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2-5-1965

**In the Supreme Court of Appeals of Virginia, Billy T. Baber,  
Chairman of the Board of Elders and Deacons of Level Green  
Christian Church et al Complainants, v. M. Boyd Caldwell et al  
Defendants, Petition for Appeal.**

Arthur D. Crush Jr.

Hale Collins

Robert S. Irons

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IN THE SUPREME COURT OF APPEALS OF VIRGINIA

BILLY T. BABER, Chairman of the Board  
of Elders and Deacons of Level Green  
Christian Church et al

Complainants

v.

M. BOYD CALDWELL et al

Defendants

PETITION FOR APPEAL

TO: THE HONORABLE JUSTICES OF THE SUPREME COURT OF APPEALS  
OF VIRGINIA:

The appellants, Billy T. Baber, Chairman of the Board of Elders and Deacons of Level Green Christian Church, S. A. Huffman, James L. Huffman, Donald M. Caldwell, Roy P. Keffer and Biddle Joe Duncan, Trustees of Level Green Christian Church, Rex Keffer, Stanley Huffman, Donald M. Caldwell, Alton Keffer, Billy T. Baber, Junior Duncan, Stanley Duncan, Albert Lee Smith, Stanley Woods, Minor Huffman, Oscar (Butch) Dudding, J. L. Huffman, H. R. Hughes, Joe Duncan and Jack Harris, respectfully pray that this Court will grant them an appeal from an order entered in the Circuit Court of Craig County, Virginia, on December 7, 1964.

The appellant, Billy T. Baber, Chairman of the Board of Elders and Deacons of Level Green Christian Church, was the



complainant in the original bill of complaint. The appellants, S. A. Huffman et al, Trustees of Level Green Christian Church, joined as complainants in the amended and supplemental bill of complaint. The remaining appellants, Rex Keffer et al, were joined as "New Parties" or cross-defendants to the cross-bill filed by the original defendants.

There is complete identity of interest among the appellants, and for the sake of brevity they will be herein described as "complainants", even though Rex Keffer et al were not in fact named complainants in the trial court. These complainants represent the officers and the majority of the members of Level Green Christian Church and will be often described as "the majority."

The appellees, M. Boyd Caldwell et al, will be described as "defendants", the position which they occupied in the trial court, or as "the minority" of the Level Green Christian Church.

#### PROCEEDINGS IN THE LOWER COURT

This cause originated with the filing of a bill of complaint asking that the defendants be enjoined from interfering with the orderly operation of the Level Green Christian Church and from attempting to hold religious services in the Church without the approval of the Board of Elders and Deacons. The defendants demurred, answered and filed a cross-bill joining the "New Parties", and in turn asking that the complainants be enjoined from interfering with the defendants' use of the Church.

The evidence was partially heard before the Honorable Earl L. Abbott, Judge of the Circuit Court of Craig County, on November 11,

1963. Further evidence was heard on April 20-21, 1964. During the course of these hearings the court admitted certain documents into evidence over the objection of complainants; these rulings are further set forth in Assignments of Error 1 through 5.

Judge Abbott took the cause under advisement and ultimately disqualified himself from ruling upon the issues. The Honorable Paul A. Holstein, Judge of the Eighteenth Judicial Circuit, was designated to serve in Judge Abbott's place, and the matter was submitted to Judge Holstein upon written briefs, a transcript of the evidence, the pleadings and exhibits.

On December 7, 1964, Judge Holstein entered the order from which this appeal is sought. He denied the complainants the injunctive relief which they had sought, but granted relief to the defendants and proceeded to rule that title to the Church property was vested in Trustees of Level Green Christian Church (Disciples of Christ), with which the defendants profess to be affiliated. The complainants respectfully submit that Judge Holstein's decree was erroneous as a matter of fact and as a matter of law upon the grounds more fully set forth in Assignments of Error 6 through 10.

It is significant that Judge Holstein's decision was based solely upon the written record with no opportunity to Judge Holstein to observe the witnesses or to form his value judgments from personal observation of their credibility and veracity. He was, however, restricted by the rulings which Judge Abbott had already made upon the admissibility of evidence. We, therefore, submit that the decision embodied in the decree of December 7, 1964, is not entitled to the weight which should be properly accorded to the decision of the trial Judge who, having personally



heard all of the witnesses, then makes his own determination of fact.

The decree of December 7, 1964, effectively ousted the complainants from the control and use of the Level Green Christian Church. Judge Holstein suspended the operation of that decree in order that this appeal could be sought, but upon condition that this petition be filed within sixty days, and the complainants thus lost one-half of the time provided by the Rules of the Supreme Court of Appeals for preparing a petition of appeal.

### ASSIGNMENT OF ERRORS

1. The admission into evidence of the annual reports 1931-1954, Disciples of Christ, Level Green Church Alleghany District Convention on the grounds that those reports are not records of the Level Green Christian Church, but are records of a separate and distinct association; that the forms of said reports have been prepared by the said association; that there is no evidence to show that the congregation approved the filing of said reports, and that the information contained therein was immaterial to the issues raised by the pleadings.

2. The admission into evidence by the trial court of a memorandum of Mary Helen Caldwell, of Alleghany District Convention, on the grounds that this memorandum was prepared from records in the possession of the said Alleghany District Convention which was not a part of the Level Green Christian Church, and that said information contained therein was not material to the issues raised in this proceeding, the memorandum referred to being a certain list of questions and answers and being Exhibit No. 23.



3. The admission into evidence by the trial court of the record book of Alleghany District Convention on the grounds that this report was prepared from records in the possession of the said Alleghany District Convention, which was not a part of the Level Green Christian Church, and that said information contained therein was not material to the issues raised in this proceeding.

4. The admission into evidence by the trial court of a certain recipe, or cook, book on the grounds that this book was prepared by the Women's Christian Fellowship, or some other person unknown; that there is no evidence as to the correctness of the information contained therein, and that the same would constitute hearsay evidence and is immaterial to the issues raised in this case.

5. The admission into evidence by the trial court of certain information obtained from what is known as year books of the Virginia Christian Missionary Society on the grounds that there is no evidence that the information testified to from said books was ever authorized to be placed therein by the congregation of Level Green Christian Church.

6. That the trial court erred in the decree entered by it on the 7th day of December, 1964, when it found, in Paragraph 1 of said decree, that:

(a) That the Level Green Christian Church was founded in 1895, and when it further found that on September 15, 1963, the majority faction of the congregation defected from the Church, as the finding was contrary to the law and evidence.

(b) When the court held in Paragraph 7 that the Trustees of Level Green Christian Church (Disciples of Christ), Newport, Craig County, Virginia, acquired the said real estate by certain deeds and that the property was dedicated to them by way of trust for the purpose of supporting or propagating the doctrines or principles of Disciples of Christ; and further held that the title and control of said property, both real and personal, is in the Trustees of Level Green Christian Church (Disciples of Christ).

(c) That the court erred when it held in Paragraph 9 of said decree that the plaintiffs breached the trust attached to this property by diverting the property of the Church to their own use to the support of doctrines radically and fundamentally opposed to the doctrines of the Disciples of Christ Church.

(d) That the court erred in its ruling in Paragraph 10 of said decree when it held that the majority faction of the congregation defected from the Church on or about September 15, 1963, and its organization and government, was not a church or society entirely independent of any other church or general society.

7. The trial court erred in dismissing the complainants' bill of complaint, and the complainants' amended and supplemental bill of complaint; that such ruling was contrary to the law and evidence in this case.

8. The trial court erred in Paragraph B of said decree when it ruled that title to the Church property is vested in the Trustees of Level Green Christian Church (Disciples of Christ) Newport, Craig County, Virginia, and their successors in office, as such finding was contrary to the law and evidence.



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9. The trial court erred in Paragraph C of said decree when it granted the relief prayed for by the defendants in their cross-bill, and enjoined and restrained the complainants from unlawfully interfering with the defendants' ownership and use of the Church property which was the subject matter of this suit, as such ruling was contrary to the law and evidence applicable in this case.

10. The trial court erred when it refused to set aside its decree entered on December 7, 1964, as being contrary to the law and evidence, and should have granted the relief prayed for by the complainants.

#### SUMMARY OF ARGUMENT

The Level Green Christian Church is, and has always been, an independent and autonomous local congregation of the Christian Church. It has never owed allegiance to the organized denomination styled the Disciples of Christ, and therefore it did not and could not "defect" from the Disciples.

Even if it be conceded, solely for argument, that Level Green was an affiliate of the Disciples the action of the congregation, in lawful meeting assembled on September 15, 1963, did not constitute a diversion of trust property to "doctrines fundamentally and radically opposed to the doctrines of Disciples of Christ", but rather it was an adjustment of an administrative relationship which did not, by the admission of the defendants' own witnesses, reach matters of fundamental faith and doctrine.

Amid all of the passion fomented by this unfortunate controversy there burns like a beacon the conceded fact that Level Green



has always been a self-governing congregation, owing no fealty to any ecclesiastical hierarchy, and that the policy decisions of which the dissenting defendants now complain, were made by a majority of the congregation in accord with its traditional procedure.

We respectfully submit that the trial judge's decision was premised upon evidence improperly admitted, that it was contrary to a clear preponderance of the evidence, and that, as a matter of law, it was an improper intervention of the temporal authorities into an ecclesiastical controversy, in contravention of the letter and spirit of our institutions.

The complainants are justly entitled to a final judgment for injunctive relief against interference by a malcontent minority of dissenters. If there remain any troubling doubt of the status of the dissenters, we are quite willing that the cause be remanded with directions that the trial court conduct an election pursuant to Code of Virginia, Section 57-2, to determine definitively the choice of the members of the congregation. The precedent of this Court in Cheshire v. Giles, 144 Va. 253, 132 S.E. 479 (1926), affords ample justification for the propriety of such relief.

### STATEMENT OF FACTS

Much of the factual background is established without conflict between the majority complainants and the minority defendants.

As early as 1866 there was a congregation established in the Sinking Creek section of Craig County, Virginia. Records were kept in a record book of this Church, which was introduced in the trial as part of the Level Green Christian Church records and is

identified as Exhibit B. There is no evidence as to where this congregation held its meetings from 1866 until 1910.

In 1910 the congregation purchased a one-half undivided interest in a parcel of land, the other one-half undivided interest being purchased by the Methodist Episcopal Church, South, for the purpose of erecting a meeting house to be used by both congregations. This deed, insofar as the parties to this suit are concerned, referred to the "Disciples or Christian Church".

In 1911 the Level Green Christian Church, jointly with three other Churches, purchased a parcel of land for a parsonage to be occupied by the pastor who served the four churches. This deed conveyed the property to "Trustees of the representative Christian Churches situated on Sinking Creek, Craig County, Virginia, to-wit: Gravel Hill, Level Green, Bethel and Mount Carmel."

In 1957 the Level Green Christian Church purchased from the Trustees of the Methodist Episcopal Church, South, the undivided one-half interest obtained by the Methodist Church in the deed of 1910. This property was conveyed to "The Trustees of the Level Green Christian Church, and their successors in office, parties of the second part."

In 1958 the Level Green Christian Church obtained a piece of land adjoining that on which the Church building is located, and on this parcel of land the congregation built its Sunday School rooms. This property was conveyed to the "Trustees of the Level Green Christian Church."

In 1963 the Level Green Christian Church purchased an additional parcel of land adjoining the land on which the Church Building and Sunday School rooms had been built, and on this



property the congregation built a parsonage to be occupied by the pastor of the Level Green Christian Church. This deed, dated February 15, 1963, conveyed the land to "Trustees of the Level Green Christian Church."

A difference of opinion developed between some of the members of the congregation over the manner in which the Sunday School rooms were constructed in 1957. In 1963 a group of members, consisting of approximately fifteen people out of a congregation of approximately one hundred twenty-five, contended that they were the true owners of the Church, identified themselves as the Christian Church (Disciples of Christ), and relied on the deed of 1910 as their authority for this ownership.

Primarily as a result of this difference of opinion, a meeting of the congregation was held on September 15, 1963, at which three motions were voted upon by the congregation. Level Green Christian Church has no written constitution nor bylaws, but it is undisputed that this meeting was called and conducted in full and complete accord with the traditional and customary usages of the congregation.

The first matter presented to the congregation at the September 15, 1963, meeting was a proposal that the Circuit Court of Craig County be petitioned to correct the wording of the deed of 1910 to identify the grantees as the "Level Green Christian Church" rather than the "Disciples or Christian Church." This was desired in order that the named grantees in all the deeds to the Church property be in conformity with each other. The vote upon this matter was eighty-three voting for the proposal, and no one voting against the same.



The second matter voted on by the congregation was the approval of a resolution, previously adopted by the Board of Elders and Deacons, the governing body of Level Green Christian Church, "That any minister who occupied the pulpit or preached a sermon at Level Green Christian Church must have the approval and consent of the Board of Elders and Deacons of Level Green Christian Church." On this proposal seventy-five members voted to accept and approve the resolution, and no one voted against the same.

The third matter voted on by the congregation was a motion to sever all relations with the Virginia Christian Missionary Society. On this proposal sixty-five voted to sever such relations, and again there was not a single dissenting vote.

Subsequent to this some two or three of the defendants, without discussing the matter with the congregation and without the approval of the Board of Elders and Deacons required by the September 15 resolution, proceeded to hire a Reverend Hamilton to come in from Giles County to conduct a revival at Level Green Christian Church.

The complainants, acting through the Church's Board of Elders and Deacons, notified Mr. Hamilton that he was not invited by the congregation to conduct these services and that he did not have the approval of the Board of Elders and Deacons. Nevertheless, the defendants and Mr. Hamilton insisted on coming to the Church at the time which they had set to conduct the revival. On advice of their counsel the complainants locked the door of the Church for the sole purpose of preventing the dissenters and Hamilton from holding services except in compliance with the rule duly adopted by the congregation. For the further protection of their rights the

complainants filed their bill for an injunction, and the cause proceeded as above set forth.

### ARGUMENT

I. The trial court improperly admitted, in five separate instances, irrelevant and prejudicial evidence of no probative value in the determination of the cause.

(1) The trial court admitted annual reports for the years 1931-1954 which were sent by Alleghany District Convention to Level Green, some of which were completed by J. L. Huffman, a member of the Level Green congregation, and which were returned to Alleghany. These reports set forth routine statistics of membership, professions of faith and losses by death. On the tops of the forms as prepared by Alleghany were printed the words "Disciples of Christ."

These reports are not records of Level Green Christian Church, but are records of a separate and distinct association. The reports were not signed, although Huffman admittedly supplied the statistics contained in some of these reports. There is no evidence whatsoever that the congregation authorized the reports, or in any way intended to pledge allegiance to any hierarchy by supplying the information requested by Alleghany District Convention.

J. L. Huffman, a lifelong member of Level Green, who furnished the data for some of these reports, stated categorically, "To my knowledge we have never been a Disciples of Christ Church."

(Tr., p. 64)

Huffman further testified, in response to defense counsel's question:



"Q. And that is the report of the Level Green Christian Church?

A. Yes. I wouldn't doubt a bit in the world but what Level Green Church at that time, the people weren't concerned about dotting every I and crossing every T, and we most likely would have sent in a report on almost any type of form. But this is the report of the society." (Tr., p. 64.)

(2) The trial court also erred in admitting a memorandum of questions and answers prepared by Mary Helen Caldwell, Secretary of Alleghany District Convention, on the grounds that she prepared this memorandum from records of the Alleghany District Convention, a separate and distinct gathering which had no control whatsoever over Level Green Christian Church and, by Miss Caldwell's own admission, was attended by anyone who desired to come, whether they were affiliated with the Disciples of Christ, the Christian Church, the Presbyterians, or Baptists, or any other denomination, when she testified "And if I could go back over enough of the records I expect I could name many denominations." (Tr., p.351)

There is no rational justification for the defendants' contention that attendance at the Alleghany District Convention is proof that those attending are members of the Disciples of Christ. Does some visiting Methodist or Lutheran who may attend the Alleghany Convention in accord with Miss Caldwell's evidence, ipso facto, renounce his own church membership and accept initiation into the Disciples of Christ?

(3) The admission into evidence of the record book of Alleghany District Convention was tainted by the same errors which vitiate the admission of Alleghany's reports and Miss Caldwell's



memorandum. Further repetition of these arguments is unnecessary.

(4) The trial court further erred in admitting a cook book with recipes contributed by the Christian Women's Fellowship of Level Green Christian Church. Frankly it is difficult to realize that the defendants seriously introduced this cook book as a binding pledge of denomination affiliation. There is absolutely no proof who wrote the so-called "Church History" at the front of the book. It was not verified to its authenticity, but was at best the product of some member of a women's organization separate and distinct from the Level Green Christian Church as a congregation.

The cook book is the purest hearsay against the entire congregation which had no responsibility for its preparation.

(5) Finally, the trial court admitted certain information from what is known as the Year Books of the Virginia Christian Missionary Society, of the City of Richmond, Virginia, an association which concededly has no control over the individual churches, and membership in which is not mandatory.

Mr. Kaufman, State Secretary of the Virginia Christian Missionary Society, and defendants' prized expert witness, did testify:

"Churches have been placed in the year book of the Disciples of Christ by their expressed desire to be in it. This is generally done by the congregation taking action and referring it to the Virginia Christian Missionary Society." (Tr., p. 362)

However, Kaufman admitted on cross-examination:

"Q. I'll put it this way then. As far as you know there is nothing on record where the Level Green Christian Church ever asked to be listed in the year book, is there, as far as you know?

The defendants are actually attempting to create a presumption based on a presumption. First, they try to presume that the congregation of Level Green Christian Church was included in the year book at its own request and, second, they attempt to presume that listing in the year book makes the Level Green congregation a member of the Disciples of Christ.

The pernicious influence of these erroneously admitted documents is intensified by the defendants' camouflage of the admitted fact that Level Green Christian Church is independent and autonomous, irrespective of any year book listing or cook book recipe.

The defendants' expert witness, H. Myron Kaufman, Executive Secretary of the Virginia Christian Missionary Society, testified:

"Q. The democracy and supremacy of the local church must never be surrendered or impaired. Do you all adhere to that?

A. Yes, sir. This is what I said in my testimony"

\*\*\*\*\*

"Q. So there is nothing, there is nothing that should ever interfere with the local autonomy or independence of these various churches, is there?

A. That's right." (Tr., p. 384)

II. The trial court erroneously found as facts many matters unsupported by the evidence or contrary to the clear preponderance thereof.



The trial court's first error in the decree of December 7, 1964, was its finding that Level Green Church was founded in 1895. The Church records themselves (complainants' Exhibit B) clearly show that this Church was in existence in 1866, when many new members were accepted into the congregation. In this same book are the records of a meeting in 1889 at which two men were tried for "conduct unbecoming a Christian."

The next matter of record is the deed of 1910, conveying the meeting house property to the Methodists "and the Disciples or Christian Church." There is no evidence to support Judge Holstein's finding that this means Level Green Christian Church (Disciples of Christ). The defendants' own witnesses testified that the names Church of Christ, Christian Church, Disciples, and Christian Church (Disciples of Christ) were used interchangeably and often synonymously. J. W. Johnson, Vice President of the Virginia Christian Missionary Society, testifying for the defendants', said:

"A. These names are interchanged. Some Disciples Churches may be known as Christian Churches. There are some instances where they are Churches of Christ, Disciples." (Tr., 11-11-63, p. 71)

H. Myron Kaufman conceded:

"A. There's been confusion since 1832 when the two forces joined together in this union meeting in Lexington." (Tr., 4-21-64, p. 396)

"A. I don't believe it would be as confusing then as it is today. I think the people then were more aware and more conversant with the teachings and principles of the Campbells and the Stones and others than we are today. Part of our confusion is

at this point that we just don't know. And another part of our confusion is that we look at Campbell, Stone and others at one point of development in their history and fail to realize that they grew and developed into other forms, other ideas."

(Tr., 4-21-64, p. 398)

With these admissions by defendants' own witnesses, how can it be fairly said then that the grantee in the deed of 1910 was "Level Green Christian Church (Disciples of Christ)"?

The other deeds all conveyed land to "The Trustees of Level Green Christian Church." There certainly is no room for debate over the property conveyed in 1958; the evidence of Mrs. Hazel Porterfield, one of the grantors, cannot be misconstrued:

"A. No. I don't intend to convey nothing to the Disciples.

Q. You don't like the Disciples, do you?

A. I don't have anything against any of 'em. No, I don't have anything against them personally, but there was never anything brought out there about the Disciples Church in my time.

Q. Well, you just conveyed it to the Level Green Christian Church, whatever that is. Whatever that is, if it is the Disciples that's who you conveyed it to?

A. I don't think it's the Disciples.

Q. You don't think it's the Disciples?

A. No, I do not." (Tr., p. 228)



In paragraph 1 of the decree entered by Judge Holstein on December 7, 1964, the court held as a matter of fact that the majority faction of the congregation defected from the Church on or about September 15, 1963. We submit that under the law applicable to this case that there is absolutely no evidence to base this finding on. As before pointed out, the only action taken by the Level Green congregation during this period of time was when they adopted the three resolutions, one, to have the deed of 1910 to conform with the other deeds to this Church property, two, not to permit any minister to occupy the property except by the approval of the Board of Elders and Deacons and, three, to sever all relationship with the Virginia Christian Missionary Society. We submit that there is nothing in these three resolutions voted on by the congregation which could, under the law, be held to constitute a departure from the fundamental doctrines and faith of the Level Green Christian Church. The defendants themselves admitted that the fundamentals which were being preached in the Level Green Church as of the date of these hearings was the same as that professed by the Disciples of Christ. Mr. Kaufman testified:

"Q. Mr. Kaufman, if I understood you correctly, in the course of questions which you answered of the ones Mr. Draper asked you, in which he asked you the difference between, as he put it, the independents, I would put it the Christian Church and the Disciples of Christ, and did you, or did you not say that as far as the biblical doctrine or the teachings from the Bible there's no difference?

A. This is true.

Q. So as far as the fundamental doctrine and faith

there is no difference between the what I call the Christian Church and the Disciples of Christ?

A. At the point of the Biblical doctrine this is true.

Q. As to the fundamental - I'm asking about the fundamental doctrine and faith of the two organizations there is no difference?

A. This is true." (Tr., 381, et seq)

Mr. Kaufman further admitted that the differences which he contended existed between the Level Green Christian Church and the Disciples of Christ were administrative and not fundamental:

"Q. All right, now, we come to these differences that you did make. Then we are getting more into the method of operation along the administrative line as to how each group elects to carry out what it believes in?

A. This is true." (Tr., p. 382)

Under the rule of *Cheshire v. Giles*, supra, our Supreme Court has stated that the test as to whether or not the court would have jurisdiction in a case of this nature is that there must be a substantial departure from the fundamental doctrines and faith of the congregation in a Church of this nature. Certainly when the defendants themselves admit there has been no such departure there is nothing for the court to act on in this respect.

The other two resolutions adopted by the congregation at their September 15, 1963, meeting were purely administrative and



had no bearing whatsoever on any fundamental doctrine or faith of the congregation.

In the light of the above, we respectfully submit that the finding of the trial court was clearly erroneous when it held that the majority defected from the Church on or about September 15, 1963.

The defendants attempted throughout the trial of this case to establish or lead to the conclusion that association with the Virginia Christian Missionary Society was a part of the fundamental doctrine and faith of the Church at Level Green. The authorities on this particular question are in an abundance, and hold without exception, including the Giles case, supra, that participation in, or withdrawal from, a voluntary man made principle which these associations are deemed to be, does not constitute a part of the fundamental doctrine and faith of the congregational type of church, and that the association with, or withdrawal from, such organizations are purely a matter to be decided upon by the majority of the congregation. Aside from the law governing this question, the defendants would be bound by their own testimony pertaining to this particular question when Mr. Johnson, who was introduced as an expert witness by the defendants, testified:

"Q. Are you familiar with the Level Green Christian Church?

A. No sir, I am not.

Q. Do you know whether or not there have been any changes made in the doctrines and the preachings and teachings

of the Level Green Christian Church in the last 40 years?

A. I could not answer that.

Q. You do not know?

A. No.

Q. The Virginia Society, I'll refer to it as that rather than the long name, you say it has absolutely no control over other churches?

A. That's right.

Q. Each church, the Level Green Church in New Castle, all of these churches, are independent churches governing themselves, establishing their own rules and regulations under which they operate?

A. That's right.

Q. The Society does not and has never attempted to operate for them or pretend to have jurisdiction over them?

A. The Missionary Society, as well as other agencies, will develop programs and reduce them for the consideration of the local congregation, but in the acceptance of those programs, the development of them is entirely up to the local congregation.

Q. In other words, they are what we would refer to as totally independent?

A. Right." (Tr., 11-11-63, p. 88, 89)

"Q. All right, sir. Now, there's certainly nothing - now you say as far as the church itself whether it be the Church of Christ or the Disciples of Christ, there's nothing to prevent them from withdrawing from the society, is there?



A. This is true." (Tr., p. 385)

Mr. Kaufman reiterated this statement, and the testimony shows the following:

"Q. Then for that matter there would be nothing wrong with all of the Disciples of Christ Churches themselves going together and deciding to completely cut away and sever their relations with Virginia Missionary Society, is there?

A. They could disband the society.

Q. And still be Disciples of Christ Churches, couldn't they, because your society has no control over them?

A. That's right." (Tr., p.386)

It is true the defendants have attempted by the use of documents prepared by their own people and taken from records of societies completely removed from the Level Green Christian Church records and created the conclusion as to which Church constituted the Level Green Christian Church congregation. We submit that to permit this would be most unfair to this congregation who have made it evident by their votes on various resolutions in the Church, and by the abundance of testimony on their part, to now tell them that they belong to a Church which they deny being a member of, based solely on these documents which were prepared either by people or association<sup>s</sup> who had no jurisdiction over the Church, or by one member of the congregation who stated, in effect, that he merely supplied information requested by them as a routine matter to an association which he had, in fact, never attended

and know very little about.

In the absence of Church records which would, of course, be the best evidence, what proof is there to determine what congregation, in fact, established and operated this Church? The defendants introduced certain witnesses in an effort to show this, however, the two expert witnesses testified that they did not know what the fundamental doctrines and faith of this Church were, and further they did not know whether or not there had been any departure from whatever doctrine and faith the Church had operated under. See Mr. Johnson's testimony above quoted, and Mr. Kaufman's testimony as follows:

"Q. Then you would not be in a position to say whether or not what is being preached down there now is any different from what was being preached ten years ago, twenty years ago, thirty years ago, or forty years ago, would you?

A. Only by inference.

Q. Only by inference. As to what was being preached there forty years ago you don't know?

A. No.

Q. And you don't know whether that is the same thing then as it is now or not?

A. That's right." (Tr., p. 389)

The defendants offered Mr. Howard M. Huffman, a member of the congregation, who did testify (Tr., p. 417-426) that he was associated with the Disciples of Christ, but nowhere in his testimony does he make any statement other than on page 426, Tr.



where he stated on re-direct examination:

"Q. Have you known that church as a cooperative, unified church?

A. Yes, sir, I have.

Q. You don't know it now, do you?

A. I don't know it now, no, sir."

He admitted, however, on re-cross examination at page 426, that this statement was based on the fact that he could not get along with the pastor, Mr. Harris.

Nowhere in Mr. Huffman's testimony does he say anything as to what the fundamental doctrine and faith of the Lovel Green Christian Church was, or does he even say that it has been known through the years as a Disciple Church.

The defendants also offered Mr. Boyd Caldwell, a member of the Lovel Green congregation, who testified (Tr. p. 427-433) that he was associated with the Disciples of Christ, however, not once did he state what the fundamental doctrine and faith of this congregation was, nor did he state whether or not the Lovel Green Christian Church as such had been known as a Disciples of Christ Church, his only complaint being that he was dissatisfied with the fact that Lovel Green Christian Church disassociated itself with the Virginia Christian Missionary Society, and to get away from the other five or six churches with whom Lovel Green had owned a parsonage. In addition, the defendants were prepared to offer

Mr. Bobby Joe Harless and Mr. Tracy Hypos, and it was stipulated by counsel (Tr., p.434) that the testimony of these two witnesses would be substantially that of Mr. Huffman and Mr. Caldwell.

The defendants also offered Mr. J. S. St.Clair, a member of the Lovel Green Christian Church, (Tr. p. 90-112), who testified that he was a member of the Lovel Green Christian Church and that he had been for sixteen years, and that prior to that time he had been a member of Paxton Chapel. Prior to that time he had been a member of the Baptist Church. He did testify that he thought the Lovel Green Christian Church was a Disciples of Christ, and further that it had been up until the present time. We would like to point out to the Court that the defendants' own witness, Mr. St.Clair (Tr., p. 91) admitted that the trouble in this congregation started around 1957. We would point out that Mr. St.Clair said that he had been a member of this Church thirteen to fifteen years. (Tr., p.99) When asked at page 100 of his testimony as to whether the fundamental teachings and preaching of that Church were the same he replied:

"A. Well, so far as the fundamentals, of course, all churches, I guess profess Christianity or all have the same Almighty Power and teach in the same manner. But, this doctrine has slipped in brotherhood, I'll say that, and in unity in the community."

It is apparent from the reading of Mr. St.Clair's testimony that he, like Messrs. Huffman and Caldwell, is basing the defense in his opinion on the withdrawal of the Lovel Green



Christian Church from the Virginia Christian Missionary Society.

Other than those statements made by Mr. St. Clair, who would certainly be considered as a new-comer to the Church when compared to those members of the majority who have held membership in this same congregation for as much as forty years, the defendants have not offered the testimony of a single witness who contended that this congregation has, in fact, been a Disciples of Christ Church. By reading his testimony we felt that he is more concerned with the withdrawal of the congregation from the Virginia Christian Missionary Society and his personal relationship with other members of the congregation than he is with anything else.

The defendants also offered into evidence a little pamphlet listed as Exhibit No. 2 which was printed in conjunction with the centennial of the Gravel Hill Christian Church, which is another church located several miles from the Level Green Christian Church, as evidence that the Level Green Christian Church was the daughter church of the Gravel Hill Church and was, therefore, the Christian Church (Disciples of Christ). When this pamphlet is read the author himself, in the last paragraph on page 15, admits that this is "our imperfect sketch of the Gravel Hill Church." Throughout this pamphlet both churches are referred to, however, when a specific mention is made on page 5 of this pamphlet as to the founding of Gravel Hill Christian Church, in the first paragraph we find that Joseph Thomas, who was attached to a group known as the Christian Church which had been led out of the Methodist Church, held a meeting apparently in 1817 at

the home of Benjamin Peck which Thomas said, to use his own words, "constituted a Christian Church." In the second paragraph on the same page we find this sentence, "It would seem that the Church which Thomas had organized in the home of Benjamin Peck had expanded and found a local habitation in the log meeting house known as Antioch, later changed to Gravel Hill because a congregation in Tazewell bore the same name." Also at the top of page 11 we find that a church at Pembroke added one hundred and one members to the body known as Christians only.

In addition to the divergent statements made in this pamphlet as to what Gravel Hill Church was when it was established, all of the witnesses when asked about this from the Level Green Christian Church stated that if Gravel Hill Church was a Disciples Church they were unaware of it, or were of the opinion that it was not. We submit, however, that this pamphlet, which is admitted to be a sketchy history by its own author, and which is more or less a reminiscence and recollection of various and sundry people would be a mighty weak piece of evidence, plus the fact that here again we find the defendants who, due to their lack of ability to get any substantiation of their contentions from any of the official records of the Level Green Christian Church, and were able to muster only one witness to testify as to what the Church was, were again attempting to reach into some other organization which is not a part of the Church in an effort to obtain evidence in their behalf. We might wonder that if this Level Green congregation had been in fact a Disciples Church as contended by them through the years, that it is strange that practically all of the evidence from the Church records and the membership of the Level Green



Church is so favorable to the contentions of the majority.

We submit that the evidence in this case clearly shows that this congregation is, and always has been, insofar as the evidence available shows, a Christian Church as contended by the complainants.

It will be recalled that the complainants, or the majority, are in possession and control of this property, and that in order for the defendants through their cross bill to oust them that they would be required to clearly prove their allegations by a preponderance of the evidence. It is our belief that in this respect the defendants have failed.

If the defendants have failed in their evidence to prove that the true congregation of the Level Green Christian Church is the Disciples of Christ Church, and we sincerely feel that in this they have failed, then the only other basis upon which they could hope to prevail would be to show that the majority of this congregation has made a substantial departure from the fundamental doctrine and faith of the congregation.

As before stated, we feel that the defendants, through their own witnesses, have not only failed to show that there has been such a departure but, in fact, have corroborated the complainants in the position taken by them that the same fundamental doctrine and faith are being preached today in Level Green Christian Church that have been throughout the years. Without repeating what has been said heretofore in this respect, we would refer to the quoted testimony of Messrs. Johnson and Kaufman.-

### AUTHORITIES

Insofar as cases of this nature have been before the courts before, we find that there have been any number of them in which the parties involved were members of the same churches as those involved in this controversy here presented and in which substantially the same issues were raised.

One of the more recent cases is that of Stansbury, et al, v. McCarthy, et al, decided by the Supreme Court in Indiana in 1958 and reported in 149 N.E. (2d) 683. In that case, strangely enough, in attempting to determine which church was the true congregation there were two deeds introduced in the evidence, one, in 1886 was made to the Trustees of the Church of Christ, the other to property occupied by the Church at the time of the controversy involved was made to the Trustees of the Brookvill Christian Church. The Court made this statement with reference to these deeds, "The deeds are of no aid in the solution to the problem here." The main issue in that case appeared to be somewhat similar to the main issue presently before the Court. In the Level Green case, and we wish to quote right extensively from the Stansbury case inasmuch as there is such a marked similarity involving the question of fundamental doctrines and faith, and whether or not association with the Christian Missionary Society would constitute a fundamental doctrine of such a congregation. The Court in that case made the following statement which we feel could very easily be made of the case at Bar when they said at page 684:



"We draw from the briefs of counsel and their oral presentation that within these churches organized as a result of the "Campbell Movement" (or Christian Church movement) as the years passed, there developed some differences in the means by which the objectives of the church were to be attained. The dispute created differences not only in the Brockville Church, but in the "movement" generally among the Christian Churches. One of these groups, because of its prominence, was given the name "co-operative" group. The complainant alleges that the plaintiffs below (appellees here) adhere to the "co-operative" group: that the members of this group have as their belief that the church should co-operate with other religious organizations, including particularly certain missionary societies and conventions, in order to attain a unity of all Christians and a restoration of a united Church of Christ. The appellants, who were defendants below, oppose this "co-operation" or "co-operative movement."

Also at page 684, the Court pointed out this historical finding of fact for these churches which fits in completely with the testimony in the Level Green case:

~~xxxxx~~"The complaint and also the special finding of facts goes into a history of a religious "movement" by Alexander Campbell and his father, starting in the early part of the nineteenth century. As a result of these teachings there sprung up and developed a group of churches using the names interchangeably--Christian Church, Disciples of Christ and Church of Christ. The latter name should not be confused with the Churches of Christ, a denominational sect which broke away from this group in 1906 on two major differences which forbade the use of instrumental music in services."

The Court also at page 687 made a statement:

"There must be such a substantial departure from the fundamental tenets of the church that a violation of the trust and a perversion of the property has taken place in order to authorize equitable jurisdiction in granting relief asked in such case. Judge Crumpacker has set forth an excellent statement of these principles of law in *Ashman v. Studobaker* (1944), 115 Ind. A. 73, 56 N.E. (2d) 674."

The Court held at page 687:

~~xxxx~~"One may draw therefrom that at no time was it a departure from the "Campbell Movement" or the teachings of Alexander Campbell to decline or refuse to participate in the co-operative practice or movement."

The Court made this statement at page 690:

~~xxxx~~"In all the cases dealing with Christian Churches which we have been able to examine, the decisions seem to be unanimous in holding that a division of opinion over the support of missionary societies or other church organizations described as "co-operation" is not a matter of fundamental belief and is not a required tenet for membership in the church. Such a difference in views does not "constitute a new and different church."

The Court also said at page 690:

"Churches based upon the Campbell Movement appear to have no constitution or fundamental discipline which define in written words their basic tenets or doctrines. Most of the cases cited to us in this appeal deal with churches whose organic deeds, acts, constitution, or discipline are in writing. In such cases the task is less difficult in defining the fundamental doctrine and determining and departure therefrom. Such is the case of *Ashman v. Studobaker*, *supra*."

In the case of Franklin v. Hahn which was decided in 1955 by the Supreme Court of Kentucky and reported in 275 S.W. (2d) 776, the Court said with reference to belonging to organizations the following at page 778:

~~xxxx~~"This church, having the congregational or independent form of government, had the right, if the majority of the membership so desired, to withhold support from any voluntary society or organization. From the evidence presented, the 'United Christian Missionary Society' and the societies and schools in question would appear to be voluntary organizations."

The Court made this statement at page 778 which we feel is applicable in this case when it said:

"While there may be some difference of opinion among the two groups concerning what the fundamental doctrine of this church was when it



was founded, the proof was insufficient to support a finding of fact that this church was established as a "Disciples of Christ Church". Therefore, the Chancellor erred in concluding that the appellants were failing to adhere to the fundamental doctrines of the Chaplin Christian Church."

Another case very similar to the one here before the Court is that of Ramsdale v. Church of Christ which was decided in 1953 by the Supreme Court of Iowa and reported in 55 N.W. (2d), 539, the Court made this statement at page 543:

"This may be an over-simplification of the controversy, but it at least brings out the question involved, viz. affiliation with other organizations of the same denomination. We do not agree that co-operation with other Churches of Christ, or Christian Churches, through any particular organization, such as 'Iowa Christian Convention', 'Iowa Christian Missionary Society,' 'United Christian Missionary Society,' or 'International Convention of Disciples of Christ, Inc.' may be or become a matter of fundamental faith from which the majority of an individual church may not depart; or that the property of the individual autonomous church is held in trust for the purpose of promulgating or perpetuating any particular manner of co-operation."

And at page 544:

"The very independent and autonomous character of the individual church precludes the possibility of any doctrine of compulsory support of such institutions, however worthy and even necessary they may appear to be."

There are other cases involving Christian Churches supporting this position which appear to be unanimous in their holdings. See Christian Church v. Church of Christ which was decided in 1906 by the Supreme Court of Illinois, 76 N.E. 703, also Wright v. Smith decided in 1955 by the Supreme Court of Illinois, 126 N.E. (2d) 303. Of course, the law is so well

settled as a result of the separation of Church and State in the United States that our courts have no jurisdiction in a church matter unless as was stated in *Cheshire v. Giles*, supra, at page 260, when our Court quoted from *Watson v. Jones*, 13 Wall 679:

"If a trust is confided to a religious congregation of the independent or congregational form of church government, it is not in the power of the majority of that congregation, however preponderant, by reason of a change of views on religious subjects, to carry the property so confided to them to the support of new and conflicting doctrines."

This, of course, is broad enough to prevent a majority of an independent congregation from carrying the congregation property to a new and different denomination, and also to prohibit a majority from making a substantial change in their views as to the fundamental doctrine and faith of the congregation. Also of help in this respect is the case of *Wright v. Smith*, supra, when the Court said at page 365:

"Courts exercise no jurisdiction over ecclesiastical matters and do not sit as Court's of review on ecclesiastical questions or disputes, except when some property right is involved. Under the guaranty of separation of church and state, the Constitution preserves the right to freedom of religious expression. (Ill.auth. cited.) The Courts have pointed out that all who unite in such religious associations when so organized impliedly consent to submit to such ecclesiastical government. It is further noted that when a church, strictly congregational or independent in its organization, is governed solely within itself either by a majority of its membership or by such other local organism as it may have instituted, and owns property with no other specific trust attached to it than that it is for the use of the church, the numerical majority of the membership of the church ordinarily controls the right to the use of such property. (Ill.auth.cited)."

As an exception to such rule, courts will raise and enforce an implied trust so that the majority faction cannot effect a fundamental change of doctrine nor permit a change of



denomination. The departure from fundamental faith, however, must be a substantial one, and it must be one involving essential matters of faith and fundamental doctrines. (Ill. auth. cited.) It has been noted also that a mere severance of a voluntary ecclesiastical connection by the majority faction of an independent society, assuming that it does not involve a fundamental change of doctrine, does not in itself involve any diversion of the property from the implied trust. *Ragsdale v. Church of Christ in Eldora*. (Iowa) 55 N.W. (2d) 539."

We feel that the numerous holdings of the decisions throughout the United States to the effect that membership in a voluntary organization such as the Virginia Christian Missionary Society does not constitute a fundamental doctrine of the Church, and especially when those same principles are admitted by the defendants own witnesses as heretofore set out would conclusively show that the mere act of severance from Virginia Christian Missionary Society of the Level Green Christian Church, by a vote of the congregation on September 15, 1963, was purely an internal matter of this congregation and one by which the members would be bound by the majority vote.

Aside from these numerous decisions from other jurisdictions, holding that membership in a voluntary association is subject to the majority rule, we feel that our own Supreme Court, in *Cheshire v. Giles*, supra, at page 257, clearly states that to be the law in Virginia when they said:

"It is abundantly shown in the record that each congregation in this denomination is independent and has absolute control over its property and internal affairs. Each congregation is an independent sovereign body, subject to no higher ecclesiastical authority, and each is the final judge of the true faith, doctrine and practice of the church. Primitive Baptist associations, on the other hand, are mere voluntary

associations of a number of churches for the purpose of worship and consultation through delegates to the association, and have no power as to differences between members of the individual congregations, except to advise. This independence is thus expressed in Hassell's History, at page 292: "Especially does the language of Christ in Matthew 18th, 15-18, demonstrate that the church is the highest and the last ecclesiastical authority on earth; that there can be no appeal, under the law of Christ, from the decision of the Church to a presbytery, or a synod, or general assembly, or conference, or convention, or priesthood, or prelacy, or papacy, or association, or any other earthly authority."

We submit that the evidence in the Level Green case brings this issue clearly and squarely under the rule above quoted.

#### CONCLUSION

We respectfully submit that when this case is finally evolved down to its final analysis that we are faced with this situation--that a congregation known as the Level Green Christian Church located in Craig County, Virginia, and which has existed from as early as the year 1865, and which has never been known by any name other than Level Green Church of Christ and Level Green Christian Church, and which over the years, commencing in 1910, has become the owner of certain real estate upon which the congregation, acting as a group, has built, or assisted in the building of, a church sanctuary, and more recently as the Level Green Christian Church, has added on Sunday School rooms and built a modern parsonage for their minister, and which from the record shows worshiped apparently with no dissention among the members.



It was also testified to that the word "Disciples" has never been used in any of the Church records, or on any signs erected showing the name of this congregation. In 1957 a dispute apparently erupted between the leaders of the defendants in this case and the majority of the congregation over some undefined and probably forgotten question pertaining to the construction of the Sunday School rooms. We submit that the rift continued to grow until it finally led to a complete separation between the defendants, numbering some fifteen, more or less, and the remainder of the congregation numbering approximately one hundred, more or less, and which resulted in the unfortunate bringing of court action by and between these brethren who had worshiped together throughout the years. We also submit that when all the evidence is read in this case, and the testimony of the members of this congregation and the actual Church records of this congregation are considered, that the logical conclusion is that the Lovel Green Christian congregation is, and has always been, a Christian Church, sometimes referred to as independents by the defendants. We feel that this controversy was precipitated by some two or three members of the defendants as a result of the disagreement which occurred in 1957. We further contend that there is no other association or headquarters which has any power or control over this congregation, and inasmuch as all the witnesses agreed that this is a purely independent congregational church, that they had the right to enact such rules and regulations as they saw fit, and certainly would have the right to name their Church, or rather to continue to use the name of the Church as it had been

used throughout the years. We would further respectfully submit that when the chief witnesses testimony for each of the parties in this controversy is read it is shown that there has been no departure whatsoever from the fundamental doctrine and faith of this congregation as it has existed for the past forty or fifty years, and that there is no proof, either written or otherwise, by which the fundamental doctrine and faith of this congregation actually was prior to that time.

We respectfully submit that this is a case in which the complainants, represented by the majority of the congregation of the Lovel Green Christian Church, are entitled to the relief which they sought in their amended bill for an injunction, and which only asked that the defendants be enjoined from interfering with the orderly operation of this Church.

In the event that the Court should feel that there is still an unsettled issue in this case and that this is, in fact, as has been held in several of the cited cases, a dispute between two factions of a congregation and of a nature which should be passed upon by the congregation itself, we would respectfully suggest that the decision of *Cheshire v. Giles*, supra, decided many years ago by this Court, would offer a proper solution and one which is provided for by our law, Section 57-9 of the Code of Virginia of 1950, as amended, wherein it is provided that if a division occurs in a congregation which, in its organization and government, is a church or society entirely independent of any other church or general society, a majority



of the members of such congregation entitled to vote may decide the right, title and control of the property of such congregation.

In *Cheshire v. Ciles*, supra, at page 261, a case in which the Court was called upon to decide a church controversy, we find the following:

"This conclusion logically would lead to a reversal of the decree and a dismissal of the bill. Inasmuch, however, as the minority faction has been recognized by the association, which possibly entitles them to be further heard, and as there is nothing in the record from which it could be concluded that a reconciliation in whole or in part of some of these unhappy differences is impossible, we have determined to reverse the decree, but we will remand the cause for further proceedings."

and the Court in remanding this case provided that if there were no possibility of a reconciliation then a vote should be taken under the supervision of the Court, as provided by our law, to ascertain definitely which of these factions constitutes a majority of the congregation.

Certainly the majority of this congregation would be deemed to have an interest in this property, as it is shown from the evidence that through their efforts Sunday School rooms were added on to the sanctuary. In addition to that, this congregation has built a modern parsonage for their pastor, on which a \$9,500.00 mortgage had been placed against the entire church property, all of which was done by the action of the majority of this congregation, and which action was approved by the Circuit Court of the County of Craig when it authorized this encumbrance. It is certainly a fair inference that these complainants who constitute the majority of this congregation, have contributed

their time and money in this endeavor. It would seem rather harsh for the court to now say to them that they have no interest in this property because it, in fact, belongs to the fifteen named defendants, who hold themselves out as a separate and distinct congregation different from that congregation of which the majority, by their own testimony, throughout the years have recognized as being the congregation of Level Green Christian Church.

Respectfully submitted,

BILLY T. BADER, Chairman of the  
Board of Elders and Deacons of  
Level Green Church, et al

By \_\_\_\_\_  
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STATEMENTS AND CERTIFICATES  
REQUIRED BY RULES OF COURT

Pursuant to the requirements of the Rules of the Supreme Court of Appeals of Virginia, Rule 5:3, Sections 2 and 4, the undersigned counsel for the appellants certify that:

1. (a) The names of all appellants are Billy T. Baber, Chairman of the Board of Elders and Deacons of Level Green Christian Church, S. A. Huffman, James L. Huffman, Donald M. Caldwell, Roy P. Keffer and Biddle Joe Duncan, Trustees of Level Green Christian Church, Rex Keffer, Stanley Huffman, Donald M. Caldwell, Alton Keffer, Billy T. Baber, Junior Duncan, Stanley Duncan, Albert Lee Smith, Stanley Woods, Minor Huffman, Oscar (Butch) Dudding, J. L. Huffman, H. R. Hughes, Joe Duncan and Jack Harris. Counsel for all appellants are Arthur B. Crush, Jr., Cuddy, Hurt and Crush, Attorneys at Law, State and City Building, Roanoke, Virginia, Hale Collins, Attorney at Law, Covington, Virginia, and Robert S. Irons, Attorney at Law, 111 Third Avenue, Radford, Virginia.

(b) The names of all appellees are M. Boyd Caldwell, Eva H. Caldwell, O. Tracy Hypes, Rena S. Hypes, Ralph P. Hutchison, Hazel W. Hutchison, John S. St. Clair, Margaret E. St. Clair, Howard M. Huffman, Claudine H. Estes, M. Rutherford Estes, Bobby Joe Harless and Geraldine H. Harless. Counsel for appellees are J. Livingston Dillow and Charles B. Andrews, Dillow and Andrews, Attorneys at Law, Giles Professional Building, Pearisburg, Virginia, and George W. Draper, Attorney at Law, Colonial-American National Bank Building,

Roanoke, Virginia.

(c) There are no parties unrepresented by counsel.

2. The petition for an appeal is not adopted as and in lieu of the opening brief.

3. Counsel for the appellants desire to state orally the reasons for granting the petition.

4. Copies of this petition have been mailed on the 5th day of February, 1965 to J. Livingston Dillow, Charles B. Andrews and George W. Draper, opposing counsel in the trial court, at their addresses above set forth.

5. The undersigned is an attorney, duly qualified to practice in the Supreme Court of Appeals of Virginia, and in his opinion, the judgment complained of ought to be reviewed.

6. This petition is filed with the Honorable Howard G. Turner, Clerk of the Supreme Court of Appeals of Virginia, at his office in the City of Richmond, Virginia on the 5th day of February, 1965.

7. This petition is accompanied by a check for \$1.50 payable to the Clerk of the Supreme Court of Appeals of Virginia.

Respectfully submitted this 5th day of February, 1965.

BILLY T. BABER, Chairman of the Board  
of Elders and Deacons of Level Green  
Christian Church, et al.,

Appellants

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



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2-12-65

Dear Don;

Just talked to Crash and found he had not sent you a copy of this brief.

This is my personal copy I am sending just in case Crash delays getting you one. Please return this when you are through with it.

I want to thank you for the splendid advice you have given us, and I wish to keep you informed of all events if possible.

after you have read this, I wish you would call me collect at (Newport 544-2419) and let me know what you think of it. Call any evening next week after 5:30 P.M.

Sincerely,

Bill Baber

B.T. BABER  
RT. 1,  
NEWPORT, VA.