

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 1899 to the date this controversy arose. That on or about October 6, 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