

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

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 Salem Organization.

3 To bolster their position that the National Salem 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 Salem Organization met 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 local churches. See record page 773 wherein it is stated,

"Q. Did the Local Salem 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 Seventy 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. McMicken, one of the former members of the National Salem Organization who withdrew by his affiliation with the National Stanbury Organization. See also record page 500 for the testimony of Otto Haerber, also a defendant. The testimony of the plaintiffs supports this. On page 35 P. 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 people were delegates from any church. They were just members....."