that  
13 would be fact. That would be the 1976 Discipline.

14 MR. DIEHL: I will withhold entry of that.

15 Q Do you know of your own knowledge whether  
16 funds have been appropriated at all for this particular local  
17 church that we are involved with today, on terms of loans or  
18 grants that you have indicated were available?

19 A I have only the testimony of my presiding  
20 elder.

21 Q You say some of the benefits the local church  
22 has obtained includes the publishing of Sunday School materials,  
23 hymnals, and similar matter of that nature. Isn't it true  
24 that the funds used to make those publications come from the  
25 local church?

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1           A           All of the funds come from the local church  
2 for the operational budget of the Connection.

3                   MR. DIEHL: I have no other questions of  
4 Mr. Spottswood.

5  
6                   REDIRECT EXAMINATION

7 BY MR. BALFOUR:

8           Q           Mr. Spottswood, I noticed in the figures that  
9 he has just given you, the greatest portion is for education.  
10 What does that include?

11           A           That is the support of the three colleges I  
12 mentioned. Also, several entities that were formerly schools  
13 but are being used as institutes around the country. Also,  
14 for some of our work in the West Indies.

15           Q           These services are all available to local  
16 members?

17           A           Yes.

18           Q           The third largest figure he gave you, I  
19 noticed, is for church extension, christian education, home  
20 mission, foreign missions, evangelism. That would be what  
21 you may call benevolences, or general claims to help other  
22 people?

23           A           Yes. Church extension is primarily to build  
24 new churches, or extend the capability of those already  
25 existing. Home mission budget is primarily to help churches



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1 who are having a hard time in what they are trying to do and  
2 are seeking relief.

3 Q So, the majority of your budget goes for  
4 those two purposes, doesn't it?

5 A That is the way the pie is cut.

7 RE CROSS-EXAMINATION

8 BY MR. DIEHL:

9 Q One other question, Mr. Spottswood, on this  
10 concerning the church extension portion of the budget. I do  
11 not see itemized any specific allocation for church maintenance  
12 and day-to-day activities of the church involved in maintaining  
13 the church building and grounds. Is that not considered part  
14 of the --

15 A No. That is the local church's responsibility.  
16 Now, if they are unable to fulfill that responsibility they may,  
17 make a request for funds, but in the meantime they may get  
18 new leadership to see that this is accomplished on the  
19 local level.

20 Q All right. Thank you.

21 A Thank you.

22  
23 - - - - -  
24

25 WITNESS STOOD ASIDE.

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1 MR. BALFOUR: I would like to call Reverend  
2 Boykin.

3 NOTE: At this point Reverend Boykin is  
4 sworn by the Clerk.

5  
6 REVEREND CLARENCE BOYKIN, a witness being  
7 called by Mr. Balfour, having been duly sworn, testified as  
8 follows:

9 DIRECT EXAMINATION  
10 BY MR. BALFOUR:

11 Q Mr. Boykin, would you state your name, please,  
12 and address?

13 A Clarence Boykin. 3314 Rosewood Avenue,  
14 Richmond, Virginia.

15 Q Were you the pastor of the A.M.E. Zion Church  
16 on River Road, Chesterfield County, up until October of 1977?

17 A Yes, I was.

18 Q How long were you pastor prior to that time?

19 A Five years. I believe close to it. From  
20 '73 to '77.

21 Q During that period of time were you fairly  
22 familiar with the membership of the church?

23 A Yes, I was rather familiar with it.

24 Q Did you maintain, or do you have in your  
25 possession, a membership list?

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1 A Yes, I do.

2 Q Do you have it with you now?

3 A Yes, I have the list with me.

4 Q Would you pull it out, please, and hand it to  
5 me? You may just hold it. Pull it out, though. You may put  
6 the other somewhere else. You hold that. What is that yellow  
7 sheet I just gave you?

8 A This is the membership list.

9 Q Who presented that to you?

10 A I got this list from the church clerk, I  
11 believe. Yes, the church clerk.

12 Q When did she give it to you?

13 A I would say this list is -- oh, anywhere from  
14 two-and-a-half to three years old.

15 Q How is it updated?

16 A What do you mean?

17 Q How do you know it is a current list?

18 A It is a current list because I am familiar  
19 with the membership and there hasn't been much of a change in  
20 the membership during the time that I was pastor.

21 Q Was this a record that you kept as part of  
22 your duties as minister of the church?

23 A Yes, this is. I kept this record because  
24 I wanted to see what the actual membership looked like on  
25 paper.

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1 Q This was your membership list you kept as  
2 pastor of the church?

3 A Yes.

4 MR. DIEHL: Excuse me. I would like to have  
5 this clarified. Is that a list made up of your own  
6 knowledge of the membership, or only from the clerk  
7 of the church who gave that to you?

8 THE WITNESS: Not from my own knowledge.  
9 Do you mean like I perhaps wrote it myself?

10 MR. DIEHL: Yes, sir.

11 THE WITNESS: No. This is a list that was  
12 given to me by the church clerk when I asked for it  
13 sometime ago.

14  
15 BY MR. BALFOUR: (Continuing)

16 Q Do you know all the people on that list?

17 A I know a good many people on this list, yes.  
18 I know a good many of the people, not all of them.

19 MR. DIEHL: That is two-and-a-half to three  
20 years old, the list you have there?

21 MR. BALFOUR: He testified he kept it up to  
22 date.

23 MR. DIEHL: How did you keep it up to date?

24 THE WITNESS: It wasn't really necessary for  
25 me to keep it up to date, not me. I can say this, we

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1 never really added on a whole lot of members. That  
2 is to say if there was an additional member, it would  
3 have been easy enough for me to know who that  
4 particular person was at that particular time, because  
5 we have never really taken in that many members.

6 MR. DIEHL: If you do not mind, just for  
7 purposes of admissibility on this, did you ever check  
8 the church ledger for the current membership roll?  
9 There is one, is that correct?

10 THE WITNESS: I never checked the church  
11 ledger, not directly.

12 MR. DIEHL: So, you do not know if that is  
13 the current membership status at this time or not,  
14 do you?

15 THE WITNESS: Yes, I know it is current. I  
16 would assume it is current. This is all I had during  
17 the time that I pastored there.

18 MR. DIEHL: Is the determination as to an  
19 active member based on your opinion of it, or the  
20 church ledger? Which would be the accurate infor-  
21 mation?

22 THE WITNESS: I would assume that this list  
23 was taken off the church ledger.

24 MR. DIEHL: Two and a half to three years  
25 ago, and just changed by you?

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1 THE WITNESS: Not really changed by me,  
2 because I haven't changed it at all.

3 MR. DIEHL: My question was, the determination  
4 of an active membership at this time would be based  
5 on the church ledger, is that correct?

6 THE WITNESS: The church ledger in addition  
7 to this.

8 MR. DIEHL: Thank you.

9 MR. BALFOUR: I would like to introduce that  
10 as Exhibit A for the Petitioner.

11 MR. DIEHL: I am not going to object to it.  
12 I think it is a matter of probative value as to  
13 admissibility.

14 THE COURT: It will be received as Petitioner's  
15 Exhibit No. 1.

16 NOTE: The church membership list is marked  
17 and filed as Petitioner's Exhibit No. 1.

18 MR. DIEHL: I would like to look at it in  
19 advance. Just prior to the process of admitting this,  
20 I am not quite sure I understand what is being  
21 admitted. Is this a different list, or one list?  
22 I do not mean to advance my cross-examination.

23 THE WITNESS: Are you --

24 MR. DIEHL: Well, you have got three separate --  
25 It looks like lists of 1 to 50. Are they cumulative,

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1 or is it just each list and it has been updated  
2 every year. Maybe you could explain that.

3 MR. BALFOUR: Yes, I am going to let him do  
4 that.

5 THE WITNESS: You want to know if this list  
6 is the entire active -- well, the entire membership  
7 roll?

8 MR. DIEHL: No. My question is, you have  
9 three separate lists there.

10 THE WITNESS: Well, yes. Yes, I do have  
11 three.

12 MR. DIEHL: One to fifty. One to fifty-five.  
13 One to fifty-two. What is all of that?

14 THE WITNESS: This is just the way it was  
15 written up, apparently. We have here fifty-five  
16 names on one sheet, thirty-three -- forty-six --  
17 fifty-two on another. I think perhaps it was just  
18 the way that the list was written. That is all I can,  
19 you know, come by it.

20  
21 BY MR. BALFOUR: (Continuing)

22 Q Mr. Boykin, that list you said was given to  
23 you by the church secretary?

24 A That's right.

25 Q That includes all members, "active and

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1 inactive"?

2 A Active and inactive.

3 Q Distinguish for me, the Court, and other  
4 Counsel, what you mean by active and inactive. Did you  
5 accept the definition you heard given by Mr. Spottswood a  
6 few minutes ago?

7 A Yes.

8 Q You are a member unless certain things  
9 happen?

10 A Yes. Concerning membership.

11 Q This would be a comprehensive list of  
12 people you may see one out of every five years at Christmastime?

13 A Yes, that's true.

14 Q How did you update that list? You said you,  
15 did not meet everybody personally. How many do you think you  
16 know personally on there?

17 A On this list? On the list entirely?

18 Q The whole list.

19 A I know --

20 Q Do you think you have met all of them at one  
21 time or another?

22 A Not all at one time or another, but a good,  
23 good body at one time or another, yes.

24 Q Do you know then, for a fact, that all of  
25 the members of the church are active or inactive?



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1           A           Yes. According to the information that I have  
2 gathered from the local church, you know, during the time that  
3 I pastored, yes.

4           Q           During the five years you were the minister,  
5 and during the last three years you had this list that you  
6 asked for and you were given about three years ago, how did  
7 you update the list regarding deaths, transfers, or whatever?

8           A           I would minus that death. I would minus that--

9           Q           Is that indicated on there?

10          A           Yes, it is indicated to some degree.

11          Q           Are they your indications that you knew  
12 personally, or that the church secretary or somebody told you  
13 about the deaths?

14          A           Yes. They are not my indications, but  
15 certain names do have death by it; and of course, I recognize  
16 these people to have been deceased.

17          Q           What other indications are on there?

18          A           About --

19          Q           About the membership, other than the ones that  
20 are not living.

21          A           There are no other indications other than  
22 the names that I have -- I am familiar with them and I am  
23 certain of that.

24          Q           What in your mind, if you were making an  
25 annual report while you were minister each year, how did you

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1 decide how many members to report? How is that decided?

2 A To the Annual Report?

3 Q Do you report all members or just active  
4 members?

5 A All members would be reported to the  
6 Annual Conference.

7 Q How did you happen to leave as pastor in  
8 October?

9 A I requested to be -- well, at least I  
10 requested through my presiding elder not to serve an appoint-  
11 ment at that particular time during the Annual Conference.

12 Q How many members are shown on that list?

13 ✓ A According to this list, the entire list I  
14 have would have a number like 157, minus those that are  
15 deceased.

16 Q As far as you know, as minister of that  
17 church, that was up to date at the time you left in October?

18 A Yes.

19 Q How many of those were not active, but  
20 members?

21 A You are talking about the entire total  
22 membership?

23 Q Yes. That you believe is 157.

24 A Including every member at one time or another,  
25 those that haven't passed?

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1 Q How old do you have to be to be a member of  
2 your church?

3 A How old? There is no requirement on age.

4 Q You might be baptized as an infant, but how  
5 old are you when brought in generally as a member; not as a  
6 member of a family, but as an individual?

7 THE COURT: When you are baptized, you come  
8 into the church, don't you?

9 THE WITNESS: We never had --

10 THE COURT: Excuse me. When you are baptized  
11 you become a member of the church, then later on I  
12 imagine you go through a service similar to what we  
13 have in the Episcopal Church when children become of  
14 sufficient age after instruction.

15 THE WITNESS: Yes.

16 THE COURT: Is that what you are trying to  
17 get at, Mr. Balfour?

18 MR. BALFOUR: Yes, sir.

19 Q Give some illustrations of how your church  
20 and other A.M.E. Zion Churches in the Petersburg District  
21 work with each other.

22 A During the time that I pastored there, we  
23 would -- we had services, such as revivals. We would call  
24 other choirs of the churches to help participate in that  
25 particular service if it was a revival, or any other type of

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1 service, it didn't have to be a revival.

2 Q What was the "Back to God" revival, are  
3 you familiar with that?

4 A Yes.

5 Q How did you participate in that? Was that  
6 several churches?

7 A Yes. It was a District crusade. All the  
8 churches in the area that our Diocese is located in, served  
9 in that "Back to God" crusade.

10 Q Are you familiar with Dinwiddie Institute?

11 A Yes.

12 Q What relation did your church have with that?  
13 How did your church use that?

14 A How did it use it?

15 Q Did the members of your church ever use it?

16 A We had activities at it. We, you know,  
17 through District affairs and things of that sort, yes, we had.

18 Q Did other ministers ever come preach at your  
19 church from other A.M.E. Zion Churches?

20 A Ministers, yes.

21 Q Did you ever preach at other churches?

22 A Whenever I was asked, yes.

23 Q Did other members of other A.M.E. Zion  
24 Churches support your church in things like car washes,  
25 bazaars, and young people's activities?

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1           A           I don't know about that so much, as whether  
2   Zion Churches participated in that. We had bazaars and other  
3   denominations, other church members, and people, they  
4   participated in this. I was not at all of those.

5           Q           You were the minister of that church. Did  
6   you preach the sermons there?

7           A           Yes.

8           Q           Did you all pretty well follow the A.M.E.  
9   Zion format?

10          A           As closely as we could.

11          Q           You conducted funerals and weddings and  
12   baptisms following the Discipline most of the time?

13          A           Funerals, yes. No weddings, because none  
14   ever occurred. We could have been available for such services  
15   as that if we had been asked.

16          Q           Did you all participate in District meetings?

17          A           District meetings, yes.

18          Q           Did you all maintain a Sunday School there?

19          A           Yes, we had a Sunday School.

20          Q           What did you know about ever receiving any  
21   kind of money from the National Church? Were you aware you  
22   could on occasion?

23          A           About receiving any monies from the National  
24   Church? Yes, I am familiar with it.

25          Q           In what ways?

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1           A           We have been engaged in a program, building  
2 program, that was under way. I am sure that had I requested  
3 it, that this could have been available.

4           MR. DIEHL: I object to that. I think that  
5 is a hypothetical conclusion that he could in no way  
6 know that.

7           THE COURT: I sustain your objection.

8           MR. BALFOUR: May I have a moment?

9           THE COURT: Yes.

10          How did you become the pastor of this church?

11          THE WITNESS: I was appointed by the Bishop.

12          THE COURT: By which organization?

13          THE WITNESS: The A.M.E. Zion Connectional  
14 Church.

15          THE COURT: Then were you sent to this church?

16          THE WITNESS: Yes, sir.

17          THE COURT: Did they receive you or did they  
18 object?

19          THE WITNESS: No, sir, not to my knowledge.

20          THE COURT: How long were you pastor there?

21          THE WITNESS: Approximately five years, sir.

22          THE COURT: Was there any division or split  
23 at the time you asked not to be reappointed?

24          THE WITNESS: None to my knowledge.

25          THE COURT: This is a rather hard question.

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1 Did the people like you or dislike you?

2 THE WITNESS: I would think that they liked  
3 me pretty much, yes. I would hope to feel that they  
4 did.

5 THE COURT: That is a good answer.

6 Did you know of any movement within the  
7 church to make this church an independent church?

8 THE WITNESS: No, sir, I didn't know of any  
9 movement. No, sir, no movement. I didn't know of  
10 any movement. I did not.

11 THE COURT: Go ahead, Mr. Balfour.

12 MR. BALFOUR: I have no further questions  
13 at this time.

14

15 CROSS-EXAMINATION

16 BY MR. DIEHL:

17 Q Mr. Boykin, getting back to the membership  
18 list, I just want to get this clarified. Your updating of  
19 the list, since you obtained it three years ago from the  
20 clerk of the church, has been based solely on your own thoughts  
21 of who is in the membership, is that correct? Isn't that what  
22 you stated?

23 A Ask me that again, because I want to make  
24 sure I am following you.

25 Q Your updating of the church list, since you

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1 received the original list three years ago, is based on what  
2 you, in your mind as pastor, believe is the church membership,  
3 isn't that correct?

4 A According to what I have here; this?

5 Q Just that.

6 A Yes.

7 Q Like I said, you have not examined the  
8 church ledgers for at least three years prior to your leaving  
9 the church?

10 A No.

11 Q Are active members considered to be voting  
12 members? They are not, are they?

13 A Active, yes.

14 Q Inactive. I'm sorry.

15 A Are inactive members considered voting?

16 Q Yes.

17 A I'm not fully aware of that. I don't know.

18 Q Let me read you a section of the Discipline,  
19 which you are familiar with, I assume; is that correct?

20 A Yes.

21 Q This is membership Page 20, Section 4. "If  
22 a member absents himself by leaving his town or vicinity of  
23 his church and does not communicate with his leader or  
24 Pastor, and does not keep up his financial obligations, his  
25 name shall be stricken from the roll after six months of such



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1 absence and placed on the Probation Book." Did you ever do  
2 this for members that were not in the church vicinity and left?

3 A No.

4 Q So, you do not know who left, who did not  
5 come to church, who did not participate financially --

6 MR. BALFOUR: He did not say that. He said  
7 he did not make the six months deal.

8 Q You did not utilize that section?

9 A No, I didn't.

10 Q The money you raised and made in these  
11 community functions, was that kept in the local church?

12 A Yes, that was kept in the local church.

13 Q While you were pastor there from '73 to '77,  
14 were there any building improvements done to the church, or  
15 commenced?

16 A Yes, there were.

17 Q What were they?

18 A Renovation of the old structure of the  
19 church.

20 Q Do you know specifically what those  
21 renovations were?

22 A The addition of rest rooms.

23 Q To the best of your knowledge, who paid for  
24 these?

25 A This was funded by the local congregation.

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C. Boykin - Cross

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1 Q In fact, they had a special building fund,  
2 isn't that correct?

3 A Yes, yes.

4 Q Did the higher church, to the best of your  
5 knowledge, ever donate or give funds by grants, loans, or any  
6 other method?

7 A Not by me, because I didn't request it. I  
8 didn't ask for it.

9 Q The answer would be no then, is that correct?

10 A Right.

11 Q Who paid your salary?

12 A The local church, yes.

13 Q You left exactly -- what date would that have  
14 been?

15 A That would be -- I don't know the exact date.  
16 It was the beginning of October '77. I don't know the --

17 Q It would have been prior to the Annual  
18 Conference?

19 A Yes.

20 Q That would normally have been in August of  
21 '77?

22 A No, not August.

23 Q September?

24 A October.

25 Q The Annual Conference is in October?

071

C. Boykin - Cross

53

1 A Yes, right.

2 Q You said you had no indication, to the best  
3 of your knowledge, of any dissension, or any problems in the  
4 local church?

5 A Not directly, no, I didn't.

6 Q Only hearsay?

7 A Only hearsay, yes.

8 Q So, you were aware there was something cooking,  
9 but you did not know what?

10 A That is the way it was.

11 Q How many members would come to church every  
12 Sunday over the course of the four or five years you were  
13 there?

14 A It varied. Sometimes 50, 60, little more.

15 Q Is that including children?

16 A Including children.

17 Q There are some children included on that  
18 list, too, is that correct?

19 A Yes.

20 Q Are children voting members of the congregation?

21 A Again, I do not -- I have never -- I am saying  
22 I never really got into this situation.

23 Q You don't know then, is the answer?

24 A Yes.

25 MR. DIEHL: That is all the questions I have.

072

C. Boykin - Cross

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REDIRECT EXAMINATION

BY MR. BALFOUR:

Q Did you know somebody in your church by  
the name of Tanya Brown?

A Yes.

Q How old was she?

A Yes. Tanya Brown is a young lady, a young  
girl.

Q About ten?

A Maybe ten, eleven.

Q Are there any other children by the name of  
Brown that you can think of that are members of your church?

A I can't just think.

Q How about Hazel Brown?

A Yes, an adult member.

Q She is an adult member?

A Yes.

Q How about Ricky Harris?

A Yes, yes, yes, Ricky Harris. He is a member.

Q How old do you think he is?

A Oh, he would be a young man about fourteen,  
fifteen, sixteen.

Q How about Craig Harris, is that his brother?

A Craig Harris?

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C. Boykin - Redirect

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1 Q You do not know him? That is all right.  
2 MR. BALFOUR: Your Honor, I do not believe  
3 I have any other questions of Reverend Boykin.  
4 THE COURT: Do you have any questions?  
5 MR. DIEHL: No, sir.  
6 THE COURT: Thank you very much.

7  
8 - - - - -

9  
10 WITNESS STOOD ASIDE.

11  
12 MR. BALFOUR: I would like to call Mr.  
13 Coleman.

14 NOTE: At this point Mr. Coleman is sworn  
15 by the Clerk.

16  
17 JAMES COLEMAN, a witness being called by  
18 Mr. Balfour, having been duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. BALFOUR:

21 Q Mr. Coleman, thank you for coming today. I  
22 wanted to ask you one or two questions. Are you a member of  
23 the A.M.E. Zion Church on River Road in Chesterfield County?

24 A Yes, I am.

25 Q How long have you been a member of that church?

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J. Coleman - Direct

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1                   A           I've been a member there, say about twenty  
2 years.

3                   THE COURT: About twenty years?

4                   THE WITNESS: Yes.

5                   Q           Were you a member in 1939?

6                   A           Yes.

7                   Q           That would be longer than twenty years, would  
8 it not?

9                   A           Yes, sir.

10                  Q           Were you there in 1939? Do you remember  
11 anything about a new church building in 1939?

12                  A           No. I know a little something about it, but  
13 not so much.

14                  Q           Did they have a new building put up in 1939?

15                  A           Yeah.

16                  Q           Did they move the building there?

17                  A           Yes, they moved the building there.

18                  Q           Somebody gave them the building, or they paid  
19 about a hundred dollars for it; do you remember?

20                  A           I was told they paid about a hundred dollars  
21 for it.

22                  Q           Has that been A.M.E. Zion Church all that  
23 time since you have been a member?

24                  A           Yes, it has.

25                  Q           The preachers have been coming there, been

075

J. Coleman - Direct

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1 coming from the A.M.E. Zion Church they sent there?

2 A Right, yes, sir.

3 Q So far as you know, they have been conducting  
4 A.M.E. Zion Church services there?

5 A Yes.

6 Q Having a Sunday School there?

7 A Yes.

8 Q They have been sending delegates to the  
9 A.M.E. Zion meetings? They have had District and Annual  
10 Meetings?

11 A Yes.

12 MR. DIEHL: I object to that unless he  
13 has personal knowledge of that.

14 Q Do you ever go to any of these?

15 THE COURT: If he knows --

16 THE WITNESS: No.

17 THE COURT: If he knows. You can ask him on  
18 cross-examination.

19 Q Did they ever hold a District Meeting, that  
20 you can remember, at that church in your years there? That is,  
21 have other church people come there from the same church?  
22 They held one there, but you cannot remember when?

23 A No, I don't. I think --

24 MR. BALFOUR: I have no other questions.

25

J. Coleman - Direct

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CROSS-EXAMINATION

BY MR. DIEHL:

Q Mr. Coleman, did you ever go to an Annual Conference Meeting on behalf of the church?

A Annual Conference?

Q Yes, sir.

A Yes, I did. I went to some.

Q How many would you say you went to?

A I guess I went to three or four of them.

Q Have you attended some of the meetings recently held by the church membership involving this dispute with the church?

A No, I didn't ever attend any of them.

Q You are aware they were held?

A Yeah. Uhm-hum.

Q You were notified about them?

A Yeah.

MR. DIEHL: That is all I have. Thank you.

REDIRECT EXAMINATION

BY MR. BALFOUR:

Q Mr. Coleman, in the thirty-eight years since 1939 that you have been there, they have gotten along pretty well there with the A.M.E. Zion Church?



J. Coleman - Redirect

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1           A           Yes, pretty good. Sometimes up and down, but  
2 that's in life.

3           Q           Up until last October?

4           A           Uhm-hum.

5           Q           You were aware, you said, of the meetings in  
6 October, but you are going to stay a member of the A.M.E.  
7 Zion Church?

8           A           That's how I made my vows.

9                       MR. DIEHL: You said that is how you voted?

10                      THE WITNESS: I made my vows.

11           Q           That is how you made your vows?

12           A           Yes.

13           Q           You did not vote at the membership meetings  
14 that you were notified about, is that correct?

15           A           What's that?

16           Q           You did not vote at the membership meetings  
17 which involved the church making certain decisions about  
18 whether they would be with the A.M.E. Zion Church, is that  
19 correct?

20           A           No, I didn't.

21           Q           Thank you.

22

23

24

25

WITNESS STOOD ASIDE 078

1 THE COURT: Do you have any other witnesses?

2 MR. BALFOUR: One more, yes. Reverend  
3 Stringfield.

4 NOTE: At this point Reverend Stringfield  
5 is sworn by the Clerk.

6  
7 REVEREND JOHN A. STRINGFIELD, a witness being  
8 called by Mr. Balfour, having been duly sworn, testified as  
9 follows:

10 DIRECT EXAMINATION

11 BY MR. BALFOUR:

12 Q Mr. Stringfield, would you state your name and  
13 address, please?

14 A John Anderson Stringfield. 4681 Briary  
15 Drive, Apartment 14, Richmond, Virginia.

16 Q What is your position with A.M.E. Zion Church?

17 A I am what is generally known as the Presiding  
18 Elder, and with the same functioning in the church as a  
19 District Superintendent.

20 Q You are in charge of what District?

21 A Petersburg District of the Virginia  
22 Conference.

23 Q What other positions have you held in the  
24 church? What is your background in A.M.E. Zion Church?

25 A I have pastored several churches.

J. A. Stringfield - Direct

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1 Q Is this church, the A.M.E. Zion Church on  
2 River Road, part of the Petersburg District?

3 A It is, sir.

4 Q What other areas does the Petersburg  
5 Conference include, generally?

6 A Well, it's in around Franklin, Wakefield,  
7 all through the two counties.

8 Q About how many churches?

9 A Twenty-seven.

10 Q What are some of your responsibilities as  
11 Presiding Elder of the Petersburg District?

12 A To travel through the District to promote  
13 the spiritual and temporal life of the church, to have under  
14 my supervision all of the preachers and officers of the local  
15 churches, and to see that they do not violate the laws of the  
16 African Methodist Episcopal Zion Church.

17 Q How long have you been Presiding Elder here  
18 in the Petersburg District?

19 A Four years.

20 Q During that four-year period, have you been  
21 fairly familiar with this church on River Road in Chesterfield  
22 County?

23 A I have, sir.

24 Q You are familiar with Mr. Boykin and the  
25 fact that he was minister there?

4:50

J. A. Stringfeild - Direct

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1 A That is correct.

2 Q What kind of assistance are you giving any of  
3 the churches in your District? Is your church giving any churches  
4 in your District, right now, assistance of a financial nature?

5 A There are four churches in the District that  
6 have received financial assistance within the last four years.

7 Q Of what type? For what purposes?

8 A Building. For building purposes.

9 Q How is money obtained by local churches for  
10 building purposes?

11 A It depends on the amount that they may need.  
12 If it is a small amount, like two or three thousand dollars,  
13 they may request the Bishop to give them their assistance; or  
14 the Presiding Elder, seeing the need of it, he would recommend  
15 to the Bishop that this assistance be given to that church.

16 Q Did this church ever request any financial  
17 assistance that you are aware of?

18 A Not to my knowledge.

19 Q What is the purpose of the Dinwiddie  
20 Institute? How is that used in your church?

21 A Well, it is used to operate different classes  
22 and recreation programs and the like.

23 Q Where is it located?

24 A It is located in Dinwiddie, Virginia.

25 Q Is it available for all members of local

J. A. Stringfield - Direct

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1 churches in the Petersburg District?

2 A It is, sir, for all members of the Virginia  
3 Annual Conference, and for members of the African Methodist  
4 Episcopal Zion Church anywhere.

5 Q What is the most important report made by  
6 the church each year?

7 A I would feel that the most important report  
8 made by the local church each year would be the last Quarterly  
9 Report.

10 Q Is that also known as the Annual Report?

11 A Well, no. It is not annual, it is a Quarterly  
12 Report.

13 Q Do all churches always make these reports?

14 A All churches are required to make those  
15 reports.

16 Q What do you do if they do not make a report?

17 A Well, what I would do is to advise them, and  
18 if they did not hear me, I would report them to the Bishop.

19 Q In fact, the church we are talking about did  
20 not always make its Quarterly Reports, right?

21 A They always made Quarterly Reports during  
22 my administration.

23 Q Could they have missed any?

24 A Not the church.

25 Q All right. I think we stipulated all claims

J. A. Stringfield - Direct

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1 had been paid annually.

2 A That is correct.

3 THE COURT: What do you mean by claims?  
4 Is this what you pay to the National Church for the  
5 support of it?

6 THE WITNESS: That is correct, sir.

7 MR. DIEHL: I would like to know if he is  
8 testifying from his own knowledge of this, or from  
9 records kept, or from what basis is he testifying  
10 about the reports about monies?

11 THE WITNESS: My personal knowledge.

12 MR. DIEHL: What is the source of that  
13 knowledge? Have you seen the money?

14 THE WITNESS: I have seen the money and the  
15 reports, too.

16 MR. DIEHL: I do not want to cross-examine.  
17 This is for objection purposes.

18  
19 BY MR. BALFOUR: (Continuing)

20 Q That is one of your duties?

21 A Yes, sir.

22 Q To examine the local churches and make sure  
23 it is done right?

24 A That is correct, sir.

25 Q This church which is known as A.M.E. Zion

J. A. Stringfield, - Direct

65

1 Church could be known locally as Lee's Chapel. Why do they  
2 designate some of the churches, even though they are A.M.E.,  
3 by local names?

4 A The purpose of that is to distinguish that  
5 church from others. We have several churches, perhaps only  
6 a few miles from one another, and they all are A.M.E. Zion,  
7 or African Methodist Episcopal Zion Church. We give them a  
8 name to distinguish them from the other churches.

9 Q What are some benefits of being an A.M.E.  
10 Zion Church as opposed to just being the Lee's Chapel?

11 A Well, they have access to our publication  
12 house. They have the privilege of requesting the church for  
13 financial assistance. Many benefits.

14 Q Pastors are assigned by your Virginia  
15 Conference to each of those churches, is that right?

16 A That is correct, sir.

17 Q This church, so far as you know, has never  
18 rejected a pastor, has it?

19 A Not to my knowledge.

20 Q Elders are likewise assigned. So far as you  
21 know, this church has never rejected any of its Elders that  
22 have been appointed to that church, have they?

23 A Not to my knowledge.

24 Q In fact, this church has done all its duties,  
25 as well as stipulated to Annual claims. They have done every-

J. A. Stringfield - Direct

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1 thing else they should do up until October, have they not?

2 A That is correct, to my knowledge and records.

3 Q They have been sending delegates to all the  
4 District and Annual and National Conferences?

5 A Now, I couldn't say to all of the Annual  
6 Conferences, not to the District Conferences, because I don't  
7 have the records with me and I didn't memorize it.

8 Q Does each church send a delegate to a  
9 District Conference?

10 A They are supposed to, each church.

11 Q This church, as far as you know, has always  
12 done so?

13 A So far as I know.

14 Q We have been talking about claims, or  
15 benevolences allocated to local churches. Could you describe,  
16 briefly, how does a local church participate in what it is  
17 going to pay to the National Church?

18 A After the General Conference, when the  
19 assessments have been made, then each Bishop gets a record  
20 of the amount he has to be responsible for. The Bishop then  
21 comes to each Annual Conference. He calls a one-day Annual  
22 Conference comprising all of the members of the Conference  
23 together, with a delegate from each church. The committee is  
24 then appointed to levy the assessment on each church. The  
25 committee comes back to that one-day Annual Conference and



J. A. Stringfield - Direct

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1 reports to the Bishop -- reports to the Conference presided  
2 over by the Bishop. After they report, the Bishop gets up  
3 and states what it is, and anybody there then has the  
4 opportunity to speak pro or con, to ask that it be changed,  
5 or whatever they want to ask about it. They have that  
6 privilege.

7 Q Before you get to the point of it being  
8 assessed by the Bishop, by this group for each church; how is  
9 it arrived at at a National level? What is the annual budget  
10 of the church, in brief?

11 A Prior to the General Conference a committee  
12 is appointed to work out a budget for the general church.

13 Q How would members be selected to go to the  
14 General Conference where this budget is considered?

15 A Members of the committee?

16 Q No, sir. The members of the Annual  
17 Conference in church.

18 A They are elected in each Annual Conference.

19 Q The Annual Conference being like the Virginia  
20 Annual Conference?

21 A That is correct. Which comprises of a delegate  
22 from each church in the Conference representing the wishes of  
23 that church.

24 Q The A.M.E. Zion Church, in effect, would have  
25 a say in some minor way, perhaps, as to what the National Budget

J. A. Stringfield - Direct

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1 is from elected delegates up the line, is that correct?

2 A That is correct.

3 Q Then it goes back down through the National  
4 Church to the Bishop and is divided up among the churches?

5 A That is correct.

6 Q So, it is an obligation of the local church  
7 to participate in this function each year through its  
8 participation of delegates?

9 A Through its delegates, that's correct.

10 MR. DIEHL: Your Honor, I think he is leading  
11 him a little bit. I have been pretty lax.

12 MR. BALFOUR: All right. Thank you.

13 THE COURT: Is that all, Mr. Balfour?

14 MR. BALFOUR: Your Honor, I believe it is now.

15 THE COURT: Do you have any questions?

16 MR. DIEHL: I have a few questions.

17

18 CROSS-EXAMINATION

19 BY MR. DIEHL:

20 Q Reverend Stringfield, did you attend the  
21 March Quarterly Conference meeting at the Lee's Chapel Church  
22 with A.M.E. Zion Church on River Road?

23 A March?

24 Q March of 1977.

25 A I don't know. I know I did not attend one, but

J. A. Stringfield - Cross

69

1 my Discipline provides that in case the Presiding Elder cannot  
2 be present, then he may have the pastor or some other ordained  
3 minister to perform for him.

4 Q You do not remember this then, whether you  
5 were or not?

6 A I would say if I were not there, the pastor  
7 held the Quarterly Conference.

8 Q Do you recall at such a Quarterly Conference  
9 that you did attend, whatever that date was in 1977, the  
10 congregation questioning directly to you why the higher church  
11 could not give them assistance in their present building  
12 program? Do you recall that?

13 A I recall that distinctly.

14 Q They questioned you about that, isn't that  
15 true?

16 A That is true.

17 Q You stated at that time that the funds just  
18 were not to go to this church?

19 A I did not.

20 Q What did you state?

21 A I stated that if the local church was in need  
22 of funds they could make an application for assistance, and  
23 that if they needed funds that they could make even the  
24 request to me and I would act and see that they got it.

25 Q That is all you said about it?

J. A. Stringfield - Cross

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1           A           Well, that is what I said about the point you  
2 just raised.

3           Q           You said you have twenty-seven churches under  
4 your control. Do you, of your own knowledge, know how many  
5 of these church buildings were dedicated through the ceremony?

6           A           I wouldn't know, because some of them are  
7 so much older than I am.

8           Q           You have been an Elder in this church district  
9 for four years, you say. So, that would be 1974?

10          A           Just about, yes, 1974.

11          Q           Your duties are basically, you stated, to  
12 promote spiritual, temporal life in the church, along with  
13 others?

14          A           Yes.

15          Q           You, of your own knowledge, can state that  
16 the General Church has not contributed any loans or grants to  
17 the local church at issue here, is that correct?

18          A           Not during my administration.

19          Q           You have no knowledge then of any of the  
20 relationships between the local church and the higher church,  
21 of your own knowledge, prior to 1974, would that be correct?

22          A           That would be correct.

23          Q           How many times have you been to the Lee's  
24 Chapel Church in the course of your being an Elder?

25          A           Well, I don't think I can tell you accurately

J. A. Stringfield - Cross

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1 how many times I have been there. I can tell you how many  
2 times I was supposed to have gone, but there were times I  
3 couldn't get there and I asked the pastor to preside for me,  
4 which was within the law.

5 Q Do you have the reports of the Quarterly  
6 Conferences in your possession here today?

7 A No, I do not.

8 Q From your own knowledge, you stated you read  
9 these reports?

10 A What reports?

11 Q The reports filed. The Quarterly Reports  
12 filed at the Quarterly Conferences.

13 A I don't know what you mean when you say I  
14 read them, because I was there.

15 Q Did you get a written report that is required  
16 to be filed by the trustee?

17 A The minutes of the Quarterly Conference  
18 are supposed to be given to me and I am supposed to sign them,  
19 if that is what you are talking about. If that is what you  
20 are talking about, I have some of the minutes; not with me.

21 Q Let me ask you this question. Do you recall  
22 what the reports indicated the membership was at Lee's Chapel  
23 in 1977?

24 A No. In the Quarterly Conference it was not  
25 stated, the number of members.

J. A. Stringfield - Cross

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1 Q The next best evidence would be the church  
2 ledger?

3 A No. The next best evidence would be to  
4 consult the pastor.

5 Q Is that only your opinion, or is it by the  
6 Discipline?

7 A No, it is not by the Discipline. It is the  
8 only thing to do, the only logical thing to do.

9 Q How about the church ledger, is it illogical  
10 to use that?

11 A It is not illegal to use that, but that is  
12 not our procedure when we want to know something about the  
13 church. We do not feel we should go to the church records.  
14 We do not want to go over the head of the pastor; therefore,  
15 we consult the pastor. If he cannot give me an accurate  
16 answer to the question, then he will go to the church and not  
17 the Elder.

18 Q Did you receive any complaints from the local  
19 congregation of this church about the assessments, and the  
20 number of members you were assessing in 1977?

21 A I did.

22 Q You did, is that true?

23 A Yeah.

24 Q How were these assessments made; based on  
25 your discussions with the pastor, is that what you are testifying?

J. A. Stringfield - Cross

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1           A           No. The assessment was made, as I stated  
2 awhile ago, by a one-day Annual Conference recommended by a  
3 committee that was appointed by the Bishop for that purpose.

4           Q           Who would be on the committee; the pastor,  
5 I assume?

6           A           Not necessarily, no, but some pastors would  
7 be. The committee didn't necessarily need all of the pastors.

8           Q           Do you know what the assessment was against  
9 the church in 1977?

10          A           No, I don't recall.

11                   MR. DIEHL: I think those are all the  
12 questions I have.

13                   MR. BALFOUR: Redirect examination.

14  
15                   REDIRECT EXAMINATION

16 BY MR. BALFOUR:

17           Q           There has been a lot of discussion and  
18 testimony so far about membership, inactive and active,  
19 children and adults. Would you describe briefly what difference  
20 it makes if a person is inactive or active?

21           A           The position is nothing in the Discipline, to  
22 my knowledge, regarding inactive members. There are some  
23 pastors who, on their own, do try to stimulate interest in  
24 the person so that they might become active. He will make  
25 what he calls an inactive list, and those who are not active he

J. A. Stringfield - Redirect

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1 puts them on that list. It doesn't -- it does not in any  
2 sense of the word have anything to do with their membership,  
3 as such. A person who joins the African Methodist Episcopal  
4 Zion Church is a member until either he or she resigns, or  
5 a charge is brought against them and they are dismissed by  
6 the local church.

7 Q You heard Mr. Diehl a few minutes ago reading  
8 something out of the Discipline about charges of probation.  
9 What is a probationary member then, as opposed -- there is no  
10 legal definition as to inactive or active, they are all active  
11 members. But you do have something called probationary  
12 members. Explain that.

13 A A probationary member is one who -- well, all  
14 members are on probation when they first join. No person is  
15 to be taken in immediately. He is to be on six-months  
16 probation, and if he shows improvement in his spiritual life  
17 and the like, he may be admitted into full connection. If he  
18 does not, then he may be given a longer probationary period,  
19 and we work with him and try to help him to strengthen his  
20 life.

21 Q If a member is not on probation, he is still  
22 an active member unless his pastor, on his own, was to find  
23 him active or inactive. He is still active as being a full  
24 member of A.M.E. Zion Church.

25 A Yes.



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1 Q Does that include the right of voting?

2 A Yes.

3 MR. DIEHL: I have a few on recross.  
4

5 RECROSS-EXAMINATION

6 BY MR. DIEHL:

7 Q You stated that the inactive member still has  
8 the right to vote, as a practical matter. Based on your  
9 experience as being a pastor, and in your capacity as an  
10 Elder, what percentage of the membership, active and inactive,  
11 normally attend church services and meetings? Can you give me  
12 an idea?

13 A I cannot give you an idea on any particular  
14 local church, but I can give you a general percentage, which  
15 is, say thirty percent.

16 Q Thirty percent?

17 A Yes.

18 Q Isn't it true that normally the activities  
19 of the church in many of the notices and information provided  
20 to the membership, is done at the services on Sunday to the  
21 membership attending the service there?

22 A Well, I couldn't -- I couldn't answer that  
23 for the church, for I am not there at any time. If you are  
24 talking about my pastor --

25 Q I am talking in generalities and procedure.

J. A. Stringfield - Recross

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1 A I just wouldn't know that.

2 Q You were a preacher. How did you do it?

3 A I did it as I thought it should be done; that  
4 is, I called a meeting in the weekday and did it.

5 Q How would you call that?

6 A I would announce I was having a meeting on  
7 a certain day, date, certain time, and wanted members to  
8 attend.

9 Q It would be announced at the service on  
10 Sunday?

11 A Yes.

12 Q That is what I was trying to get at. It would  
13 be announced about the meeting on Sunday.

14 A Right.

15 Q And only thirty percent of the average  
16 membership --

17 A No, I didn't say that. I said generally  
18 speaking. When we call these meetings, I couldn't say what  
19 percentage attend.

20 Q All right. So, you kind of rely on the word  
21 of mouth to get around from the membership at the service on  
22 Sunday to reach the other members to come to a special meeting  
23 during the week?

24 A Particularly those who were there. But, if  
25 they all were not there, I would send out notices to them.

J. A. Stringfield - Recross

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1 Q Every time?

2 A Yes, every time. I am not saying this was  
3 done every day, or every week, because I didn't have those  
4 meetings that regularly.

5 Q All right.

6 MR. DIEHL: I have no further questions.

7 THE COURT: Is that all?

8 I am going to stand in recess for about  
9 fifteen minutes. I have another hearing at 1:00.

10 NOTE: At this point a short recess is taken,  
11 following which the hearing is resumed.

12 At this point Reverend Stringfield is  
13 resuming his seat on the witness stand.

14 MR. BALFOUR: I have two questions I would  
15 like to ask him.

16

17 BY MR. BALFOUR:

18 Q Based on the record, Reverend Stringfield,  
19 on the cross-examination a minute ago and on the direct, we  
20 talked about how assessments were made, about how they come  
21 back down to the local district, the local church and  
22 delegates, and that decides how each church will be assessed.  
23 What do you say happens if the church does not like its  
24 assessment?  
25

1 Chapel Church were -- they had Lee's Chapel name typed on it,  
2 and I did not consider it. Then a few days after -- then I  
3 was there in the Quarterly Conference. I didn't bring it --  
4 I didn't mention this letter, only in this manner, I stated to  
5 them if they had any grievances or any complaints whatsoever,  
6 and this was just before the Annual Conference, the logical  
7 thing to do would be to elect a delegate and send their  
8 grievances to the Annual Conference through the delegate.  
9 They did not do that.

10 MR. BALFOUR: I have no further questions.

11 MR. DIEHL: I have nothing further. Thank  
12 you.

13 MR. BALFOUR: Thank you, sir.

14  
15 - - - - -

16  
17 WITNESS STOOD ASIDE.

18  
19 MR. BALFOUR: They are my witnesses.

20 THE COURT: All right.

21 MR. DIEHL: Your Honor, at this time I believe,  
22 based on the Norfolk case, I am going to move to  
23 strike. Let me just briefly summarize why. We have  
24 an hierarchical church, and all the evidence I have  
25 heard has established a normal relationship that would

1           undergo between any hierarchical church and any local  
2           congregation. There is nothing extraordinary in this  
3           case. They participate in Annual Conferences,  
4           general assessments. If the Norfolk case means  
5           anything, it means you have got to have more than  
6           that, or they would not even have had to rule on that;  
7           it would have been prima facie. You have a hierarchical  
8           church obligation. Church ownership is in the higher  
9           church. I think they have to prove more proprietary  
10          interest in this locality, and I do not think there  
11          has been one bit of evidence to establish any  
12          monetary interest in the property; any assistance in  
13          the past; any, whether it is a requirement or just  
14          a formality, dedication of the church, of the  
15          building, to the higher church under the dedication  
16          provision of the Discipline.

17                 We have just had no indication of anything  
18                 more than just a mere hierarchical relationship; which  
19                 does not meet the burden of providing a proprietary  
20                 interest, proprietary meaning some degree of  
21                 ownership or legal right in this. Pecuniary might  
22                 be a more parallel word. I do not think we have had  
23                 any other evidence at all, other than normal  
24                 hierarchical, normal church relationships. I would  
25                 move to strike at this time.

1                   MR. BALFOUR: Your Honor, I do not read where  
2                   the case says you have to prove anything extraordinary.  
3                   That case, in fact, was referred back. The language  
4                   of the Court says "this does not mean that our civil  
5                   courts are powerless to prevent a hierarchical church  
6                   from being deprived of contractual rights in church  
7                   property held by trustees of a local congregation."  
8                   ALR 3d citation establishes to show proprietary  
9                   interest, you have to show the connection, and to do  
10                  that they gave examples, just as I have done through  
11                  the testimony here.

12                 The decisions of what the local church does,  
13                 in making what the assessments would be from the local  
14                 level to the National Church, back down to the local  
15                 level, it talks about use of customs and traditions  
16                 of the church over long periods of time. It wasn't  
17                 broken up until last fall. It talks about the use of  
18                 publications, which we have shown. Testimony has  
19                 been shown about the use of appointments of pastors  
20                 as opposed to the local church choosing a pastor,  
21                 which has been shown and been accepted.

22                 I think all, as I said in my opening statement,  
23                 the evidence is bound to be to some extent similar  
24                 as to what you prove to prove hierarchical, as to  
25                 what you prove to prove proprietary relationship in

1 all church organizations. It is not going to be so much  
2 to show contractual obligations, because most churches  
3 operate on pledges to begin with, in any church.  
4 Benevolences, if they are not paid one year, they go to  
5 the next, or are dropped. You do not have many rigid  
6 contract obligations that go between the two, unless  
7 you have a case like you do maybe there in the Presbytery  
8 case. We have recent litigation which, therefore, have  
9 made churches go back and try to cover themselves for  
10 what they maintain is for protective future litigation.

11 In this case we have a church in existence since  
12 1873.

13 THE COURT: These two churches, A.M.E. --

14 MR. BALFOUR: Trustees for --

15 THE COURT: Church of Zion --

16 MR. BALFOUR: The third line says: Trustees  
17 of the A.M.E. Church of Zion.

18 MR. DIEHL: Your Honor, I think you are correct,  
19 it says A.M.E. Church of Zion. It does not say Church  
20 of Zion of America or Virginia or anything else. So,  
21 that is ambiguous. The statutory interpretation, I  
22 think, that Virginia would put on that, would be the  
23 local congregation, as it is in this statute; if  
24 you read further in the deed; and again, this is more  
25 for purposes of interpretation of the Court, it does

1 say it is to be an A.M.E. Zion Church known as Lee's  
2 Chapel. So, it is clarified as being Lee's Chapel as  
3 opposed to any other church. I think, at best, it is  
4 ambiguous. It may not add assistance to either one  
5 of us.

6 MR. BALFOUR: Your Honor, when they take an  
7 oath to be a member of the church, they take an oath  
8 to be an A.M.E. Zion Church, not a local church.

9 The two cases which we will refer to you at the  
10 end of the case, assuming for the moment this is not  
11 the end of the case, will point out those two cases  
12 which have to be his way. But the only two his way  
13 are both distinguishable on one big point; that is, in  
14 those churches the local congregation has continuously  
15 said they were a local church. In fact, they said that  
16 before they ever took a deed. In one case they said,  
17 remember, we are a local church, interjected with a  
18 pastor here and there, they said we are local. They  
19 did things on a local basis; never which has been in  
20 this church. This has been a continuing A.M.E. Zion  
21 Church all along. The connectional relationship has  
22 continued without any interruption with the local church  
23 until the question came up of who gets the property  
24 last fall. This has been a continuing relationship  
25 between the National Church and the local church, and



1 the Supreme Court of Virginia was not particularly  
2 long winded about what they want in showing proprietary  
3 interest. So, therefore, we had to go to ALR 3d to  
4 find out.

5 I think the evidence is pretty clear. What  
6 we put on is the kind you put on to prove proprietary  
7 and connectional relationship that establishes this  
8 church as part of the National Church, since we do  
9 not have implied trust in Virginia.

10 THE COURT: That is true, we do not have  
11 implied trust. How about express trust?

12 MR. BALFOUR: We do not have either one, as  
13 I understand.

14 THE COURT: What is the value of putting in  
15 a deed? What they suggest here, wouldn't that be an  
16 express trust?

17 MR. BALFOUR: I think that this language  
18 primarily is for the other states that do have such  
19 provisions. I do not know if it would help at all  
20 on our church. We still have a hierarchical church.  
21 This proprietary interest -- I am not so sure, Your Honor.  
22 I think the presumption of law is that this is a  
23 hierarchical church. There is a proprietary interest.

24 I know we discussed the fact that I had the  
25 burden here today, but I believe that this burden is

1 very light, because if you have a hierarchical church,  
2 there is presumption from case law around the country.  
3 There is a connectional relationship and proprietary  
4 interest, and if you have the cumulative facts to  
5 back up the connection, then you have the proprietary  
6 interest connected.

7 THE COURT: Well, do you want to reply to  
8 that?

9 MR. DIEHL: Yes, sir. In response to just  
10 what he commented on, the presumption. I think the  
11 cases in the statute are making the presumption in  
12 favor of the local congregations. It has kind of  
13 gone overboard to limit the amount of property  
14 trustees can hold. Cases have interpreted the local  
15 church to mean larger congregation rather than a  
16 larger hierarchical body.

17 THE COURT: What I am going to do is overrule  
18 your motion and reconsider it at the conclusion of  
19 all the evidence.

20 MR. DIEHL: All right. Your Honor, we will  
21 hope to present some evidence of the intent of the  
22 church, and I take issue, just for the record, to  
23 his interpretation of the cases.

24 I will submit my first witness will be Mr.  
25 Timothy Lewis.

NOTE: At this point the witness is sworn  
by the Clerk.

TIMOTHY E. LEWIS, a witness called by Mr.  
Diehl, having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. DIEHL:

Q Please state your name and home address.

A Timothy E. Lewis, Chesterfield, Virginia

Q Are you a member of the formerly A.M.E. Zion  
Church, Lee's Chapel?

A I am.

Q How long have you been a member of that  
church?

A About twenty-five years.

Q Are you married?

A I am married.

Q Do you have any children?

A I have two children.

Q Are they all members of this church?

A No.

Q Mr. Lewis, what is your capacity in this  
church, formerly, prior to October 11, let's distinguish,  
and after that time?

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1 A October 11 of '77?

2 Q Yes, sir.

3 A Okay. October of -- the 9th of October we --  
4 I gave -- the letter was read to the pastor at that particular  
5 time.

6 Q What letter is this?

7 A I am referring to the withdrawal letter from  
8 A.M.E. at a meeting that we had after the service. On the  
9 23rd of October a Board of Trustees was elected, coming out  
10 of the new church, to change our church.

11 Q Are you a member of that Board of Trustees?

12 A I am chairman of that Board.

13 Q You are chairman of the Board?

14 A Right.

15 Q Were you a Trustee under the old church?

16 For purposes of the record, we will use the old and the new,  
17 and see if that makes any difference later.

18 A Right.

19 Q Mr. Lewis, was there notice given, as far  
20 as the meeting of October 11, which was the withdrawal meeting  
21 you referred to?

22 A Right.

23 Q How was that notice given?

24 A It was given -- it was read by the clerk at  
25 that particular time.

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1 Q How many members attended the October 11  
2 meeting?

3 A It was after service. I would say roughly  
4 about 40, 45 people.

5 Q Based on your knowledge of the church, how  
6 many members are actively members of the -- active or inactive  
7 of the church, are on its rolls?

8 A I would say approximately, about 70 people.

9 Q To the best of your knowledge, what was the  
10 vote for or against the decision to withdraw from the A.M.E.  
11 Zion Church?

12 A At that time it was unanimous for getting  
13 out, really.

14 Q Give us a little background as to why this  
15 church here wants to be apart from the hierarchical church.

16 A Well, it's not something that just started.  
17 It roughly was started about five years ago. So, I can say  
18 when Reverend Boykin was first sent to us it was told to him  
19 by the Trustees that we would not pay the General Conference,  
20 the Connection.

21 Q You are referring to the general claim for  
22 every year?

23 A Yes, sir.

24 Q Why not?

25 A Because it was -- we really wanted to withdraw

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1 at that particular time. Okay. What happened, they had a  
2 meeting. A few ministers that are here right now were at the  
3 meeting, Reverend Stringfield was not there, but Reverend Sapp  
4 was in charge at that particular time. They had Bishop  
5 Foggie out of Pennsylvania, Pittsburgh or somewhere. He  
6 came down and he was the Bishop over their district during  
7 that particular period of time. Some kind of way they talked  
8 us out of getting out at that particular time. So, the people  
9 have never really been at ease since that time, and it has been  
10 a struggle. We've been struggling trying to pay the Conference.  
11 It has been a big struggle out there, because of the weight we  
12 are carrying with a few people in our organization. Now, I  
13 find no fault spiritually of my spiritual background, but as  
14 far as the church is concerned, and so forth, I never thought  
15 that they owned it as a whole because they have never done  
16 anything for us in that time.

17 Q You are referring to the church building and  
18 the land which is the issue here?

19 A Yes.

20 Q Would you repeat your understanding as to  
21 who owns that?

22 A I have always felt that it was really owned  
23 by the Trustees. It was deeded to the Trustees. I felt that  
24 they -- it was owned, and it was operated, kept up, by the  
25 Trustees. All the money that was spent there, it came through

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1 our building fund. Everything that was done was done through  
2 the Trustees.

3 Q You referred to a building fund. What is  
4 that building fund?

5 A The building fund is the money that comes  
6 into the church that is collected. It comes through your  
7 envelope system. It's some benevolences and some -- what we  
8 call it is current expenses, and then we have building funds.  
9 We have two separate treasuries. The building fund takes  
10 care of the upkeep of the church.

11 Q Who is responsible for signing checks on  
12 that building fund?

13 A I was responsible and also my Brother Edward  
14 Harris.

15 Q You would be familiar with that accounting?

16 A I am, very much.

17 Q Based on your knowledge of that, did you  
18 ever receive any funds from the hierarchical, the General  
19 Conference, or any higher organization of the church, for  
20 the maintenance of the land or the building of the church?

21 A No, we haven't.

22 Q Have you made improvements on the church in  
23 the time you have been there?

24 A We sure have.

25 Q What kind of improvements?

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1           A           Within the last -- I'd say roughly about '70,  
2 '75 -- wait a minute. I'm sorry. Roughly, it was a year  
3 after Reverend Boykin had been there, so that he -- I can't  
4 recall the date he came in, but it was about a year after  
5 that that we put bathrooms in and sinks. Then we have put  
6 mason like siding on that church. We have purchased pews for  
7 that church. Hymn books. Roughly, we have spent roughly  
8 about \$12,000.00 in that church.

9           Q           From what time period are we talking about?

10          A           In a period of about -- let's see, about  
11 five -- four or five years.

12          Q           In the last four or five years?

13          A           Yes.

14          Q           All of those envelope contributions, benevolences,  
15 who were they from, specifically?

16          A           The people.

17          Q           When you say the people --

18          A           That's the local church through the envelope  
19 system. Contributions from different people in the community  
20 where they had bazaars and things. Programs they had  
21 programmed for the building fund.

22          Q           Describe for the Court generally the land,  
23 the building, what kind of building we are talking about, and  
24 what is on the land surrounding the building. Just briefly do  
25 this so we have some idea about the nature of this building and



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1 the land.

2 A We have an acre of land, and out there we  
3 only have burial ground.

4 Q Who was buried in that land?

5 A Really, the people. Mostly it's members of  
6 the church. We do have some outside members who were not  
7 really members, but still buried there because of their  
8 families being connected.

9 Q Are the family plots sold in any way, purchased  
10 by the individuals?

11 A No.

12 Q This is provided for the family?

13 A Right.

14 Q Is there any cost to that?

15 A No, sir.

16 Q Approximately how many graves are on the  
17 location?

18 A I can tell you -- I would say roughly about  
19 30, something like that.

20 Q Are there still family members of these  
21 people who have been buried there, working as members of  
22 the church?

23 A Right.

24 Q Concerning the actions since the church  
25 notified the higher church of withdrawal, what activities have

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1 the Lee's Chapel Church taken since October of 1977, to the  
2 present time? What has been going on at the church because  
3 of this present situation?

4 A Well, we have been having services. We have  
5 changed our hours so we wouldn't interfere with A.M.E., which  
6 is 11:00 service. So, we moved our time to 2:00. We have  
7 been using the time 2:00 on Sunday evening. We have been  
8 having services, prayer services every other Wednesday night,  
9 using it for prayer services. We have had six weeks of  
10 services, and praise the Lord we have done extra good, extra  
11 good. We had the church full just about every Sunday.

12 Q This kind of unified everybody, in a sense?

13 MR. BALFOUR: Your Honor, I am not sure of  
14 the relevancy of the unification and when they use  
15 the church and all, to show their interest in the  
16 church.

17 MR. DIEHL: Your Honor, the point is to  
18 show the intent of the people to it.

19 THE COURT: I overrule your objection.

20 Q Mr. Lewis, let me ask you this. How many  
21 people have attended the A.M.E. Services at 11:00 since  
22 October of 1977, to your knowledge?

23 A To my knowledge, I have seen the pastor  
24 there. Really, I haven't seen --

25 Q Zero?

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1 A None, as far as I know.

2 Q Have they sent someone every weekend that you  
3 know of?

4 A Just about. A couple of Sundays I've seen  
5 no one there, really.

6 Q On or about November 20, 1977, was there a  
7 meeting of the church on that date?

8 A November 27?

9 Q No, November 20, 1977. November 20. Do you  
10 recall? Let me refresh your memory a minute.

11 A Okay.

12 Q Would you please identify the paper you have  
13 in your hand right there?

14 A I sure can. On October 20, we went around  
15 through the community checking with our members to see how  
16 many of them would like to withdraw and how many would remain  
17 in the A.M.E. We really, as of that time, we had roughly  
18 64, 65 people to sign the petition, really, because we had  
19 been in court and Stringfield had come back and got back with  
20 us. But the meeting that they tried to -- that they brought  
21 to us wasn't what we wanted. So, at that particular time --

22 Q Was the resolution you have in your hand  
23 passed at a meeting of the congregation and trustees on  
24 November 20?

25 A Right. This is it.

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1 Q Is that resolution in your hand the same  
2 resolution they passed?

3 A Right.

4 Q Did you attend that meeting?

5 A I sure did.

6 Q What was the vote at that meeting?

7 A The vote was unanimous.

8 Q How many members attended the meeting of  
9 November 20?

10 A Roughly about 40, 45, 50.

11 Q This petition attached to that was obtained  
12 later?

13 A Right. Now, we had a lot of the members there,  
14 and those that wasn't there we went around to talk to them.  
15 When I say the members, I am talking about the members that  
16 come regularly and support the church.

17 Q Did you sign this petition yourself?

18 A I sure did.

19 Q Are you aware if any of these signatures are  
20 by persons under the age of eighteen years old?

21 A Yes. There are some on here under eighteen.

22 Q Do you know how many, offhand?

23 A I didn't go through it.

24 Q That is all right, I do not think we need to  
25 get into that.

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1 A I would say roughly, twelve, thirteen maybe.

2 MR. DIEHL: I would like at this time to  
3 request that the resolution be admitted into evidence  
4 as Respondent's Exhibit. I would ask also that the  
5 petition attached to it also be admitted as  
6 Respondent's Exhibit 2.

7 MR. BALFOUR: Your Honor, I do not object  
8 to the resolution being admitted. I will object  
9 to the fact it might have been improperly passed.  
10 It speaks for itself. I do object to the petition  
11 itself, and that all the names identified have not  
12 been signed by the person indicated on there until  
13 we have proof that they say who they are.

14 MR. DIEHL: Your Honor, I understand the  
15 problem with the petition. We have as many people  
16 as we could get here today, and they will testify  
17 that they signed it, if we need to, briefly.

18 THE COURT: Was one person in charge of  
19 obtaining signatures, or was it passed around among  
20 people?

21 MR. DIEHL: I believe I have --

22 Q Mr. Lewis, let me ask you this right now.  
23 Who took the petition to the various members to have it signed?

24 A I did, and another Trustee also.

25 Q Is he with you?

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1 A Mrs. Holmes.

2 Q Did you get any other dissent from anyone,  
3 any dissension at the meeting? Let's put it this way. At the  
4 meeting concerning this resolution, was there any dissension,  
5 any disagreement?

6 A No, no, no. We didn't have -- no. As far  
7 as the meeting, whether or not they wanted to withdraw or  
8 not, no. Most of them was willing to sign it.

9 MR. DIEHL: Your Honor, I would ask that  
10 the resolution be admitted at this time. I will  
11 just have the people here testify that they signed  
12 the petition. I think we had testimony it was  
13 unanimous with the number of people there, he  
14 testified.

15 THE COURT: I will receive that into  
16 evidence. Did you want to include in the evidence  
17 the letter, the list of members?

18 MR. BALFOUR: Yes, sir.

19 THE COURT: That will be petitioner's  
20 exhibit. This will be defendants' -- or I guess  
21 interveners' exhibit. The names on it I will just  
22 mark identified as Exhibit No. 2.

23 MR. BALFOUR: That was not admitted though.

24 THE COURT: I understand.

25 NOTE: The Resolution is marked and filed as

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Interveners' Exhibit No. 1.

MR. DIEHL: We do not have everyone on here here today. We will have as many as we can.

THE COURT: Well, it may be that this gentleman can identify the persons who signed it, that he saw sign it.

MR. DIEHL: Yes, sir.

THE COURT: If he saw that, that would be proper.

MR. DIEHL: Yes, sir. I am going to go through it right down the line if we have to, unless Counsel will stipulate on that.

MR. BALFOUR: Your Honor, I do not like to be hard nosed, but I really do not know if they are who they say they are. So, I would rather -- I know already one, by the testimony in evidence, is a ten-year old who signed it, just by earlier evidence.

MR. DIEHL: All right.

BY MR. DIEHL: (Continuing)

Q Mr. Lewis, did you have Elton T. Webster?

A Yes.

Q Where did he sign that?

A He was at church.

Q Were you present?

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1 A I was. He is out there now.

2 Q James R. Trent?

3 A He was at church.

4 Q Did you see him sign this?

5 A I seen him.

6 Q Rosa M. Gordon?

7 A She was at church.

8 Q Did you see her sign this?

9 A Yes.

10 Q Magnolia B. Turner?

11 A At church.

12 Q Did you see her sign this?

13 A Yes.

14 Q Jean A. Holmes?

15 A She was at church.

16 Q She is in the courtroom today?

17 A She is in the courtroom today.

18 Q Everyone --

19 A Everyone you called so far is just about here.

20 Q Maybe we can expedite this. All these names  
21 on the petition, did you see these people sign, everyone,  
22 yourself?

23 A Most of them I seen, because about forty some  
24 of them were there?

25 Q Which ones did you not see; the second page,



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1 or what?

2 A Now, Mrs. Holmes, she got some of them. So,  
3 she covered one area, and I didn't see that area. She can  
4 cover the ones that I didn't.

5 Q Would you take a look at these and identify  
6 the ones that are under the age of eighteen? I think we  
7 can expedite it by having you identify those signatures.

8 A Yes, sir. Seventeen or under?

9 Q Yes, sir. Seventeen or under. How about  
10 the Browns, seventeen and eighteen?

11 A Right. Under the age of eighteen. Now,  
12 they are going to be close. 30 and 31 are going to be close.  
13 I'm not sure whether they are over, or right at it, but they  
14 should be right at it.

15 Q You are talking about Betty and Lisa Masby  
16 30 and 31.

17 A We have Glen Brown, he is roughly -- I'd  
18 say about 12 or 13. We have Patricia Anderson. She should  
19 be somewhere near 16, 17.

20 MR. BALFOUR: Would you call the numbers off?

21 THE WITNESS: Okay. That is 36. The other  
22 one was 32.

23 A We have Jonathan Jones. He is going to be  
24 close. That is 45. He is roughly 16 or 17. 54. 57 will be  
25 close.

T. E. Lewis - Direct

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1 Q How old is 54 and how old is 57?

2 A 54, he is roughly about 10. 57, Ray, is  
3 pretty close to 16, 17. He is roughly in about the tenth  
4 grade in school, high school. 26 is Ricky. He is close.  
5 He is in high school, so he is close to 16.

6 Q In summary of this petition, Mr. Lewis, there  
7 are 64 names listed, is that correct?

8 A Right.

9 Q You have just testified that two, three,  
10 four, five, at least eight are under the age of 17, possibly  
11 two more, but you believe they are over 18, is that correct?

12 A Right.

13 Q You have previously stated, to the best of  
14 your knowledge, there are 70 members of the church?

15 A Right.

16 Q Why didn't they sign the petition, then, if  
17 you know?

18 A We have some members that are really not  
19 here. Some of them are away in school, and so forth.

20 Q So, it was not because they refused, as far  
21 as you know?

22 A No, it wasn't because they refused.

23 MR. DIEHL: Is there any question of Counsel  
24 on that?

25 MR. BALFOUR: Your Honor, I will accept the

T. E. Lewis - Direct

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1 first page if he saw all the first page signed.

2 THE COURT: You will get somebody else?

3 MR. DIEHL: Yes, sir. We have the other  
4 witness here.

5 Q Mr. Lewis, just in summary, why does the  
6 church want to become independent from the A.M.E. hierarchical  
7 structure?

8 A Well, in my summary as being in the A.M.E.,  
9 we have struggled. I have been there twenty-five years and  
10 we have struggled right hard financially under the A.M.E.  
11 Connection. We have even went into the building fund money  
12 and gave money -- the members have come out of their pockets  
13 with money when time come to pay assessments, and it has been  
14 a struggle to that church. At this particular time we'd like  
15 very much to withdraw.

16 Q Will your canons of beliefs, your basic  
17 religious beliefs, change in any manner, or have they changed  
18 in any manner since you notified the A.M.E. Zion Church of  
19 your withdrawal? Has your religion, or the structure of your  
20 services, or this kind of thing, has that changed at all?

21 A No. I would say we really -- spiritually  
22 we have been really having good services. We have been closely,  
23 you know, connected with God, and I feel that the spirit has  
24 moved in the church very well.

25 Q What differences, if any, would the church, as

T. E. Lewis - Direct

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1 it is now, have from the spiritual beliefs of the A.M.E. Zion  
2 Church as we have presented in the Discipline, if any?

3 A What differences? The only thing about the  
4 A.M.E. that really we all have been frustrated with is the  
5 constant raising of the assessments. So, I would say, really,  
6 spiritually we are -- spiritually we would still like to be  
7 in the Methodist Episcopal Church.

8 Q An independent A.M.E. Zion Church, if you can  
9 use that word?

10 THE COURT: How can you be an Episcopal  
11 Church if you do not have a Bishop?

12 THE WITNESS: Well, independent Methodist.

13 THE COURT: Do you want to be an independent  
14 church?

15 THE WITNESS: Right, independent.

16 THE COURT: I wanted to make that clear.

17 Q Mr. Lewis, you have testified that there has  
18 been no assistance from the General Church. What things have  
19 the General Church given to you, if anything?

20 A None that I have seen, you know, in the  
21 twenty-five years I have been a member there.

22 MR. DIEHL: I have no further questions.

23 If you would, answer Mr. Balfour's questions.  
24  
25

T. E. Lewis - Cross

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CROSS-EXAMINATION

BY MR. BALFOUR:

Q What are your children's names, Mr. Lewis?

A Matthew Lewis and Shelly Lewis.

Q How old are you?

A I am thirty-four.

Q How old were you when you joined the church?

A Roughly about nine.

Q Exactly nine?

A Nine. That is the law.

Q What do you all call the church now, the African Methodist Episcopal Church? You are just going to drop the name Zion?

A Right. We want to be Lee's Chapel Independent Methodist Church.

Q What are you going to call it?

A That is what we are going to call it.

Q Just Lee's Chapel Independent Church?

A Independent Methodist Church.

Q Well, your papers, I think, call it A.M.E. Church. Lee Chapel of A.M.E. Church. Is that what you are going to officially call it?

THE COURT: I think it said Lee's Chapel Methodist Episcopal Church.

T. E. Lewis - Cross

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1           A           That is what it is now.

2           Q           No. It is A.M.E. Zion Church now, but you  
3 want to call it Lee's Chapel Methodist Episcopal Church.

4           THE COURT: He misunderstood what you are  
5 asking. After November 20, 1977, he considered it  
6 to be Lee's Chapel Methodist Episcopal Church. We  
7 are trying to decide now whether the property is  
8 going to go with them or stay with the African  
9 Methodist Episcopal Zion Church.

10          Q           Do you want to call it African Methodist  
11 Episcopal Church because you think that name is appealing to  
12 people? They are used to that name right in your membership.

13          A           It is not what we are so used to -- because  
14 it is Lee's Chapel in that area. It's always -- you know, we  
15 wanted to keep the name closely related to what it had been.

16          Q           What it had been because there is some benefit  
17 to being called African Methodist Episcopal Church. There is  
18 some benefit to it.

19          A           It hasn't been a benefit because in that area  
20 that church was mostly Lee's. It was Lee's at that particular  
21 time, and we have a lot of Lees which was at that church at  
22 that particular time. That is why we don't really want to  
23 change it, take away our former name.

24          Q           You sort of like the name of it for the  
25 reasons you gave, African Methodist Episcopal Church, Lee's

T. E. Lewis - Cross

106

1 Chapel. Have you ever been to the Dinwiddie Institute?

2 A No, I haven't.

3 Q Do you know where it is?

4 A It's in Dinwiddie. I don't know exactly  
5 where it is.

6 Q You know some members of the church have  
7 probably been down there at some time?

8 A Yeah, I recall they were going down there  
9 on a special occasion for something. The church had been  
10 invited.

11 Q Do you participate in the Sunday School  
12 program at the church?

13 A At our church? What do you mean; do I go?

14 Q Yes.

15 A I used to go. I haven't recently. I was not  
16 a regular member of the Sunday School. I didn't go regularly,  
17 but I did go.

18 Q You saw the church publications they used,  
19 and they were A.M.E. Zion Church books that they used?

20 A At Sunday School? Oh, yeah.

21 Q You were talking about the differences you  
22 had with the money with the church and all. Did you ever  
23 specifically request them to give you money for renovation of  
24 the church?

25 A Well, it was asked in that, during that time we

T. E. Lewis - Cross

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1 was asking for a cut, or asking for whether they could help us;  
2 because really that church over a period of a hundred years --  
3 now that church is roughly about 101 years old, over the last  
4 five years we just maintained a bathroom, just got it warm  
5 enough in the winter for you to know you have been in a church.  
6 We have been using an old wood heater. So, really we just come  
7 up to halfway standards within the last five years.

8 Q Did you ever ask the National Church  
9 specifically, would you lend us \$500 to buy a furnace?

10 A We asked in a meeting at our church. It  
11 was a meeting there and one of the Trustees asked Reverend  
12 Stringfield would they help. He told them no, because we  
13 didn't need anything.

14 Q You heard him testify this morning that you  
15 did not ask?

16 A What?

17 Q You heard him testify this morning that you  
18 never asked?

19 A He's wrong. He was asked in '77 and there  
20 was a big disturbance about it. I was in a meeting and he  
21 was asked by our Trustee.

22 Q Who was that?

23 A Mrs. Holmes.

24 Q Did you say everybody that signed that was  
25 at that meeting?



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T. E. Lewis - Cross

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1 A Everybody that was at the meeting.

2 Q Where do you get the figure of how many  
3 members were in the church at the time?

4 A How many members within the church?  
5 Roughly about 40, 45.

6 Q I do not mean at the meeting. I mean members  
7 of the church.

8 A How many members do we have there? I'd  
9 say roughly about 70.

10 Q That are full members of the church, 45 came  
11 to the meeting?

12 A Right.

13 THE COURT: Who is the pastor of your church  
14 now?

15 THE WITNESS: Who is the pastor now?

16 THE COURT: Yes, sir. Do you have many  
17 ministers, or a regular ordained minister?

18 THE WITNESS: We were just calling in  
19 speakers for the last six Sundays.

20 THE COURT: How do you expect to get a pastor?

21 THE WITNESS: We will have people come in  
22 until we find a minister that would be interested in  
23 taking a church.

24 Q You said you do not really know how many  
25 members are on the roll of the church, you just said around

T. E. Lewis - Cross

109

1 70. So, you were getting that from who you know comes?

2 A Say that again.

3 Q You do not really know how many members there  
4 were in the church. You said a minute ago around 70. You are  
5 guessing at your figure from how many you have seen come to  
6 church during the last few years?

7 A The rollbook I keep up right good around the  
8 church. I'm there most of the time, and I keep up pretty  
9 well around there. I'm pretty sure when I give a figure I'm  
10 close.

11 Q Have you got the rollbook with you?

12 A We have a rollbook with us.

13 MR. DIEHL: Your Honor, just to save time,  
14 we will have the clerk of the church testify to that.

15 MR. BALFOUR: All right.

16 Q You said it was unanimous of all the members  
17 of the church that you know of decided, except the ones who  
18 moved?

19 A Right. I said members that was in school --  
20 I said we had some in school and we had some move.

21 THE COURT: This case proceeding, have you  
22 and the members of the National Church tried to  
23 reconcile your differences?

24 THE WITNESS: You mean --

25 THE COURT: To try to get together. It seems

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T. E. Lewis - Cross

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1 kind of odd that people who are active in the church,  
2 who want to advance God's kingdom, cannot do this in  
3 the framework within which you believe; because  
4 obviously, it looks like to me what really the  
5 problem is, is it looks like you are not getting  
6 enough money from them. You believe the same thing  
7 the National Church believes in, but they are not  
8 helping you with your building program. You have got  
9 people who are active and interested in being good  
10 church people and doing the work of the Lord, but  
11 you cannot afford to do it within the regulations and  
12 restrictions that they impose on assessment. Have  
13 you tried to work out some of your differences?

14 THE WITNESS: Well, they haven't -- they came  
15 to us, you know, after the first time we was over,  
16 they came to us.

17 THE COURT: That was my understanding, that  
18 you were going to try to work it out.

19 THE WITNESS: They came to organize the  
20 church, and they did not try to solve the problem  
21 that we had. They came to organize the church at  
22 that particular time.

23 THE COURT: They could not organize because  
24 all the people wanted to be an independent church.  
25 So, without the people you do not have a church, do

T. E. Lewis - Cross

111

1           you?

2                   THE WITNESS: Right.

3                   THE COURT: You have a church building, but  
4           the church building is not a church.

5                   THE WITNESS: Right. They came, but they  
6           didn't come to try to discuss, you know, what can  
7           be done about the problem.

8                   THE COURT: Would you have discussed it with  
9           them?

10                   THE WITNESS: I'm certain that they would.

11                   THE COURT: You believe in just about  
12           everything that is in this book, don't you?

13                   THE WITNESS: Well, I do. The book is fine,  
14           really. I don't find no fault with the book. The  
15           fault that I find is that their assessments are  
16           extremely too high for that particular church to --

17                   THE COURT: Don't all churches complain about  
18           that?

19                   THE WITNESS: That is why the people, they are  
20           ready to get away from it.

21                   THE COURT: Sometimes you may go and run in  
22           a direction you may not want to go in, and when you  
23           go in that direction you separate yourself from  
24           something that you believe in. One of the things is,  
25           how are you going to manage study in an independent

1 church? You cannot be an Episcopal Church because  
2 you do not have a Bishop, and you cannot ordain a  
3 Bishop. You cannot just elect a Bishop. You have  
4 got to start out anew; either you write your own  
5 church history, or either you are going to have to  
6 adopt some rules and regulations to establish an  
7 entirely new church, and you are going to be in  
8 exactly the same position as the church was when it  
9 was established.

10 What I am saying to you, and I hope you will  
11 think about it, and all of you who are in the court-  
12 room, there is a controversy. It is obvious to me  
13 that good people ought to try to get together and  
14 work things out. I just do not want to see people  
15 wasting their energy. I just came from a conference  
16 myself. George Gallop said by 1989 the Presbyterian  
17 and Episcopal Church will both be out of existence  
18 if we continue to lose membership as we are. So,  
19 really some concern --

20 THE WITNESS: Judge Gates, I really feel as  
21 though that if they was to stay there, we are going  
22 to lose members the same, you know. It had really  
23 gotten to that point. The things was really slacking  
24 off. So, we are going to lose members. Finances  
25 have been down.

T. E. Lewis - Cross

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1 THE COURT: All right, sir. Go ahead and  
2 continue your examination.

3  
4 BY MR. BALFOUR: (Continuing)

5 Q You heard Reverend Stringfield suggest that  
6 you all could appoint a delegate and have your delegate carry  
7 your grievances to the Virginia Conference, Virginia Annual  
8 Conference. Why didn't you all do that?

9 A That's added expense when you send a delegate  
10 to the Conference. We've got a delegate. That's added  
11 expense and we had been -- it had to come out of our pocket  
12 to send the delegate to the Conference this time. So, why send  
13 a delegate to have to foot the bill on that, too? So, what I am  
14 trying to get you to see, is the church has been overloaded.

15 Q Let me ask you a couple of more questions.  
16 There are some people who are still members of the church who  
17 do not want to be independent; you agree with that, don't  
18 you?

19 A I know one, I imagine. I'm not sure which  
20 way. He never told me he wanted to stay.

21 Q You know one because he testified this  
22 morning, Mr. Coleman.

23 A Well, I haven't heard him say he wanted to  
24 stay with A.M.E. Neither have I heard him say he wanted to  
25 become independent. So, really, I don't know.

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T. E. Lewis - Cross

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1           Q           Let me ask you something else on the  
2 property. The building was there when you became a member  
3 of the church, wasn't it? In fact, it has been there, as  
4 far as you know, the land under the name given to them in  
5 the deed, since 1875?

6           A           Right.

7           Q           The building may have changed in 1939. Other  
8 than that, it was there when you became a member twenty-five  
9 years ago. The building and the land have always been a part  
10 of A.M.E. Zion Church ever since 1875. No money had to be  
11 paid for it, or anything, except \$100 in 1939. So, you have  
12 had the use of the building, the use of the land, and the use  
13 of the church name the whole time you have been in the church.  
14 You really have not paid for any of it. You may have paid  
15 for maintenance to put siding on it. That building, land,  
16 and name of the church, have been there ever since you were  
17 a member. It has been there 100 years, isn't that right?

18          A           Right.

19          Q           You have not had to pay anything then, just  
20 start going to the church. The building, land, name of that  
21 church, have been there since you said, ever since 1875.

22          A           But, I have parents that paid.

23          Q           They paid along the way too, perhaps.

24          A           The same struggle. They tell me about the  
25 same struggle we are having right now.

T. E. Lewis - Cross

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1 Q But, the building and land were there before  
2 you became a member of the church?

3 A Right.

4 MR. BALFOUR: I have no further questions.

5 MR. DIEHL: I have just one on redirect.

6

7

REDIRECT EXAMINATION

8

BY MR. DIEHL:

9 Q It was brought out that you do not have a  
10 pastor at this time. Would you explain why you have not made  
11 the effort to get a formal minister at the church, or pastor  
12 at the church, at this time?

13 A The only reason we haven't, you know, main-  
14 tained a regular pastor, is because we wanted to be sure we  
15 were going to have a place for worship at this particular  
16 time. If they do not surrender this building to us, we will  
17 find a way and we will have someone to come in and preach  
18 every Sunday.

19 Q Is it your intent to find other quarters?

20 A We will find other quarters.

21 MR. DIEHL: I have no further questions.

22

23

24

25

WITNESS STOOD ASIDE.



1 THE COURT: Let's take a five-minute recess.

2 NOTE: At this point a short recess is taken,  
3 following which the hearing is resumed.

4 MR. DIEHL: Your Honor, my next witness will  
5 be Rosa Gooden.

6 NOTE: At this point Rosa Gooden is sworn by  
7 the Clerk.

8  
9 ROSA GOODEN, a witness called by Mr. Diehl,  
10 having been duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. DIEHL:

13 Q Please state your name and address for the  
14 Court.

15 A Rosa Gooden. 11985 River Road. Chesterfield  
16 County, Virginia.

17 Q Mrs. Gooden, are you a Trustee of the Lee's  
18 Chapel Church?

19 A No, I am not.

20 Q What is your capacity in the church?

21 A I am the church clerk.

22 Q How long have you been the church clerk?

23 A About 4, 3 years.

24 Q What are your responsibilities as church  
25 clerk?

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R. Gooden - Direct

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1           A           Well, I keep the financial report, you know,  
2 from Sunday to Sunday. I, you know, just keep the financial  
3 records of the church. I have been sending notices and  
4 preparing funeral service programs.

5           Q           Are you also in charge of the ledger, as far  
6 as the membership roll?

7           A           Yes, I have access to that.

8           Q           How long have you been a member of this  
9 church?

10          A           Ever since I was 12 years old, like 38 years.

11          Q           Mrs. Gooden, based on your handling of the  
12 church ledger, as of October of 1977, what was the membership  
13 at that time?

14          A           70. Children, people deceased. 70 members.

15          Q           The statement made by Mr. Boykin on this  
16 list indicated there might have been over 150 members. Did you  
17 give him that list?

18          A           Yes, this was a list I gave him when he first  
19 came. This list was made up of people who had belonged to  
20 the church, you know, like all their lives, maybe like back  
21 ten, fifteen, twenty years. This list I prepared for him  
22 because our membership was falling so greatly and our church  
23 was losing so many members. I myself suggested to him that  
24 we would get these members, and you know, find out all that  
25 had ever belonged to the church and see if we could bring them

R. Gooden - Direct

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1 back into the church. Most of them were members who had gone  
2 astray, and I suggested to him we could go out and seek these  
3 people to bring them back.

4 Q Was this submitted for the purpose of Annual  
5 or Quarterly Conference membership reports?

6 A Well, no. That's what that was for, for the  
7 purpose of bringing back the members.

8 Q I refer you to the membership section of  
9 the Discipline concerning what happens to a member if they do  
10 not communicate with the church to keep up their financial  
11 obligations for a six-month period of time. Are you familiar  
12 with that?

13 A They are considered inactive, to my knowledge.

14 Q Is that part of the basis for your 70?

15 A As far as -- yes, that is on that rule, yes.

16 Q What are your feelings on the problems  
17 concerning the local and the General Church split? What is  
18 your opinion of why the church wants to leave?

19 A Well, I would feel that the church has been  
20 hindered spiritually, that our membership is small, and it is  
21 a community church. I was concerned with the church because  
22 of this, because we were losing so many members, that eventually  
23 I felt that the church, you know, would be gone anyway, and it  
24 was the church that we had right there in the community.  
25 However, I have thought on the assessments, but to me that is

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R. Gooden - Direct

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1 not a great thing. Then, I also --

2 Q What is the main thing?

3 A The main thing that I was interested in was  
4 the church, how many members we were losing, how the church  
5 was really going down, and how the -- well, what they call  
6 the Connection, really wasn't doing anything for us. In other  
7 words, I'm not saying we're looking for something to hinder  
8 somebody. What I'm saying, is that we weren't getting any  
9 support from them. It is more or less that ministers they  
10 send, they are in control of the church. If their leadership  
11 is not good, well, naturally, the church will go down. That  
12 has happened, we have had ministers leave, and it has not  
13 been questioned by the pastor as to why they left, or did they  
14 go into another church, or did they just go out into the  
15 world. I mean, they just left, and nobody was concerned.

16 Q You stated before that you are in control of  
17 the budget of the church?

18 A Yes.

19 Q To the best of your knowledge --

20 A I keep the figures.

21 Q How much, if any, funds have been used by the  
22 church which have been given by the General Conference, or  
23 higher church?

24 A No funds. They haven't ever given any funds.

25 Q Could you verify Mr. Lewis' statement concerning

R. Gooden - Direct

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1 not a great thing. Then, I also --

2 Q What is the main thing?

3 A The main thing that I was interested in was  
4 the church, how many members we were losing, how the church  
5 was really going down, and how the -- well, what they call  
6 the Connection, really wasn't doing anything for us. In other  
7 words, I'm not saying we're looking for something to hinder  
8 somebody. What I'm saying, is that we weren't getting any  
9 support from them. It is more or less that ministers they  
10 send, they are in control of the church. If their leadership  
11 is not good, well, naturally, the church will go down. That  
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13 been questioned by the pastor as to why they left, or did they  
14 go into another church, or did they just go out into the  
15 world. I mean, they just left, and nobody was concerned.

16 Q You stated before that you are in control of  
17 the budget of the church?

18 A Yes.

19 Q To the best of your knowledge --

20 A I keep the figures.

21 Q How much, if any, funds have been used by the  
22 church which have been given by the General Conference, or  
23 higher church?

24 A No funds. They haven't ever given any funds.

25 Q Could you verify Mr. Lewis' statement concernin

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R. Gooden - Direct

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1 the improvements made to the church?

2 A Sure I could.

3 Q Were you at the meeting that was held on  
4 November 20 concerning the resolutions?

5 A Yes.

6 Q Was notice given to all the parties? How was  
7 that notice given?

8 A By reading the notice there.

9 Q At what time was it read, or where was it  
10 read?

11 A In the church. The notice, yes.

12 Q Is that the normal process of notice in your  
13 church?

14 A Right.

15 Q Who is responsible for giving that notice?

16 A I am.

17 Q You did give that notice?

18 A It was given, that's right.

19 Q Answer Mr. Balfour's questions, please.

20

21 CROSS-EXAMINATION

22 BY MR. BALFOUR:

23 Q How did you arrive at the figure of 70 members?

24 A That's on the ledger. We have people that  
25 have been gone for ten to fifteen years, and what has happened

R. Gooden - Cross

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1 is it has not been kept adequate. A member will come into  
2 the church, and like in ten years his name still remains on  
3 the books. I do not have the authority to move any member's  
4 name from the church book.

5 Q So, the list you gave Reverend Boykin is an  
6 accurate list of members, but not an active list. You think  
7 there are about 70 active?

8 A 70 active with the children included and  
9 people away.

10 Q Have you actually counted the people, or is  
11 this a sort of guess?

12 A No. These people are on the book. Some of  
13 these people there -- when I went through the book, too, I  
14 think, were deceased, and some had moved away.

15 Q Do you have that book with you?

16 A Yes.

17 Q That book is what you used, wasn't it, to  
18 make the list of the members for Reverend Boykin?

19 A No, that was not the same book. When we came  
20 in this book, the books was wrote up by people coming into  
21 the church, and when they turned in their benevolences. When  
22 I looked through that book I found that some people named  
23 on that roll is not even members of the church.

24 Q How did you know?

25 A Because I know they is not members of the

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R. Gooden - Cross

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1 church, because they are members of other churches and have  
2 never joined our church. Their names really haven't even  
3 been there, but the secretary -- their name has been on the  
4 book because they passed money in and wrote out envelopes.  
5 When they collect envelopes, this is what --

6 Q In other words, the names would be added from  
7 the fact they --

8 A Because -- right.

9 Q They are members of other A.M.E. Zion Churches?

10 A They are not members of A.M.E. Zion Churches.  
11 Some are members of Baptist. This man and wife, the husband  
12 would belong to a Baptist Church and the wife would belong  
13 to a Methodist Church.

14 Q This is true, isn't it, that really you are  
15 not sure how many members there are because you have one list  
16 with maybe members of another church, some have moved, and you  
17 are just sort of guessing at maybe about 70 members that you  
18 know of that are pretty active in the church?

19 A Well, going through the book briefly, yes.

20 Q That is your estimate?

21 A 70.

22 Q But there are, you agree, actually on the  
23 list 150, but in your mind there are about 70 that are active,  
24 is that right?

25 A Not that many active, no. I'm not saying that.



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R. Gooden - Cross

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1 I said there wasn't that many active, because they wasn't  
2 there.

3 Q You have got 64 by your count to sign the  
4 petition, and you agree that many are active, at least?

5 A Right.

6 Q Some more are active there, but you are not  
7 sure how many? There were a lot of lists going around, but in  
8 your mind, only, give or take a half dozen, that was all that  
9 would not sign?

10 A I have -- I would say that, you know, some of  
11 them included on that roll that he has was children, maybe, but  
12 I won't say --

13 Q How did you give notice, in the reading? Did  
14 you stand up and read it at the church meeting?

15 A Right.

16 Q You didn't mail it to anybody?

17 A I didn't mail anybody notice of that meeting.

18 Q In other words, people came to the church  
19 service?

20 A That we would be having the meeting, is that  
21 what you are saying?

22 Q Yes.

23 A Right.

24 Q I guess what you are really saying, in so many  
25 words, is you got at least 64, of whom up to 10 could be  
children, who do not want to be members of the A.M.E. Zion

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R. Gooden - Cross

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1 Church any more, and you have got a few more that are either  
2 children or somebody like Mr. Coleman who would not sign?

3 A I only know of one, that was Mr. Coleman.  
4 I don't know of any more.

5 Q The rest of them, you say, on the list you  
6 do not know of any more of them because they are not active by  
7 your count?

8 A We --

9 Q The active ones are the ones that signed the  
10 petition?

11 A Yes, the active ones.

12 Q The inactive ones are the ones that did not  
13 sign it, the others on that list --

14 A I would say all those on that list is  
15 inactive, but I was saying that that list was made up for that  
16 purpose; otherwise, I have not seen that list.

17 Q Is your title financial clerk in the church?

18 A Right.

19 Q Is it the pastor who keeps the membership rolls?

20 A We have an assistant secretary.

21 Q That keeps membership rolls? What does she  
22 do?

23 A As I told you before, what she has been using  
24 was the active people who come to church from their envelopes.

25 Q Who is she?

R. Gooden - Cross

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1           A           Well, Mrs. Webster, but I have her on the  
2 book. I have the book with me, that's where I got the  
3 information from. I am familiar, too, with it.

4           Q           But, your job is to keep the financial  
5 records of the church?

6           A           Yes, to keep financial records. I have been  
7 doing other things like programming and, in fact, I have even  
8 wrote up programs for funerals, programs for deceased. Some  
9 of all of that, and I am familiar with the roll, too.

10          Q           Were you at the meetings when they had  
11 Quarterly Conferences and all?

12          A           Yes, some of them.

13          Q           Did you ever talk to Mr. Stringfield, Reverend  
14 Stringfield, about any of these problems?

15          A           Not directly. I have brought questions out,  
16 questions in meetings.

17          Q           Why didn't you all ask the church to help  
18 you out for money, a little relief now and then as you needed.  
19 You have heard testimony that they have helped other churches.

20          A           I also know people asked him. And he said if  
21 you felt you needed it, but that we didn't need the money. So,  
22 we wouldn't get it, you know, because he believed what we had  
23 was sufficient. This was the idea and impression he gave me,  
24 what we had was good enough. I'm not so interested in a  
25 building. The church is the people, and I'm interested in the

R. Gooden - Cross

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1 spiritual good of the church in the community and my children  
2 there and everybody else's children.

3 Q I think you said earlier, in fact, that the  
4 money was not, in your words, the great thing about the church  
5 particularly.

6 A No, I'm not saying this is so important to  
7 me, the money part. I'm most interested in the spiritual  
8 in the church for all the children and for the community. When  
9 I joined church I was twelve years old, but it's never stressed  
10 there. I know very little about my church.

11 Q You did not have any problems, particularly,  
12 with the type of service the church has, did you?

13 A Yes, there are things that I would say that  
14 the type of service is that they have. I wouldn't say that  
15 the service is something wrong there, but I mean for the  
16 general condition of the church, the movement of the church,  
17 and the progress of the church, but I wouldn't say the  
18 organization is a bad organization either. Maybe properly  
19 and with time it could be a good organization. What I am  
20 saying is it does nothing for us. Maybe there are churches  
21 that it does for, but for us in particular, in our community  
22 and in our area, it does nothing for us.

23 MR. BALFOUR: I have no further questions.

24 MR. DIEHL: I have one other question.

REDIRECT EXAMINATION

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BY MR. DIEHL:

Q Mrs. Gooden, as clerk, did you receive this particular item from Mr. Boykin?

A Yes. This was passed out through the church service.

Q This is basically a budget roughly for the A.M.E. Zion Church indicated on there?

A Yes, it's what it says.

MR. DIEHL: Your Honor, I would like to introduce this as a defendant's exhibit.

MR. BALFOUR: I have no objection.

THE COURT: It will be introduced as Exhibit No. 3.

NOTE: The Church budget previously referred to is marked and filed as Interveners Exhibit No. 3.

MR. DIEHL: Yes, sir. Those are all the questions I have.

- - - - -

WITNESS STOOD ASIDE.

MR. DIEHL: My next witness will be Jean Holmes.

1                   NOTE: At this point Jean Holmes is sworn  
2                   by the Clerk.

3  
4                   JEAN HOLMES, a witness called by Mr. Diehl,  
5                   having been duly sworn, testified as follows:

6                   DIRECT EXAMINATION

7                   BY MR. DIEHL:

8                   Q           Please state your name and home address for  
9                   the Court.

10                  A           Jean A. Holmes. 20807 Altucks Drive.

11                  Q           Are you a member of the Lee's Chapel Church?

12                  A           Yes, I am.

13                  Q           In what capacity are you a member of that  
14                  church?

15                  A           I am a Trustee of the church.

16                  Q           How long have you been a member?

17                  A           Since I was nine years old.

18                  Q           How long has that been?

19                  A           About seventeen years.

20                  Q           How long have you been a Trustee?

21                  A           About two years now.

22                  Q           In reference to the resolution and the  
23                  signatures taken on that, did you have the opportunity to get  
24                  signatures from various members of the church to approve the  
25                  resolution?

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J. Holmes - Direct

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1 A Yes, I did.

2 Q Would you identify on the petition signatures,  
3 which ones you saw? Which ones did you see that Mr. Lewis  
4 did not see? Let's put it that way.

5 A Estelle Jones.

6 Q Which number are you referring to?

7 A Number 25. Mrs. Josephine Trent, Mrs.  
8 Nettie Masby.

9 Q Please read the numbers.

10 A I'm sorry. Number 28, and Mrs. Trent was  
11 Number 26. Mr. William Brown, Number 20. Number 21, Mr.  
12 Walter H. Goode. Number 46, Mr. Arloe Trent. Number 50, Mr.  
13 Cecil Gooden. Number 51, Mr. Wayne Gooden.

14 Q The rest were seen by Mr. Lewis?

15 A Well, it's a lot of them on here that I did,  
16 so, --

17 Q In addition to those?

18 A Yes.

19 Q Mrs. Holmes, did you attend the Quarterly  
20 Conference meeting in the church in 1977?

21 A Yes, I did.

22 Q At that meeting did you have a conversation  
23 with Reverend Stringfield concerning funds for the church?

24 A Yes.

25 Q What do you recall was stated at that time,

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J. Holmes - Direct

1 and what did you request at that time?

2           A           I asked Reverend Stringfield what exactly  
3 did the conference consist of, where exactly did the money  
4 that we pay the assessment each year go into, or what was it?  
5 He went on to explain to me different things, as far as he  
6 stated, the schools and things like this. I asked him why  
7 they never gave us, as a local church, any help as far as  
8 remodeling our church. He told me -- he said that he looked  
9 around, and he said you don't need anything. So, I asked him  
10 how could he say we didn't need anything when our feet freeze  
11 in the winter and wasps run us out in the summer. He said,  
12 well, it seems as though you people aren't trying to help  
13 yourselves. We tried to explain to him that because of the  
14 number of people in the church, and the amount of money that  
15 was coming into the church, that by us having to scrape every  
16 year and drain ourselves to pay the assessments, that it was  
17 making it hard on us to really improve the church. On a whole  
18 we have been doing, I think, extremely well considering the  
19 amount of people we really do have as active members. He said  
20 that -- I asked him why won't he ask? He said, well, he said  
21 he wouldn't ask because he didn't see where we needed anything  
22 at that time.

23                       We sort of got into a short conversation  
24 between him and I, and he got kind of warm, that's why I  
25 remember it. He said that -- the reason I do remember is



J. Holmes - Direct

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1 because he told me I was supposed to honor him.

2 Q You have heard his testimony in court today.  
3 Is that testimony inaccurate according to your testimony right  
4 now?

5 A Yes, it is.

6 Q Please answer Mr. Balfour's questions.

7  
8 CROSS-EXAMINATION

9 BY MR. BALFOUR:

10 Q I suppose this is rather evident, everybody  
11 knows it, but I do not believe it is in the record. When we  
12 speak of giving money to the National Church, you all do not  
13 give all the money you collect to the National Church. A  
14 certain percentage is given to the National Church and the  
15 rest you keep locally to pay your ministers and make your  
16 repairs and what have you?

17 A No. We have a separate thing for our repairs.

18 Q I mean, when you collect money from your  
19 membership, whatever the total, some has to go to the National  
20 Church and the rest is kept locally?

21 A Yes.

22 MR. BALFOUR: I do not have any further  
23 questions.

24 THE COURT: Thank you very much. You may  
25 step down.

- - - - -

WITNESS STOOD ASIDE.

MR. DIEHL: My next witness is Mary Evans.

NOTE: At this point Mary Evans is sworn by  
the Clerk.

MARY EVANS, a witness called by Mr. Diehl,  
having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. DIEHL:

Q Mrs. Evans, please state your full name and  
address.

A My name is Mary Evans. 3804 Dupey Road.  
Ettrick.

Q Mrs. Evans, you are a member of Lee's Chapel  
Church?

A Yes.

Q How long have you been a member?

A I've been a good while, about -- I joined the  
church in 1972.

Q Concerning the church which burned down in  
1939, were you a member at that time?

A Yes.

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M. Evans - Direct

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1 Q Can you verify what we have already stipulated  
2 to, that the church in fact did burn down?

3 A Yes.

4 Q How long did the local church go without a  
5 new structure on the property?

6 A It went a good while. I can't recall as to  
7 how long, but it was a good while, because the Baptist Church  
8 down the road from us opened their doors for us to have service.

9 Q Was it more than a year that it was out?

10 A Yes.

11 Q More than two years, perhaps, or --

12 A I'm afraid to say, I don't know.

13 Q Why didn't you just rebuild a new church at  
14 that time, do you know?

15 A Well, because the members wasn't able to  
16 build a new church.

17 Q Wasn't able financially?

18 A Financially.

19 Q Do you recall what arrangements were finally  
20 made for the purchase of the church?

21 A Yes. They decided to go up and see about the  
22 church that was up the road from us, which is Pine Grove. The  
23 members, they bought that church from the people that owned  
24 the church.

25 Q How much was paid for it?

M. Evans - Direct

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1           A           A hundred dollars.

2           Q           Was the church constructed then from the  
3 property taken from Pine Grove?

4           A           Yes. It was taken down and the members  
5 hauled it down there to the property of the church where it  
6 is now, and the members also built it.

7           Q           Also, do you recall if there was ever a  
8 ceremony of dedication in accordance with the Discipline?

9           A           No, never a dedication.

10          Q           Were you at the services right after that  
11 was constructed?

12          A           Yes.

13          Q           What was the first service they had there,  
14 do you recall?

15          A           I recall the first service they had. Then  
16 directly after that first service, I think it was, revival  
17 started.

18          Q           Did you get any assistance from the higher  
19 church with your problem at that time?

20          A           No.

21          Q           Answer Mr. Balfour's questions, please.

22                   MR. BALFOUR: I have no questions, Your  
23 Honor.

24                   THE COURT: Thank you very much. You may  
25 step down.

1  
2  
3 WITNESS STOOD ASIDE.  
4

5 MR. DIEHL: Mr. Elton Webster, please.

6 THE COURT: Mr. Webster.

7 NOTE: At this point Mr. Webster is sworn  
8 by the Clerk.

9  
10 ELTON THOMAS WEBSTER, a witness called by  
11 Mr. Diehl, having been duly sworn, testified as follows:

12  
13 DIRECT EXAMINATION

14 BY MR. DIEHL:

15 Q Mr. Webster, please state your full name and  
16 address.

17 A Elton Thomas Webster. 2356 Delrose Drive,  
18 Hopewell, Virginia.

19 Q Are you a member of this particular church  
20 in controversy?

21 A Yes, I am.

22 Q How long have you been a member?

23 A About twenty-five years.

24 Q What is your capacity in the church at the  
25 present time?

E. T. Webster - Direct

136

1 A Trustee.

2 Q How long have you been a Trustee?

3 A Since November.

4 Q November of 1977?

5 A Yes. Previously to that I was Trustee in  
6 the older church and administrator clerk of church prior to  
7 becoming Trustee.

8 Q Mr. Webster, would you summarize the under-  
9 standing you had concerning the ownership of the real estate,  
10 in your mind, and in the mind of perhaps the others that you  
11 are representing today. What is your understanding as to the  
12 church building, the land, and the relationship with the  
13 higher church?

14 MR. BALFOUR: Your Honor, I am not sure that  
15 I think he is qualified to testify to that.

16 THE COURT: He would be if his understanding --

17 MR. DIEHL: We had the testimony of Reverend --

18 THE COURT: We have reached the point where  
19 you said you would not object if I allowed you to do  
20 it.

21 MR. DIEHL: I am sure it is clear that this  
22 is our point, but I would just like to have him  
23 express in his own words --

24 THE COURT: I overrule your objection. Go  
25 ahead.

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E. T. Webster - Direct

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1           A           It is my understanding that the church, ever  
2 since I have been a member, and my parents were, and I suppose  
3 their parents before them, that the church and the property  
4 belonged to the people in the community. That the affiliation  
5 with the Conference was totally an administrative type of  
6 affiliation, strictly for the purpose of supplying ministers  
7 for the congregation.

8           Q           Can you also verify the information we have  
9 had concerning the fact that the National Church, or the  
10 higher church, has not contributed to the local church in  
11 any manner, to the best of your knowledge.

12           A           Even during the time I was Trustee and also  
13 a clerk, nothing that I know of has ever come from the general  
14 conference in the way of even to tell you about the educational  
15 things. Even the Discipline didn't even really come to view  
16 as far as being presented to the membership, as far as by-laws  
17 and all, until this came around. There was nothing about the  
18 schooling he talked about and the benefit he talked about.  
19 No one hears of these things. No one has ever approached the  
20 membership and said, well, we have a college in North Carolina,  
21 or wherever, that your students or children could attend. Here  
22 is how, you know, about doing it, none of this, frankly  
23 speaking. Until this I didn't even realize there was a college.  
24 As a matter of fact, I do not have a college education. If I  
25 had known the church had one, possibly I could have attended

E. T. Webster - Direct

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1 that one.

2                   The benefits they talk about, they all fade  
3 away when it comes down to getting any results from the  
4 affiliation. Only now they talk about what they can do, or  
5 what, you know, what they are doing, or what they want to do.  
6 Nothing before.

7                   I think the people are just totally, from the  
8 impression I have gotten from them, just totally fed up with  
9 the conference. It is not a matter of how much money the  
10 assessment is, or the benefits that they have to offer. It is  
11 just a total frustration from having dealt with them previously.  
12 They don't want any more dealings with them.

13                   This, to our understanding, this judgment  
14 here is strictly to find out who owns the property. If the  
15 A.M.E. Zion Conference owns the property, then we will form  
16 our own church and our organization and go on, you know,  
17 whichever way we want to, whichever way the church sees fit,  
18 the membership. But, if we own the property, the legal will  
19 be decided, then they can stop yelling they own it, and we  
20 can stop yelling we own it. As far as the membership and as  
21 far as what is going to happen with Lee's Chapel Independent  
22 Church, it is going to move forward and without an affiliation  
23 to the A.M.E. Zion Conference.

24                   Q           There has been testimony from witnesses of  
25 the plaintiff, connotations that the A.M.E. Zion Church has



E. T. Webster - Direct

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1 benefited itself to the local church. Do you agree or  
2 disagree, and why, on that statement?

3 A Ever since I can recall, the church has  
4 always been referred to as Lee's Chapel. I very seldom hear  
5 anyone refer to it as Lee's Chapel A.M.E. Zion Church, very  
6 seldom. It has always been Lee's or Lee's Chapel, that I can  
7 recall.

8 Q This is its connotation in the community,  
9 as far as you know?

10 A Yes.

11 Q I think that is all I have, Mr. Webster.

12 MR. DIEHL: If you would like to cross-  
13 examine.

14  
15 CROSS-EXAMINATION

16 BY MR. BALFOUR:

17 Q What were your duties as clerk? You said  
18 you were clerk prior to becoming a Trustee.

19 A Yes. At the time that I was clerk, my  
20 duties were to read the church notices during the regular  
21 service. When they had a church meeting, most of them were  
22 held after the church service. We would have to take the  
23 minutes, you were responsible for the minutes. You were  
24 responsible for recording the money that came into the church,  
25 the amount of offerings that were taken on that particular day

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E. T. Webster - Cross

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1 Q Were you ever a delegate to any District  
2 Conference?

3 A No, sir.

4 Q Did you ever attend any of the conferences?

5 A No, sir.

6 Q Did you ever ask to be a delegate, or put  
7 yourself up to be nominated?

8 A No, I did not.

9 Q There were other members of the church, you  
10 just did not do it?

11 A Other members that were assigned as delegates,  
12 or made delegates as far as --

13 Q Are you familiar with the sign on the way to  
14 your church that identifies the church as A.M.E. Zion Church?

15 A Oh, it's out there. I am talking about the  
16 people, as to what we call it. You can write anything you  
17 want to, but what someone calls something is a different thing.

18 MR. BALFOUR: I have no further questions.

19 THE COURT: Thank you very much.

20

21

22

23

WITNESS STOOD ASIDE.

24

25

MR. DIEHL: Your Honor, we obviously have

1 other people who could corroborate much of the  
2 testimony. Without taking away the spirit of each  
3 of these people who are here with much interest, I  
4 think this would culminate all of our evidence as  
5 far as that goes.

6 THE COURT: Gentlemen, I think the best way  
7 for us to proceed, you asked that I read these cases  
8 and notations of ALR. I should have that. Also,  
9 there is a case that was decided in Allegheny Circuit  
10 Court involved in the Protestant Episcopal Church  
11 in Southwest Virginia, which is similar to this  
12 case. I would like for you to give me a copy of  
13 that decision.

14 MR. DIEHL: Could you give us --

15 THE COURT: Judge Stevenson in Allegheny  
16 Circuit Court.

17 MR. BALFOUR: I think I have the newspaper  
18 article.

19 THE COURT: I would like to have a copy of  
20 his opinion. See if you can distinguish that case.  
21 He ruled in favor of the hierarchical church. I had  
22 discussed it with him at the time, since I am  
23 Episcopalian.

24 MR. BALFOUR: We thought you were Methodist.

25 THE COURT: I used to be Methodist. I was  
baptized in this little church down here next to the

1 courthouse. My father, I, and about five other people  
2 went to that church for many years. My mother is  
3 Episcopalian, and fortunately she led me to the  
4 right church. She always attended this church and  
5 I have seen that church just survive without any  
6 support much at all. Now, it is still affiliated  
7 with the Methodist Church and the Methodist Conference.  
8 It is a growing church, and they had difficulties.  
9 They just kicked the minister out a couple of years  
10 ago. There was a lot of dissension on the part of  
11 the members of the church. This always happens, it  
12 seems, in churches. But, the little church is still  
13 surviving. They have about 300 members now, and they  
14 are really a growing church.

15 I have always thought that the law was as it  
16 was set out in the decision in 207 Va., that in  
17 the hierarchical church you had to get the permission  
18 of the National Church if you want to dispose of the  
19 property. This case is a little different than any  
20 case, probably, you have ever heard, because you only  
21 have one person in the church who wants to stay with  
22 the National Church and everybody else wants to go  
23 to a new church.

24 MR. DIEHL: Your Honor, not to comment on  
25 the evidence, but his statement was he took a vow to

1 the A.M.E. Zion Church --

2 THE COURT: I do not think he committed  
3 himself either way.

4 MR. BALFOUR: I'm not sure, Your Honor, that  
5 there are not some other members --

6 THE COURT: But, you do not have them here.  
7 I believe that if they were available they would be  
8 here. When we first became involved in this, I was  
9 hopeful that maybe in some way differences could be  
10 resolved and that the people in the church could  
11 work together; because obviously, you have a very  
12 good organization. You have a church who has the  
13 background that probably you all believe in.

14 Having read some of it, I was trying to  
15 determine how you got the name Zion in there. I  
16 finally concluded it was because the church was  
17 named Zion in New York and the other church was  
18 the Asbury Church, they included the name Zion  
19 out of respect for that church. I'm sure that most  
20 of you know why the church was started. It broke off  
21 because the members of the church were not receiving  
22 the same benefits, ministers in the church were not  
23 receiving the same benefits as the white ministers  
24 were receiving, and so, the same things as here.

25 So, when you want to be an Episcopal Church,

1           you have to have a Bishop. To get a Bishop, you have  
2           to go through a patriarch. If you want to be Episcopal,  
3           you have to go that route. If you want to be a  
4           Methodist, you have to do things according to the  
5           Discipline of the Methodist Church. I do not know  
6           if you are trying to accomplish what you want to  
7           accomplish, but as far as I am concerned, I do not  
8           go into that matter. The only thing I can do is  
9           to urge you to resolve your differences, if you  
10          possibly can. That means from the National Church  
11          to the local people, because there is no National  
12          Church if you do not have local people.

13                I would like to have a little letter,  
14          memorandum, from each party that lets you respond to  
15          it, and give me an opportunity to read those  
16          citations; because obviously, in view of the Norfolk  
17          Presbyterian Case in the Circuit Court of the City of  
18          Hampton, it rather restricted. The burden is on the  
19          petitioner in this matter to prove to the satisfaction  
20          of the Court that there was a contractual basis,  
21          because obviously the deed itself has not set up any  
22          trust relation.

23                MR. DIEHL: Your Honor, I assume you are  
24          going to withhold any action on the motion for summary  
25

1 judgment?

2 THE COURT: I will take all those matters  
3 under consideration.

4 MR. DIEHL: I do have two cases we wish to  
5 submit copies of.

6 THE COURT: That would be helpful to me.

7 MR. DIEHL: These are the West Publishing.

8 THE COURT: Yes.

9 MR. DIEHL: The Regional Reporter.

10 THE COURT: We have in the law library ALR.

11 MR. DIEHL: The cases come from ALR, but  
12 they are the text of the case.

13 MR. BALFOUR: Those are the two cases on  
14 their side. There is a third case that I do not  
15 imagine he Xeroxed.

16 THE COURT: I will probably write you and let  
17 you know what my opinion will be.

18 MR. BALFOUR: Do you want the memorandum to  
19 come in at the same time from both of us, then  
20 respond?

21 THE COURT: I will tell you what you do. You  
22 file one within ten days, you reply within five days,  
23 then we will see where you are. If you want to reply  
24 to his reply, you may do so.

25 MR. BALFOUR: Yes, sir.

1 THE COURT: Thank you very much, gentlemen.  
2 Do you want to introduce that list of the names?

3 MR. BALFOUR: Yes, sir.

4 THE COURT: I am going to receive this other  
5 list into evidence. I think it has been sufficiently  
6 identified.

7 MR. DIEHL: All right. Thank you.

8 THE COURT: This would be Interveners'  
9 Exhibit No. 2, wouldn't it. I will keep the Discipline  
10 of the Church and return it to you all.

11 NOTE: The List of names is marked and filed as  
12 Interveners' Exhibit No. 2.

13  
14  
15  
16  
17 HEARING CONCLUDED.  
18  
19  
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CERTIFICATE OF COURT REPORTER

I, Catherine B. Harris, hereby certify that I,  
having been duly sworn, was the Court Reporter in the Circuit  
Court of Chesterfield County, Virginia, on February 28, 1978,  
at the time of the hearing herein.

I further certify that the foregoing transcript is  
a true and accurate record of the proceedings herein, and that  
this transcript is prepared and is filed pursuant to Rules of  
Court 5:9(a), effective March 1, 1972.

Given under my hand this 6th day of August, 1978.

(Original Signed)

CATHERINE B. HARRIS, Court Reporter

V I R G I N I A:

IN THE CIRCUIT COURT OF THE COUNTY OF CHESTERFIELD

WESLEY J. GREEN, Pastor

Plaintiff

vs.

Chancery No. 3687-77

TIMOTHY LEWIS, et als

Defendants

O P I N I O N

The Pastor of the African Methodist Episcopal Church (A.M.E. Zion Church) located on River Road in Chesterfield County, filed a petition against members of the Church seeking to enjoin them from entering or using the premises of the Church contrary to the wishes of the proper officials of the African Methodist Episcopal Church. On November 11, 1974, the Court, ex parte, awarded a temporary injunction restraining the Defendants, or any other person having knowledge of the restraining order, from harassing or molesting the Pastor or any member of the Church until the further order of the Court.

Subsequently, (1.) a motion was filed by the Defendant to dissolve the temporary injunction, and (2.) John Lewis, and Timothy Lewis, William Brown, Sr., Gene Holmes, Leroy Harris, Eldridge Harris, Philip Brown, Sr., Elton Webster, and Magnolia Turner as Trustees of Lee's Chapel Methodist Episcopal Church, formerly known as Lee's Chapel African Methodist Episcopal Zion Church, filed a Petition of Intervener pursuant to Rule 2:15 of the Virginia Supreme Court and Section 8:01-7, Virginia Code, 1950, alleging that the local membership and congregation of said Church on March 20, 1977, after due and timely notice of said meeting, adopted by an affirmative vote of sixty-four of the seventy eligible

(1)

members of the Church that;

a.) Lee's Chapel of African Methodist Episcopal Zion Church became an independent Methodist Episcopal Church free from any affiliation with A.M.E. Zion Church in Virginia and in America; the General, Annual, and District Conferences of said Church and the Bishop, Elder, and Pastor or other officers of said Church.

b.) That all decisions concerning the Church would be made by the local membership and congregation, and the Church

c.) will continue to be a House for the Worship of God, serving the religious needs of the people in the community and as a continuing Methodist Episcopal Church.

On February 28, 1978, the Court proceeded to trial and it was agreed that the controversy between the Pastor, Wesley J. Green, and the Defendants was a controversy between the proper officials of the African Methodist Episcopal Zion Church in America and the local congregation to determine the ownership of the real and personal property of Lee's Chapel Church.

It was stipulated:

1.) The African Methodist Episcopal Church, now allegedly known as Lee's Chapel Methodist Episcopal Church, located on River Road, Chesterfield County, Virginia was organized in or about 1875.

2.) From the time of its organization, this Church has been affiliated with the African Methodist Episcopal Zion Church in America ("A.M.E. Zion Church").

The A.M.E. Zion Church was first organized in 1801 and reorganized in 1819, being Methodist Episcopal in belief, and the Virginia Conference of said Church was organized in 1866.

3.) The A.M.E. Zion Church is organized according to the rules, regulations, doctrines and other matters as found in "The Discipline" as adopted by the General Conference of the A.M.E. Zion Church in May, 1972. "The Discipline" is stipulated to in its entirety. The A.M.E. Zion Church is a hierarchial church composed of local pastors, deacons, elders, bishops and presiding elders, whose duties are more particularly specified in "The Discipline". Periodic meetings are held known as the General Conference, Annual Conference, District Conference, and Quarterly Conference, the purpose and regulations of which are more particularly specified in "The Discipline". "The Discipline" contains no specific procedures or regulations concerning the withdrawal of a local congregation from the state or national organization.

4.) STIPULATE DEED dated February 2, 1875 and recorded on October 14, 1878, in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia, in Deed Book 61, at page 289, conveying real property in issue as specified therein. No request by the local membership, nor by the hierarchy of the A.M.E. Zion Church has ever been made, or demanded, to change said Deed to include the trust clause shown on page 153 and 337, et seq., of "The Discipline" for Deeds of church property.

5.) No other deeds, conveyances or other documents exist on record in the aforesaid Clerk's Office affecting the legal title to said real property.

6.) The original Church structure on the property was completely destroyed by fire in 1939. The present Church building was erected thereafter, having been a previously existing church structure obtained from the Pine Grove Methodist Church, Chesterfield Virginia. The Structure was moved from Pine Grove to its present

location by the membership. All labor in constructing the building was performed by the local membership. No funds of the A.M.E. Zion Church, either state or national organization were utilized in constructing said church building.

7.) Until October 11, 1977, each pastor of this church has been installed by the Annual Conference of the A.M.E. Zion Church.

8.) Until October 11, 1977, this Church accepted the appointments of the pastors as installed by the Virginia Chapter of A.M.E. Zion Church.

9.) The Church owes no funds, assessments, or other moneys to the Annual Conference of the A.M.E. Zion Church and did not owe any assessments as of October 11, 1977.

10.) On October 11, 1977, a meeting was held at the Church building by the alleged membership of Lee's Chapel. A resolution to withdraw from the A.M.E. Zion Church and become an independent Methodist Episcopal Church was adopted at this meeting. This resolution was forwarded to and received by the appropriate official of the A.M.E. Zion Church."

The property was deeded to the Trustees of the A.M.E. Church of Zion on February 2, 1875, and recorded October 14, 1878, for the purpose of erecting an A.M.E. Church of Zion to be known as Lee's Chapel.

The Founders' Address printed in "The Discipline" of the Church, 1972, states how the Church came into existence. The A.M.E. Zion Church is a supercongregational or hierarchial denominational organization and is subject to the Ecclesiastical authority and the

Doctrine and Discipline of the Church. The Doctrine and Discipline provides for a General Conference, a Board of Bishops, the Connectional Council, the Annual Conference, District Conference, Quarterly Conference, a Leaders Meeting, and the Members Meeting. Section 433 of "The Discipline" provides that the conveyances for use and a place of Divine worship shall include a trust clause. Section 434, Section 1 provides "the absence of such trust clause does not relieve the Church from Connectional responsibility." Section 437, Section 1 provides "no transfer of the property can be made without the approval of the Bishop."

The Virginia Law is stated in Presbyterian vs. Grace Covenant Church, 214 Va. 500. The Court recognized a distinction between an autonomous congregation and one which is part of a supercongregational or hierarchial denomination. In Virginia, there is no presumption of an implied trust in the property conveyed for the benefit of a supercongregational church. An expressed trust is invalid and in order for the national church to prevail, there must be a proprietary relation with the local church. Virginia does not follow the majority rule that absent expressed limitations in the deed, church property is held subject to an implied trust for the general church. The Virginia Supreme Court held that it is proper to resolve a dispute over church property by considering the Statutes of Virginia, express language in the deed and the provisions of the constitution of the General Church. The burden of proving that the congregation has violated either the express language of the deed to the church, or contractual obligation to the general church, is on the National Church. More than a hierarchial relationship must be established to declare property to be held for the benefit of the National Church.

Only one member of the Church membership testified that he wished to stay connected with the A.M.E. Zion Church. Since the controversy has arisen, no one attends the services conducted by the Pastor. All, except one, of the active members of the church wish to sever their ties with the National Church.

The church building has not been dedicated in accordance with the Discipline of the Church. There are no trust clauses in the deed for the benefit of the National Church. Lee's Chapel has never received financial aid from the National Church. The local congregation always considered that it owned the church property. All costs, improvements and maintenance have been paid for by the local membership. The vote to withdraw was an unanimous decision of the entire local membership.

The National Church has failed to meet its burden of proof to establish a proprietary interest in the church property. The Court will sustain the Defendant's motion to strike the evidence and declare the Church property to be in the ownership of the local congregation of Lee's Chapel. A.M.E. Zion Church has no proprietary interest in the property. The property is vested in the Trustees of Lee's Chapel.

Counsel will submit a proper order.

ENTER: May 30, 1978



Ernest P. Gates, Judge

## ORDER

This cause, which has been regularly docketed, matured, and set for hearing, came on this day to be heard upon the Motion for Injunction filed by the Plaintiff; upon the Motion to Dissolve Temporary Injunction filed by the Defendants; upon the Petition of Intervener filed by the Trustees of Lee's Chapel Methodist Episcopal Church pursuant to Rule 2:15 of the Virginia Supreme Court and §8.01-7 of the 1950 Code of Virginia, as amended; upon the Stipulation of Facts filed by the parties; upon the trial of this matter, without a jury, and the oral testimony of the parties and their respective witnesses in person, and the written exhibits filed therein, heard by this Court on February 28, 1978; upon the Defendants' and Interveners' oral Motion to Strike the Evidence at the conclusion of said trial; upon the Plaintiff's Memorandum of Law; upon the Defendants' Memorandum of Law filed on behalf of the Defendants and Interveners; upon the Plaintiff's Reply to Defendants' Memorandum of Law; upon the previous Orders entered by this Court in the matter; upon the written opinion of this Court dated May 30, 1978; and was argued by counsel.

And it appearing to the Court that the National Church, the A.M.E. Zion Church, has failed to meet its burden of proof to establish a proprietary interest in the church property known as Lee's Chapel, Chesterfield County, Virginia, and that the Motion to Strike the Evidence made by the Defendants and Interveners, declaring the church property to be in the ownership of the Trustees of the local congregation of Lee's Chapel, should be sustained.



Accordingly, it is ADJUDGED, ORDERED and DECREED that the Defendants' and Interveners' Motion to Strike the Evidence is hereby sustained and that the ownership, control, use and beneficial enjoyment of the property of the church known as Lee's Chapel, Chesterfield County, Virginia, both real and personal, and all incidents to ownership thereof, is hereby declared to be vested in the Trustees of the local congregation of Lee's Chapel and that the A.M.E. Zion Church has no proprietary interests or rights of ownership or control in said property.

It is further ORDERED that the Order of Injunction entered by this Court on November 3, 1977, against the Defendants is hereby dismissed and dissolved.

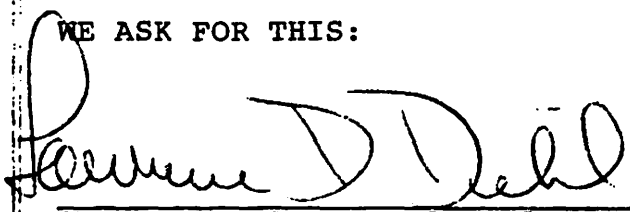
And nothing further remaining to be done herein, it is ORDERED that this cause be stricken from the docket and placed in the ended causes.

ENTER THIS:

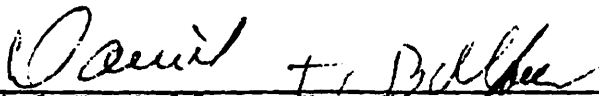
\_\_\_\_\_, 1978

\_\_\_\_\_  
Judge

WE ASK FOR THIS:

  
SPERO AND DIEHL, p.d. and counsel  
for Interveners  
by LAWRENCE D. DIEHL, Esquire  
The Marshall Building  
Adams at Marshall Street  
Petersburg, Virginia 23803

SEEN AND OBJECTED TO:

  
Daniel T. Balfour, Esquire, p.q.  
Maloney, Yeatts, Balfour, Ayers and Barr  
600 Ross Building  
Richmond, VA 23219

### ASSIGNMENTS OF ERROR

- I. The Circuit Court was in error in making certain conclusions of fact in that such conclusions were not supported by a preponderance of the evidence.
- II. The Court was in error by ruling that ownership, control, use and beneficial enjoyment of the property of the church known as Lee's Chapel, Chesterfield County, Virginia should be vested in the Trustees of the local congregation of the church.
- III. The Court was in error in failing to rule that evidence tending to show a hierarchal relationship would also prove a proprietary interest in local property and was in error in ruling that the evidence presented by petitioner not only established a hierarchal relationship between the local church but also proved that the national church had a proprietary interest in the Lee Chapel property.