

This is a portion of Memorandum
of summary of hearing which went to
the Judge for the Order that was
handed down.

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General Assembly. Even though a number of churches did not approve of the union the property and rights passed because the action was in conformity with the constitution and by-laws of the two denominational groups.

④ There will no doubt be an attempt by the defendants in this particular case to say that the existing National Salem Organization is a reconstituted denominational body and not the continuing denominational group which existed prior to 1949. The only difficulty with that line of argument is that there is no evidence to support such a position. In the first place, such a position requires that the defendants first show that there has been a valid, legally binding merger of denominational groups. This, as has been pointed out, is not shown by any action in conformity with the constitution of the National Salem Organization, nor incidentally has there been any showing that such action conforms with the charter and by-laws of the National Stanbury Organization.

At this point it may be apropos to point out that the National Stanbury Organization was a corporation created and existing under the laws of the state of Missouri from 1897 to the date this controversy arose. That on or about October 3, 1949, there was filed in the office of the Secretary of State of the state of Missouri, an application by the general conference of the Church of God for a pro forma decree amending its charter. Certified copy of this decree is filed with plaintiff's evidence and in the decree articles 1, 2 and 3 of the corporation are apparently amended but nowhere is any mention made of any reunion, merger or other consolidation by the National Stanbury Organization with any other incorporated or unincorporated religious body. This should be proof enough that what was attempted here was not a merger but a transfer of assets without consideration, without

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This is why it was told we were another organization operating at Salem during these seven years, of course many believed this to be true.

There are 28 pages to the memorandum but we have enclosed only two + the finding of the Court along with the File number so it can be verified as to legal records. # 13990

The roots of the 7th day Baptist + Church of God are very much the same as The History of True Church states as 7th day Bpt did not become an organization + Charter granted until 1880. As what they claim as Baptist before this was not by that name.

In the directory Denver did not mention this in their history + neither did we. We are still the same organization that was in 1933.

W. R. Raper.
Bookkeeper for
The Church of God, Salem, N. D.

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Whether the matter be concerned with real estate or personal property is immaterial from the standpoint of the application of that rule. There is not the slightest showing by the defendants that there was any compliance with the constitution of the National Sales Organization.

To bolster their position that the National Sales Organization has properly and legally adopted a merger the defendants stress at great length in the evidence, a meeting which took place at Stanbury, Missouri, in August of 1949. A meeting which the defendants themselves say is the point at which the merger was completed. At that meeting some seventy-seven members out of an admitted total of several thousand members of the National Sales Organization set to discuss among other problems, the question of merging with the National Stanbury Organization. The persons in attendance held no official position as delegates and came with no authority to speak or represent their respective churches. See record page 773 wherein it is stated,

"Q. Did the Local Sales Church delegate you to attend the Stanbury meeting in 1949?"

"A. Business in the National Organization of the Church of God at Salem was carried on by the officers of the Church and not through church delegates."

"Q. It was carried on by the Board of Twelve, the Seven, and the Seventy. Was that correct?"

"A. Everything was left up to the Board of Twelve in the final analysis."

This is the statement of W. W. Schicken, one of the former members of the National Sales Organization who withdrew by his affiliation with the National Stanbury Organization. See also record page 500 for the testimony of Otto Kasher, also a defendant. The testimony of the Plaintiff's supports this. On page 35 F. L. Summers states,

"They elected the Board of Twelve but our organization only had seventy-five members out of the whole body present, and therefore, they could not speak and not a one of these delegates from any church. They were just

General Assembly. Even though a number of churches did not approve of the union the property and rights passed because the action was in conformity with the constitution and by-laws of the two denominational groups.

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At this point it may be apropos to point out that the National Stanbury Organization was a corporation created and existing under the laws of the state of Missouri from 1899 to the date this controversy arose. That on or about October 5, 1949, there was filed in the office of the Secretary of State of the state of Missouri, an application by the general conference of the Church of God for a pro forma decree amending its charter. A certified copy of this decree is filed with plaintiff's evidence and in the decree articles 1, 2 and 3 of the corporation are apparently amended but no where is any mention made of any reunion, merger or other consolidation by the National Stanbury Organization with any other incorporated or unincorporated religious body. This should be proof enough that what was attempted here was not a merger but a transfer of assets without consideration, without

STATE OF WEST VIRGINIA

At a special term of the Circuit Court held in and for the County of Harrison, at the courthouse thereof, on the 30th day of April, 1957, the following order was entered:

(Excerpts only, omitting names, etc.)

"Upon due consideration of all of which the court is of the opinion that the legal title to the real estate in question, as shown by the record in this cause is in . . . Trustees of the Church of God, Seventh Day of Salem, West Virginia, to be held by said Trustees, or their successors, for the use and benefit of the Church of God, Seventh Day of Salem, West Virginia, and it appearing that the plaintiffs are entitled to the relief prayed for in this cause relative to said real estate, it is adjudged, ordered, and decreed that the defendants . . . be and they are, hereby permanently enjoined, prohibited and restrained from any wise, interfering with the use of said premises by the Church of God, Seventh Day of Salem, West Virginia . . .

And it further appearing from all of the evidence in this cause, and as disclosed by the record that the personal property in the city of Salem, West Virginia, consisting of account books, records, lists, books, machinery, and other items in the Publishing House located in the city of Salem, West Virginia, are the property of the religious denominational body known as The Church of God, Seventh Day, with headquarters in Salem, West Virginia, and that title thereto is in the Board of Seven of said organization, it is therefore adjudged, ordered, and decreed that the title to the personal property in the Publishing House and in the city of Salem, West Virginia, is in the Board of Seven as Trustees of the Church of God, Seventh Day, with Headquarters in Salem, West Virginia, and shall be held and used by said Board in compliance with the purposes of The Church of God, Seventh Day, with headquarters in Salem, West Virginia, and the defendants . . . are hereby permanently enjoined from in any way interfering with the use of said property by the said Board of Seven, . . .

It is further adjudged, ordered, and decreed that the plaintiffs do recover of and from . . . their costs in and about the prosecution of this suit in their behalf expended, including a statutory docket fee . . ."

ATTEST: Raymond C. Wolfe

John H. 15710 Clerk of the Circuit Court of
Harrison County, West Virginia.

NOTE: The foregoing is a true copy (with

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*W. Raper,
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