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Court of Errors and Appeals.

IN CHANCERY OF NEW JERSEY.

Between

*FRANK B. ROSE, CHARLES
WATSON, DAVID LOCK et
al., Complainants.*

and

*ROLLIN H. MORGAN, AL-
FRED McCULLY et al.,
Defendants.*

*Bill for in-
junction
and relief.*

Bill of Complaint.

[Filed June 25, 1869.]

*To the Honorable Abraham O. Zabriskie, Chancellor of the State
of New Jersey.*

Humbly complaining, show unto your Honor your orators, Frank B. Rose, Charles Watson, Andrew I. Nichuals, Henry U. Howes, and David Lock, all of the city of Camden, in the county of Camden, in this state—the said Frank B. Rose being the pastor of “the Baptist Church in Camden,” commonly known and called the First Baptist Church of the city of Camden; and the said Charles Watson, Andrew I. Nichuals, Henry U. Howes, and David Lock, being members, pewholders, and trustees thereof, and presenting this bill of complaint for and on behalf of themselves, and of all other members of said church and congregation, except the de-

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10 fendants herein—that the said church and society now known as aforesaid as the “First Baptist Church of the city of Camden,” is a society consisting of more than one hundred members, professing the faith of that denomination of christians called Baptists, associated and organized as an independent religious society for christian worship and instruction, in said city of Camden, according to the customs, forms, and usages of said denomination of christians, which obtain and prevail in this country; that the said church or
20 society was formed on or about the fifth day of February, in the year eighteen hundred and eighteen, in the town of Camden, then making a part of the county of Gloucester, and in common with all other churches of the said denomination, the said church was formed, and still remains, as an independent organization, professing the same faith and in christian fellowship with its sister churches of the Baptist denomination in this country, but controlling and transacting its own government, proceedings, and business, prescribing the place, times, and circumstances of its public worship,
30 calling, discharging, and providing for the support and payment of its pastor, and generally regulating its affairs by the authority of and according to the will of its own members expressed in their regular meetings, according to the rules and practice common in churches of the said denomination, and adopted and pursued by themselves, and entirely independent of and free from the authority of any other superior or controlling society, organization, or body, and subject only to the laws of the state and of the country; and your orators further show unto your Honor, that said
40 society, shortly after their organization, as aforesaid, and on or about the eighteenth day of April following, purchased and became possessed of a certain lot or plot of ground situate in what is now the city of Camden, in the county of Camden aforesaid, on the easterly side of Fourth street, between Market and Plum streets, which was conveyed to trustees to be held for said society, and upon which the said society erected the meeting-house or church edifice used by them for public church worship.

And your orators further show unto your Honor, that the
40 said land and meeting-house was the property of said society,

the said lot being acquired and the said meeting-house erected by them, by means of donations to and contributions and payments on the part of said society, and the members thereof, for the benefit of said society; that on or about the eleventh day of March, in the year of our Lord one thousand eight hundred and nineteen, the said religious society, in accordance with a law then in force, entitled "an act to incorporate trustees of religious societies," passed June thirteenth, anno domini one thousand seven hundred and ninety-nine, elected three persons to be trustees of said 10 church, being the same by whom the lot was held, as aforesaid, who accepted the said appointment and took the oaths prescribed by said act, and on the twenty-ninth day of the same month made the certificate therein provided for, and caused the same to be recorded on the following day in the clerk's office of the county of Gloucester, and organized under the name of "The Trustees of the Baptist Church in Camden," by which name they and their successors were and are known and distinguished in law. A copy of which certificate of incorporation, duly authenticated, is now in 20 the possession of your orators, and ready to be produced and proven, as the court may direct.

By virtue whereof the said trustees, and their successors, from time to time elected pursuant to law, by the members of the said society, have hitherto claimed to hold and represent the legal title of the said meeting-house, and the property as the trustees of the said religious society and the members thereof, for the appropriate uses of said society, according to the government and direction of said society and the rules and discipline thereof. 30

And your orators further show unto your Honor, that two meeting-houses or church edifices, besides the original one, have been successively erected by said society on said property, as those previously used became successively unfit or inconvenient. The said meeting-houses being built and paid for with the funds of said society.

And your orators further show, that the said society have, by the assent and direction of the members thereof, from time to time, and at least twice, purchased with the funds of the society other land lying adjoining to their original lot for 40

the enlargement of their grounds and the convenience of of the said society, the legal title of the said additional land being in each instance, however, made directly to the trustees of the said church, by their corporate name of "The Trustees of the Baptist Church in Camden."

And your orators further show, that the present meeting-house of the said society is a large brick building, about sixty-five feet wide by about one hundred and twelve feet deep, situate on the original lot of the said society, on the
10 easterly side of what is now Fourth street, in the city of Camden, above referred to, and which, with its additions above mentioned, makes a lot of about eighty feet front on said Fourth street, with a depth of about one hundred and fifty feet, the property of said society, held for them as aforesaid, subject to the appropriate uses of the said society, according to the rules, discipline, and legally declared will thereof.

And your orators further show unto your Honor, that the said society have always, since the erection of the first church
20 edifice, been accustomed to hold therein, and in the buildings successively erected, as aforesaid, to supply its place, their regular meetings for public worship and instruction, and also for church and congregational business.

And your orators further show, that a large portion of the pews of the said church are rented to members of said church, who pay for, and are entitled to the regular occupation and use of the same, for the purposes of public worship; and that your orators, Charles Watson, Andrew I. Nichuals, David Lock, and Henry U. Howes are, together with many
30 others of said church and congregation, holders of pews, for which they pay a stipulated rent, and are entitled to hold and use, as aforesaid.

And your orators further show unto your Honor, that from time to time, and every year since the original organization of the said church, trustees thereof, successors to those originally elected, as aforesaid, have been duly elected, pursuant and according to the provision of the said act of seventeen hundred and ninety-nine, and of the laws since enacted governing such elections, and that such trustees have not, until
40 as herein after mentioned, exceeded seven in number, the

full legal number of trustees of religious societies, limited by the provisions of the act of seventeen hundred and ninety-nine, before referred to, and the revision of eighteen hundred and forty-six, now in force and governing the same.

And your orators further show unto your Honor, that on the twenty-eighth day of December last, the regular day for the election of trustees of said church, at the regular meeting of the members thereof for that and other purposes, your orators, Charles Watson, Andrew I. Nichuals, Henry U. Howes, and David Lock, together with Abel C. Tallman, 10 George Taylor, and William Groves, all of the said city of Camden, were duly elected, according to law, the trustees of the said church, on the first vote of the members thereof, making the full legal number of seven trustees, as aforesaid; and that after said election and its announcement, Rollin H. Morgan and Alfred McCully, both also of said city, were named in addition, as trustees, with the assent of the members present, and that the said Morgan and McCully have since that time acted, or assumed to act, with the said trustees of said church, as members of said board or corporation, 20 making the number of trustees, with themselves, nine in all. But your orators show unto your Honor, and charge that they are neither of them legally or actually members of said corporation or trustees of said church, they having been named, as aforesaid, after the full legal number of trustees had been elected, and the said corporation was full, as aforesaid; and that, however, the said board of trustees might be willing to admit them as advisors or counselors of their actions, yet their vote or action as members of said corporation was and would be wholly without authority of law, and of no 30 legal force and effect in any way.

And your orators further show unto your Honor, that on or about the thirtieth day of January, anno domini eighteen hundred and sixty-six, your orator, Frank B. Rose, was unanimously chosen and called, by the members of the said church, to be the pastor and minister thereof, and that on the same day he received, by direction and on behalf of said church, a regular call in writing, of which the following is a copy:

Camden, Jan. 30th, 1866.

Rev. F. B. Rose.

Dear Brother:—At a meeting of the First Baptist Church, Camden, held last evening, for the purpose of taking action in regard to calling a pastor, at the close of a short prayer and conference meeting, it was voted *unanimously* to extend to you an invitation to become our pastor, the salary to be \$1500 per annum. The church desires that you will favor them with an answer at your earliest convenience. Deacons
 10 Peak, Collins, Brevoor, Rogers, and brethren E. E. Read and T. W. Wilkinson were appointed a committee to wait upon you with this communication.

By order and in behalf of the church.

HENRY SAMUELS,
Ch. Clerk.

Jan. 30th, 1866.

And your orators further show, that on the same day the said Frank B. Rose accepted the said call, and entered upon the discharge of his duties, and a short time afterwards was regularly installed as pastor of said church, with appropriate
 20 ceremonies held therein, and became and was, and still remains and continues to be, the regularly elected, called, and installed pastor of said church, by the will and authority of the members, and according to the rules, usages, and discipline thereof, and that without dispute or question of the said church, or of any organization, body, power, or authority whatever, except as herein after set forth; and in all respects authorized and entitled at all times to enter, use, and occupy said meeting-house or church edifice and prop-
 30 erty, and to hold and perform the regular religious exercises and services of the said church therein on Sunday, and at such other times as may be appointed, according to the customs, rules, usages, discipline, and will thereof, and in the regular discharge of his duty to the said church, and of his christian obligations and profession.

And your orators further show unto your Honor, that the members of the said church and congregation, many of whom are also pewholders paying regular rent, as aforesaid, are legally entitled to the use and occupation of the said meeting-house and property, for the purpose of worship and

religious exercises, and to receive therein the religious instruction of their pastor, and to partake with him of the ceremonies and ordinances of christian worship therein, to be performed and administered by them and him, according to the customs, forms, usages, and discipline of their church, and also to occupy and use the same for their regular business meetings of the said society, and generally for the appropriate uses thereof, at the will of the said society, and without the control or interference of any other organization, body, person or persons whatever.

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And your orators further show unto your Honor, that on the third day of the present month of June, Henry U. Howes, one of your orators, and secretary of said board of trustees of said church, at the request of the said Rollin H. Morgan, who assumed, as aforesaid, to act as a member of said board, gave notice of a meeting of said trustees, to be held in said meeting-house, at the hour of half-past seven on the same evening, by notices thereof, which gave no intimation of the object for which the meeting was to be held, and which were left at the residences of all the trustees, including 20 your orators, Charles Watson, David Lock, and Andrew I. Nichuals.

And your orators further show, that the said Charles Watson, David Lock, Andrew I. Nichuals, and Henry U. Howes, trustees as aforesaid, were present at the door of the said meeting-house at or very near the hour of half-past seven, the time fixed in said notice for said meeting, and were just about to enter therein to take part in any meeting of such trustees which might be held therein, when the said Abel C. Tallman, George Taylor, and William Groves, their fellow 30 trustees, and the said Rollin H. Morgan and Alfred McCully, assuming to act also as such, came out of the meeting-house in a body, and, pushing rudely and violently by the said Andrew I. Nichuals, one of your orators, and one of said trustees, who was standing at the door of the said meeting-house, the said William Groves closed and locked the door of said meeting-house, exclaiming at the same time, "we have had our meeting, and we have closed this church," or words to that effect, and then went away with his said associates, leaving the said meeting-house locked and closed, 40

the other entrances of the said meeting-house having been previously fastened by them on the inside, before they came out. And your orators show, that after all this had occurred, besides some conversation on the sidewalk in front of the church, Andrew I. Nichuals, one of your orators, looked at his watch, and found that it was only thirty-five minutes after seven o'clock, or only five minutes after the hour at which the said meeting was called.

- And your orators further show unto your Honor, that the
- 10 said defendants above named, and their associates herein after mentioned, have kept the said meeting-house closed, locked, and fastened, and the members of the said church and pewholders therein, and your orators, the pastor and trustees thereof, excluded and shut out therefrom during the whole time, from the closing of the same, as aforesaid, on the said third day of June, for a period of about three weeks, and the said church and congregation, during all that time, had no use or benefit of the same; that on the following
- 20 Sunday after said closing, the members of said church and congregation, including your orators, assembled in large number at the door of said meeting-house, at the usual hour for public worship, and your orator, the said pastor of said church, was there present, ready to discharge his duty as such pastor, and conduct the regular exercises, according to the rules, customs, usages, and direction of said church, but the defendants herein, who had closed the same as aforesaid, and who retained the key thereof, were not present, and the said church remained closed, and the said members, pewholders, trustees, and pastor excluded therefrom.
- 30 And your orators further show unto your Honor, that rather than make any disturbance on the Sabbath day, and to avoid any semblance of unseemly action, your orators and the said members and pewholders refrained from entering by force into said church, and quietly dispersed and retired, though deprived of all religious service and worship in their said meeting-house during the whole of said day, and on the Sunday following, and on last Sunday they held, by permission of the freeholders of said county, religious worship and services in the court-house of the said city of Camden,
- 40 their meeting-house still remaining closed and in the posses-

sion of the said defendants as aforesaid, who, as your orators are informed and believe, and therefore charge, in addition to closing and locking up the same, also placed a watchman in charge thereof to prevent the use or occupation of the same by your orators, and those whom they represent herein, for any purpose whatever.

And your orators further show unto your Honor, and charge that the action of the said defendants, Abel C. Tallman, George Taylor, and William Groves, trustees of said church, and Rollin H. Morgan and Alfred McCully, assuming to be such trustees, in closing said meeting-house as aforesaid, and excluding the members and pewholders, other trustees and pastor therefrom, was wholly unauthorized and illegal, and contrary to and in violation of their duty as trustees of said church or otherwise; that the meeting held, or pretended to be held, in the meeting-house as aforesaid, on the third day of the present month of June, was entirely illegal, and any action by it without authority or effect; that the organizing of the same and all action by it taken while your orators, the other trustees, were in attendance at the door, was done and intended as a fraud and trick upon your orators, the other trustees; and further, that any action of any kind by the said meeting was wholly unauthorized and illegal, because there was not present of the trustees of said church a quorum for the purpose of doing business; that the said Abel C. Tallman, George Taylor, and William Groves were three of such trustees, legally elected, and your orators, the said Charles Watson, David Lock, Andrew I. Nichuals, and Henry U. Howes are the remaining four of the seven legally elected and authorized trustees of the said church, and constitute a majority of said corporation, without the presence of some one of whom there can be no quorum for business of any kind.

And your orators further show unto your Honor, and charge that "The Trustees of the Baptist Church in Camden," though they are the depository of the legal title to the said meeting-house and property of the said society, are yet mere trustees for the said society and hold the said meeting-house and property only as the representatives of said society and the members thereof, and entirely subject to the appro-

priate uses of said society, including that of public worship, exercises, and instruction therein by the regular pastor, and the holding therein of the regular religious and business meetings of said society, subject to the will of the members of said society, legally expressed in accordance with the established doctrines, rules, usages, and discipline thereof, and that they have no power or authority in themselves, even at a regular meeting, legally assembled and organized for business, by the vote of a majority or by unani-
10 mous action, to close the said meeting-house and exclude the pastor, members, and pewholders therefrom, and to stop the regular public exercises and worship of the members of the said society and congregation, and holding of the regular meetings of the church therein.

And your orators further show unto your Honor, that on Wednesday, the sixteenth day of the present month of June, at a special meeting of the said church, regularly, and legally, and publicly called, and largely attended by the members thereof, for the purpose of taking action upon the unauthor-
20 ized conduct of the said trustees, and persons claiming to act as such, said action was disapproved and reversed, and the following preamble and resolutions, directing, among other things, that the said meeting-house be opened for the use of the said pastor and church, were passed :

Whereas, A portion of the trustees of this church, known as "The First Baptist Church of the city of Camden," on the third day of the present month of June, without authority, contrary to the usages and rules of the church, and against the wishes of a large majority of the members and
30 of the other trustees, closed and fastened the doors of the meeting-house of said church and caused a guard to be placed in front of said meeting-house to prevent the pastor, members, and congregation from entering and worshiping therein, and still retain the key and refuse to open the said meeting-house for the regular meetings of the church—therefore, be it

Resolved, That we unqualifiedly condemn the course taken by such portion of said trustees in closing the said meeting-house against the pastor and members of the said church,
40 and preventing them from holding divine service, and trans-

acting the church business therein, as unlawful, unwarranted, and contrary to the rules and regulations of said church, and we do hereby completely disclaim and reverse the said action of the said trustees, protesting that the same is without authority, and direct the said trustees, or who ever may be in possession of the key of the said meeting-house, to place the same in the hands of David Lock, one of the deacons and trustees of said church, without delay, in order that the said meeting-house may be opened for church worship, and such other use as the rules and regulations of the church permit 10 and require; and be it further

Resolved, That in default of the delivery of the key, and the opening of the meeting-house as aforesaid, such legal proceedings be taken as will compel the said trustees to open the same for the purpose of holding divine service and such meetings as are required to be held therein, according to the rules and regulations of said church, and to hold the said portion of said trustees strictly answerable for their said misconduct, and the consequences thereof.

And your orators further show unto your Honor, that pursuant to said action of said meeting, your orator, the said David Lock, who is also one of the deacons of said church, together with your orator, Charles Watson, called upon the said Rollin H. Morgan, who had the custody of the key of said meeting-house, and serving him with a copy of said resolutions passed by said church meeting, demanded from him the key of said house, and that the same should be opened in accordance with the directions thereof, by the persons who had closed the same, both of which requests were at once and positively refused by him, speaking for 30 himself and those who acted with him in the matter.

And your orators further show unto your Honor, that afterwards, and on the _____ day of June, instant, after _____ days, including two Sabbaths, had passed since the closing of the church as aforesaid, the said Abel C. Tallman, one of the said trustees who acted or pretended to act as the secretary of the said pretended meeting of trustees on the third day of June, instant, delivered to Henry U. Howes, one of your orators, a copy of what purported to be minutes of the said meeting, and a copy of the resolution 40

passed, whereby it is resolved that they will close the said church edifice, and prevent the same from being used for the purpose of public worship or business, on account of a feeling of discontent with the pastor, which they declare to exist, and which they therein say threatens to lead to disturbance and unchristian conduct by the members at meetings for public worship or business; and the said resolution also authorized the said Rollin H. Morgan, therein called the president of said board, to secure legal advice, and take such
10 other measures as he may deem necessary to retain the possession of the said church edifice—all of which your orators understand and believe and charge is intended to be done out of the funds of the said church, and at the expense of the members thereof—a copy of which said minutes and resolution is now in the possession of your orators, and ready to be produced and proven as this court may direct, and to which for greater certainty your orators beg leave to refer.

And your orators further show unto your Honor, that the pastor of the said church was not called or engaged by the
20 said trustees thereof, who are not clothed with power for that purpose, nor are his duties and instructions prescribed, or in any way regulated or controlled by them, or under their supervision, nor have they any power or control over the meetings and exercises of the church, or any authority to fix, regulate, limit, or in any way control them, and that any action on their part for the purpose of preventing the regular religious or business meetings of the church, or the ministrations of the pastor in the meeting-house of the said society, is wholly beyond the power of the said trustees, and
30 even if regularly taken, would be void and of no effect; and they say that the said pastor was, as aforesaid, called and employed by the said church, and by the rules and discipline of said society can only be dismissed, limited, and controlled in his ministrations, and the discharge of his pastoral duties by the said church which called and employs him.

And your orators show unto your Honor, and expressly charge that there is not, and never has been, any danger or chance of disturbance or violence of any kind at any meeting of the church for religious worship or business, on the
40 part of your orators, or any whom they represent, and that

the charge and suggestion in the said resolutions last referred to, as the ground of the said action, is entirely fictitious and wholly unwarranted.

And your orators further show unto your Honor, that one Isaiah Woolston, of the said city of Camden, was formerly a member of said church, but was dismissed therefrom at the last quarterly meeting for violent and disorderly conduct in the said meeting, and that Edmund E. Read, Josiah D. Rodgers, and Thomas W. Wilkinson, all of the same place, are members, but are under censure for disorderly conduct, 10 and are summoned to appear at the next regular quarterly meeting of said church to answer and show why they should not be dismissed therefrom; and your orators are informed, and believe, and therefore charge that the said Isaiah Woolston, and the said Edmund E. Read, Josiah D. Rodgers, and Thomas W. Wilkinson, are among the chief movers, instigators, counselors, and confederates of the said Abel C. Tallman, George Taylor, William Groves, Rollin H. Morgan, and Alfred McCully, in their aforesaid action, and that they have been and still are aiding and assisting them therein, 20 and that they, together with others to your orators at present unknown, have entered into a written agreement or undertaking with the said Tallman, Taylor, Groves, Morgan, and McCully, or some of them, to sustain and uphold them in their aforesaid action, and contribute and share in any damage or expense to which they might be subjected by reason thereof.

And your orators show unto your Honor, and charge that there has not been any violent conduct or disturbance in any of the religious meetings of said church in the past, and 30 that there is no danger of any in the future at any of the meetings of said church, except from the persons who so as aforesaid pretend to fear the same, or their said associates; and your orators are informed, and believe and charge, that one object of the said action of the said defendants at this time, is to interfere with and prevent the holding, at the said meeting-house, by the members of said society, of the next regular quarterly meeting regularly occurring, and appointed to be held at the said meeting-house, on Monday, the twenty-eighth instant, at which some of them herein before named 40

are summoned to appear and answer as aforesaid, and generally to so distract and interfere with the business of said church that some irregularity or cause of complaint may be found in any action had by said society, and that they may plunge the same into litigation and trouble, and ultimately embarrass, break up, and destroy it.

And your orators further show unto your Honor, that in pursuance of the resolutions and directions of the said meeting of the said society, held as aforesaid, on the sixteenth of
10 June, instant, and in the exercise of their rights and the discharge of their duty, your orators, the said trustees, have quietly and peaceably entered into and resumed the possession of the said meeting-house and property, and hold the same subject to the use of the said pastor, and the said society, and congregation, for their regular and appointed religious and business meeting, and for all other the appropriate uses of said society, and the pastor, and members thereof.

And your orators further show unto your Honor, that they have frequently and in a friendly manner applied to the said
20 defendants, and requested that they would recognize and respect the rights of your orators, and of the said church, and the members thereof, in the premises, and would desist from their aforesaid unlawful conduct, and from closing the said meeting-house against the said church and congregation, and the pastor, trustees, members and pewholders thereof, and from preventing the holding therein of the regular and appointed religious and business meetings of the said church, and its appropriate and proper use by the said society, the pastor and members thereof, and from interfering with, or
30 hindering the same. And your orators well hoped that they would have complied with such reasonable request, but now so it is, may it please your Honor, the said Rollin H. Morgan, Alfred McCully, Abel C. Tallman, William Groves, and George Taylor, combining and confederating with the said Isaiah Woolston, Josiah D. Rodgers, Edmund E. Read, and Thomas W. Wilkinson, and other evil disposed persons, whose names are to your orators at present unknown, but which when discovered, your orators pray be inserted herein, with proper and apt words to charge them as parties defendants
40 herein, have utterly refused and still do refuse so to do, some-

times giving out and pretending that your orator, the said Frank B. Rose, is not the regularly called and settled pastor of the said church, and is not entitled to act as such; and sometimes they give out and declare, that the said Rollin H. Morgan and Alfred McCully, are members of the said board of trustees of said church, and that the action of the said Abel C. Tallman, William Groves, and George Taylor, with their assent and concurrence at the meeting held on the third day of June, as aforesaid, was regular, legal, and effective, as the action of the said board of trustees of said church, and 10 that the said trustees have the right, and are invested with the legal power wholly to control the said meeting-house and property, and to prescribe its uses, and that they do not hold the same for the use of the said society, the members and pastor thereof, or subject to the control or direction of the said society, and are not bound to allow the same to be used for the regular religious and business meetings of said society, or for the worship exercises and ministrations of the members and pastor thereof, and that the said pastor and said members of said society, and pewholders in the said 20 meeting-house, have no right to the use thereof, for their religious and business purposes, except at the will and by the consent of the board of trustees, and that the action of the said church on the subject of closing said house, condemning and reversing the action taken by them, and directing the same to be opened, had, at their said meeting, held on the sixteenth of June, instant, was entirely without force or authority, the contrary of all which allegations your orators expressly charge to be true, and that your orator, the said Frank B. Rose, is the regular called and installed pastor of 30 said church, called and engaged by the said society, and entitled to act and discharge the duties of such pastor. And that the trustees of said church hold the said meeting-house in trust for the said society, and subject to the rights and appropriate uses thereof, and of its members and pastor, including the right of holding therein the regular and appointed religious and business meetings of the society, and its use by the members of said society, and its pastor, for public worship, exercises, and ministrations; and that the said trustees have no power or authority to close the same against 40

said society, its members and pastor, or to prevent or hinder the regular or appointed meetings, worship, exercises, and ministrations therein; and that the action, or pretended action, of the said meeting of said trustees, held, or pretended to be held, on the third day of June, instant, was entirely illegal and of no effect, and that the action by the meeting of said society on the said sixteenth day of June, condemning and reversing the action of said meeting, or pretended meeting of said trustees, and directing that the
10 said meeting-house should be opened, was regular, valid and binding on said trustees, and all others affected thereby, and that the said meeting-house ought to have been immediately opened by them, in obedience to such directions, and they ought at once to desist from interfering with or hindering the use of the same, as aforesaid.

And your orators further show unto your Honor, and charge that the said defendants, instead of opening the said meeting-house, in accordance with their said duty, and the direction and command of said church, utterly refused so to
20 do, and that they still retain the key of the said meeting-house, so as aforesaid taken away by them, with the intent to incommode and interfere with the convenient and peaceful entrance of your orators and the members of said society therein, for the regular and appropriate use thereof, and still threaten and intend to have the same closed against the said society, the members, trustees, and pastor thereof, and any worship, exercises, or ministrations therein by them, and to prevent the holding therein of the regular and appointed meetings of said society, for worship or for business, and
30 particularly the said quarterly meeting of said society, to be held therein on the twenty-eighth instant, as aforesaid, and they still keep a person watching in front of said meeting-house, to give notice of any intention on the part of your orators, or of the said society, to use the same for the meetings of the said society, to the end, as your orators believe and charge, that they and their associates may interfere with, interrupt, hinder, and prevent the holding of the same.

All which actings and pretences of the said defendants are contrary to equity and good conscience, and tend to impair
40 the usefulness of the said church, and its influence for the

promotion of the christian objects for which said society was formed, and to the manifest wrong and injury of your orators, and the members of said society, whom they represent herein. In tender consideration whereof, and forasmuch as your orators are without adequate remedy in the premises, by the strict rules of the common law, and without the aid of this honorable court, where matters of this kind are properly cognizable and relievable—to the end, therefore, that the said defendants, and their confederates, when discovered, may, upon their several and respective oaths or affirmations, 10 full, true, perfect, and distinct answer make to all and every the matters aforesaid, and that as fully as if the same were here again repeated, and they thereto particularly interrogated, paragraph by paragraph, and particularly whether they, or some of them, have not signed, entered into or joined with each other, or with some other person or persons, in a writing or agreement, counseling or encouraging the said Abel C. Tallman, William Groves, George Taylor, Rollin H. Morgan, and Alfred McCully in the action taken by them as aforesaid, in closing the said meeting-house, and 20 to share or contribute to, or pay any expense or damages which they or any of them might incur or be put to, by reason or in consequence thereof; or, if they have not signed, joined, or entered into such writing or agreement, whether they, or some of them, have not signed, entered, or joined in some writing or agreement, in all or in some respects of like or similar import or effect; and if they have so signed, entered into, or joined in any or either such agreement or writing as above referred to, then what the language, terms, and effect of such agreement was, in every particular, and by 30 whom the same was signed, and who joined therein, and that it may be decreed, by the judgment and decree of this honorable court, that the said Rollin H. Morgan and Alfred McCully are not trustees of the said church, and that any action on their part as such is illegal and of no effect, and that they may be restrained from hereafter acting as such; that “The Trustees of the Baptist Church in Camden” hold the meeting-house and property of the said church, as trustees for the said society, subject, at all times, to the possession and use of the same by your orator, the pastor of the 40

- said church, and by the members of said society and congregation, and the pewholders therein, for his and their regular and appointed services, ceremonies, and ministrations, and for all meetings of said church, for public worship and instruction, and for the business of the said society, including the regular quarterly meetings of said church, and that the said society have the sole power to appoint, prescribe, and regulate the same, according to their customs and rules, and the doctrine and discipline of the association of christians to
- 10 which they belong; and that the action of the said Abel C. Tallman, William Groves, George Taylor, Rollin H. Morgan, and Alfred McCully, in closing the said meeting house of the said society, and preventing the use and occupation of the same by the said society, and its pastor, members, trustees, and pewholders, for the purposes aforesaid, was wholly illegal and of no effect; that the appropriations or use of the funds of the church to accomplish, maintain, and continue the same is wholly unauthorized, and that the defendants do account for all moneys of the church so used.
- 20 And that your orators and the members of said church and congregation, and the pewholders therein, have the right to hold, occupy, and use the said meeting-house and property in manner aforesaid, for the purposes aforesaid, and for all other the appropriate uses of said church without the hindrance or interference of the said defendant, or of any other persons; and that the defendants, their attorneys, agents, and servants, and all persons acting with and for them be restrained, by the order and decree of this honorable court, from closing the said meeting-house, and keep-
- 30 ing the same closed against your orators, the pastor and trustees of said church and congregation, or the pewholders therein, and from any way preventing, hindering, or interfering with the use of the said meeting-house and property, by the said pastor and the said society, for the regular quarterly meeting of said church, to be held therein on the twenty-eighth of June, anno domini eighteen hundred and sixty-nine, and for all other meetings of said society for public worship or business, and for all other religious services, exercises, and ministrations of the said society and their
- 40 said pastor; and that your orators, and those that represent

may have such other and further relief as the nature of the case may require, and as may be agreeable to equity and good conscience.

May it please your Honor, the premises considered, to grant unto your orators not only the state's writ of injunction issued out of and under the seal of this honorable court, to be directed to the said Rollin H. Morgan, Alfred McCully, Abel C. Tallman, William Groves, George Taylor, Isaiah Woolston, Isaiah D. Rodgers, Edward E. Read, and Thomas W. Wilkinson, and their attorneys, agents, and servants, 10 and all and every person acting for them, strictly enjoining and restraining them and each of them from closing the said meeting-house, and keeping the same closed against your orators, the said pastor and trustees of the said church or the members of the said church and congregation, or the pewholders therein, and from in any way preventing, hindering, or interfering with the use of the said meeting-house and property by the said pastor and the said society for the regular quarterly meeting of the said church, to be held therein on the twenty-eighth day of June, 20 anno domini eighteen hundred and sixty-nine, and for all other meetings of said society for public worship or business, and for all other religious services, exercises, and ministrations of the said society and their said pastor; but also, the state's writ of subpœna, to be directed to the said defendants, Rollin H. Morgan, Alfred McCully, William Groves, George Taylor, Abel C. Tallman, Isaiah Woolston, Isaiah D. Rodgers, Edward E. Read, and Thomas W. Wilkinson, therein and thereby commanding them and each of them on a certain day, and under a certain penalty, therein to 30 be expressed, personally to be and appear before your Honor in this honorable court, then and there to answer the premises, and to stand to, abide and perform such decree as to your Honor shall seem meet, and shall be agreeable to equity and good conscience. And your orators will ever pray, &c.

ROBESON & SCOVEL,

Solicitors for and of counsel with complainants.

State of New Jersey, Camden county, ss.—Frank B. Rose, David Lock, Charles Watson, Henry U. Howes, and Andrew 40 I. Nichuals, the complainants in the above bill, being duly

sworn, on their respective oaths say—that the facts, matters, and things in the above bill set forth, so far as they relate to the acts and deeds of deponents, respectively, are true, and so far as they relate to the acts and deeds of others, or are stated on information and belief, they believe them to be true.

FRANK B. ROSE,
CHAS. WATSON,
HENRY U. HOWES,
A. I. NICHUALS,
DAVID LOCK.

10

Sworn and subscribed, before me, at Camden, this 23d day of June, A. D. 1869.

M. B. TAYLOR, *M. C.*

State of New Jersey, Camden county, *ss.*—*Frank B. Rose*, of full age, being duly sworn, on his oath doth depose and say—that he is the regularly called and settled pastor of the said the Baptist church in Camden, having been called by the church, by a vote of the members thereof, as in the above bill is set forth, and installed as pastor in February, 1866; 20 that he has not been dismissed or discharged by the said church, but still remains the regular pastor thereof; that by the customs, rules, and discipline of said church, he, as such pastor, is entitled at all times to enter, use, and occupy the meeting-house of said society, and to hold and officiate at all meetings for religious worship and services therein, and to be present and preside at all business meetings of said society; that the times and places of all these meetings, when not fixed by law, are determined by the will of the members of the said church, regularly expressed, or in the absence of 30 such express regulation, on special occasions, by the announcement of the pastor, and on general occasions, by the customs and practice of the church.

That by the rules, doctrines and disciplines of the said church, the trustees thereof, apart from their legal character, are a mere standing committee of the congregation, for the purpose of holding the title to the property; for the appropriate and customary uses of the society, including all meetings for public worship and business, and all other services

and exercises of the church and congregation ; that the said trustees have no power or authority over the pastor of the said church, nor any power to fix, regulate, limit, or in any way interfere with any of the services, exercises, or meetings of the church, or to fix the times or places or conditions of holding the same ; that on Sunday, the sixth instant, the congregation of said church assembled at the meeting-house at the usual time of morning meeting, and found the same closed and fastened ; that deponent, as the pastor of said church, was there present, ready to officiate—but that, 10
unable to obtain an entrance into the said church, he and they were obliged to retire without service, and that they did so at his request, rather than be the occasion of scandal and disturbance in the public street on Sabbath day ; that the said church edifice remained closed, and he and the members of the church shut out therefrom for near three weeks ; and that the key still remains in the possession of the persons who closed the same, who refuse to deliver it up ; that the action of the defendants named in this bill, in closing the said church, as stated therein, was wholly without authority 20
and unwarranted by the rules and practice of the church ; that the regular meetings for public worship by the said church have been held in the court-house in Camden, because they were locked out of their said meeting-house, to the great discomfort and inconvenience of the said church, and its members and of deponent ; that the action of the said church, at their special meeting, in the said bill referred to, which was held regularly on the sixteenth of June, instant, condemning and reversing the action of the said portion of the said trustees, was in all things regular and within the power of the said 30
meeting, according to the rules and discipline of said society, and that the requirement of the said meeting ought to have been at once complied with, but that the said defendants refused to comply with the direction of the said church to open the said meeting-house, and still persist in endeavoring to prevent the meetings of the said society from being held therein, and in endeavoring to exclude this deponent and the members, pewholders, and other trustees therefrom.

And deponent further says, that the said Rollin H. Morgan and the said Alfred McCully, were named as trustees 40

of said church after the other seven trustees had been elected, as is stated in the said bill, and that the said Abel C. Tallman is no longer a member of said church in Camden, he having asked for and received his letter of dismissal for the purpose of joining a church in the city of Philadelphia, and that in the present condition of the church, the persistent efforts of the said defendants to prevent and interfere with the holding of the religious and business meetings of the church in their said meeting-house, is of great
10 injury to it, and to its influence for good, and to the cause for the advancement of which it was established.

FRANK B. ROSE.

Sworn and subscribed before me, at Camden, this 23d day June, 1869.

M. B. TAYLOR, M. C.

State of New Jersey, Camden county, ss.—*Charles Watson* and *Andrew I. Nichuals* being respectively sworn, on their oaths depose and say—that they are trustees of the said Baptist church within named; that statements of the said bill
20 in regard to the election of Rollin H. Morgan and Alfred McCully, are true; that though they each received the notice of the meeting of the said trustees for the third day of June, instant, yet neither of these notices contained any notice of the object for which the said special meeting was to be held; that they attended at the meeting-house, at or about the hour of half-past seven, the time named in the said notices; that as they were about to enter, the said Abel C. Tallman, William Groves, George Taylor, Rollin H. Morgan, and Alfred McCully, came out of the said meeting-house and
30 fastened the same behind them, pushing the said Andrew I. Nichuals off of the entrance as he was about to enter; that it was not more than two or three minutes after half past seven, the time fixed for the said meeting, when the said defendants came out as aforesaid, and that the said Henry U. Howes, who was the regular secretary of the said board of trustees, and had the custody of the minutes, had just arrived, and had not yet entered the said meeting-house; that the said church remained closed, and the pastor thereof, and the

members, and these deponents, and their associate complainants in this bill, though themselves trustees of said church, and joint holders of the legal title thereof, entirely excluded and shut out therefrom for the space of twenty days, including three Sundays, upon which the regular church services of the said society should have been held in said meeting-house, but which they were obliged to omit or hold elsewhere; that the church edifice and property of the said society is very valuable, and worth at least thirty thousand dollars, and the same was built for the purpose of holding 10 therein the religious worship and exercises and business meetings of the said church, and is held by the said trustees for that purpose, and in no respect for their own benefit or subject to their control, and that the excluding of the said church the members and pastor thereof from their said meeting-house, and then being obliged to hold their meetings for religious worship and business elsewhere, is a great injury and wrong to the said church, and to its members and pastor, and to the cause of religion.

And deponents further say, that the said defendants have 20 refused to comply with the direction of the said church to re-open the said meeting-house, and still persist and continue their endeavors to prevent the use of the same by the said church, and the members and pastor thereof, and these deponents, for the religious or business meetings of said church, or for any other purpose.

A. I. NICHUALS,
CHAS. WATSON.

Sworn and subscribed before me, at Camden, this 23d day
of June, 1869.

M. B. TAYLOR, *M. C.*

Answer.

[Filed December 9, 1869.]

The joint and several answer of Rollin H. Morgan, Alfred McCully, William Groves, George E. Taylor, Abel C. Tallman, Isaiah Woolston, Josiah D. Rodgers, Edmund E. Read, and Thomas W. Wilkinson, the defendants to the bill of complaint of Frank B. Rose, Charles Watson, Andrew I. Nichuals, Henry U. Howes, and David Lock, complainants.

10 These defendants, now and at all times hereafter, saving and reserving to themselves all and all manner of benefit and advantage of exception which can or may be had or taken to the many errors, uncertainties, and imperfections in the said complainants' said bill of complaint contained, for answer thereunto, or unto so much and such parts thereof as these defendants are advised is or are material or necessary for them to make answer unto, these defendants answering say—

20 That "The Trustees of the Baptist Church in Camden," the corporation and body politic by that name, mentioned and referred to in said bill of complaint, and therein stated to have become incorporated on or about the twenty-ninth day of March, eighteen hundred and nineteen, in accordance with a statute of this state, then in force, entitled "an act to incorporate Trustees of Religious Societies," and passed on the thirteenth day of June, seventeen hundred and ninety-nine, is a necessary party to said bill of complaint, and should have been made a party defendant thereto, inasmuch as the legal title to the meeting-house or church edifice, and the lot of land appertaining thereto, mentioned in said bill
30 of complaint, (the possession of which is claimed by said complainants, for themselves and others, in whose behalf they claim to have exhibited said bill) is in said corporation; and these defendants therefore ask and claim the same benefits and advantage of exception to said bill, by reason of said corporation not being a defendant thereto, as if these defendants, for that cause, had demurred or pleaded thereto.

And these defendants further answering, admit that the said complainant, Frank B. Rose, was nominally the pastor of the First Baptist Church of the city of Camden, mentioned in said bill of complaint, at the time of exhibiting said bill, but they aver and state the truth to be, that prior to that time, to wit, on the twenty-ninth day of March, eighteen hundred and sixty-nine, in consequence of very serious dissensions between him and a large majority of the members of that church, he had resigned his said pastorate, to take effect on the first day of July then next; that his said 10 resignation had been duly accepted; that it took effect on that day; that he thereupon ceased to be the pastor of that church, and that he is not now the pastor thereof, as will be herein after more fully explained.

And these defendants further answering, admit that all the said complainants, at the time of exhibiting their said bill of complaint, were members of said church; that except the said complainant, Frank B. Rose, they constituted four of the board of nine trustees of said church, and that, including the said Frank B. Rose, three of them, viz. Henry U. Howes, 20 David Lock, and Frank B. Rose, were pewholders in said church; but these defendants deny that the complainants, Charles Watson and Andrew I. Nichuals, or either of them, were or had been pewholders in said church, since the first day of the then last preceding month of April.

And these defendants further answering, deny that said complainants either exhibited said bill of complaint, or prosecute the same in behalf of all the members of said church, except these defendants; on the contrary, these defendants aver and state the truth to be, that at the time of 30 exhibiting said bill, the whole number of the members of said church, according to the authentic list thereof in the records of said church (which these defendants believe to be accurate), was two hundred and fifty-three—a copy of which list, marked *Schedule A*, is hereunto annexed; that of this number, one hundred and thirty-three, including these defendants, have signed a writing, bearing date “July nineteenth, eighteen hundred and sixty-nine,” approving of the action of the board of trustees of said church, in the closing of said church edifice (complained of in said bill), and re- 40

questing that it should remain closed until the painful difficulties among its members should become settled or assuaged, a copy of which writing, and signatures subscribed thereto, marked *Schedule B*, is also hereunto annexed; that eight others of said members, a list of whom is hereunto annexed, marked *Schedule C*, while they, also, approved, and do approve of the aforesaid action of said board of trustees; yet decline signing any paper for or against said action, making one hundred and forty-one of the members of said church

10 who approve of the action of said board of trustees, in the closing of said church, and leaving only one hundred and twelve to co-operate with said complainants, even if they all sympathize with them; but, as these defendants are credibly informed and believe, only about fifty-nine of the last mentioned members, a list of whom is hereunto annexed, marked *Schedule D*, approved of the action of said complainants in exhibiting said bill, or of their conduct in the matters relating to said church; and, as to the remaining fifty of the members of said church, many of whom are absent, or have

20 not for a long time attended said church, these defendants have not been able to find them, or ascertain, with any reliable accuracy, their sentiments in regard to the action of either party; but these defendants believe that a majority of them approve of the action of said board of trustees in closing said church.

And these defendants further answering say, that as to the "congregation" in the habit of attending public worship at said church, other than the aforesaid members thereof, these defendants do not know, and have no means of accurately ascertaining their sentiments in regard to the action

30 of either party to this controversy; but these defendants, answering according the best of their knowledge, information, and belief, believe that a large majority of such congregation approve of the action of said board of trustees in the closing of said church; and these defendants deny that said complainants exhibited or prosecute said bill of complaint in behalf of said congregation, or of any considerable number of them.

And these defendants further answering say, that by an

40 established rule of said church, made and recorded in the

minutes of its proceedings of the fifteenth day of April, eighteen hundred and sixty-one, and which has ever since remained and been adhered to and acted upon by said church, none but adult male members of said church have a right to vote in or concerning any of the business of said church, temporal or spiritual, except in the elections of pastors or deacons, a copy of which rule marked *Schedule E*, is hereto annexed.

And the defendants further answering say, that of the aforesaid one hundred and forty-four members herein before 10 stated to approve of the action of said board of trustees in the closing of said church, thirty-seven are adult male members of said church, and of the aforesaid fifty-nine members, herein before stated to approve of the action of said complainants, only fourteen are adult male members of said church, and these defendants annex hereto lists of said adult male members in *Schedule F*, hereto annexed.

And these defendants further answering, admit that said church is a religious society consisting of more than one hundred members, professing the faith of christians called 20 Baptists, organized as an independent society for christian worship and instruction, in said city of Camden, according to the customs, forms, and usages of that denomination of christians in the United States; that not said society, but certain trustees of said society, were incorporated in the manner and at the time for that purpose stated in said bill of complaint, and that said society, although professing the same faith of said Baptist denominations in this country, is yet, so far as these defendants know, in its government independent of their control, and subject only to the laws of 30 this state and country.

And these defendants further answering say, that the said society was formed some time prior to the fourteenth day of April, eighteen hundred and eighteen, but they do not know, and have no means of more accurately ascertaining precisely, at what time it was formed; that the said society was in existence on the said fourteenth day of April, eighteen hundred and eighteen, and Reuben Ludlam, and Isaac Smith, and Sylvanus Sheppard were then the trustees thereof, and that on that day, one William Porter, and Eliza J. his wife, 40

by their deed of indenture of that date, conveyed to said trustees, by their said names as such trustees, "and their successors," the lot of land mentioned in said bill, numbered one hundred and twenty-six on the plot of Camden, as laid out by one Jacob Cooper, and on which the meeting-house, or church edifice, or nearly all of it, mentioned in said bill of complaint, now stands, to have and to hold the same with its appurtenances unto the said trustees and their successors, "to the only proper use, benefit, and behoof of
10 them, the above mentioned trustees and Baptist church and their successors for ever," as in and by said indenture now in possession of these defendants, duly executed under the hands and seals of said grantors, and by them duly acknowledged before a proper officer, on the day of its date, and subsequently on the twenty-second day of the then ensuing month of May, recorded in the clerk's office of the county of Gloucester, in Book C C of Deeds, will more fully appear, and to which, for greater certainty, these defendants refer.

20 And these defendants further answering say, that the object, true intent, and meaning of the said deed of conveyance was to vest a legal estate, in fee simple, in the said trustees and their successors in office in perpetual trust, for the religious or ecclesiastical uses and purposes of the members of said society, according to the rules and regulations of said society, and for the erection and maintaining thereon a meeting-house, or church edifice, as and for a place of public worship for said society, according to the rules, regulations, and discipline of said society; and that, as such trustees, it became,
30 and was, and is, the duty of them and their successors to erect and maintain, or permit and suffer to be erected and maintained thereon, such meeting-house, or church edifice, and to suffer and permit the same to be thus used; and that, for that purpose, not only the legal title, but the legal and actual possession and control of said premises became vested in said trustees for the time being, and their successors, to have and hold the same in trust, for such uses and purposes, and as such trustees, being periodically elected or appointed by the members of said society, under the rules and regula-
40 tions thereof governing such elections or appointments, they

necessarily become, and are, during the terms of their office, responsible for a proper execution of their trusts, and are, for the time being, the sole and proper judges of what constitutes their duties, being responsible in the execution of said trusts, to the civil or temporal tribunals only, for wilful or intentional breaches of said trusts; and these defendants further respectfully submit that the full and complete execution of the trusts contemplated by said conveyance, required that the legal estate vested in them should be a fee simple, and that such estate, in equity, was vested in them 10 by said deed of conveyance, although the word "heirs" is omitted therein.

And these defendants further answering say, that one of the rules and regulations of said society was, and is, that the trustees thereof should and shall be periodically elected by such of the members of said society as by the rules of said society, at the times of such elections, are entitled to vote thereat.

And these defendants further answering say, that at or about the time of the said conveyance, or shortly thereafter, 20 the said trustees erected or caused to be erected, on said lot, a meeting-house, or church edifice, from funds voluntarily contributed by themselves, and by others of them who were either members of said society, or else felt such interest therein as to make voluntary contributions for that purpose; but these defendants do not know, nor have they any means of ascertaining by whom, or in what proportions such funds were contributed, and that so far as these defendants know and believe, the purchase money of said lot was in like manner contributed by or to said trustees, and that the said lot 30 and said edifice, when erected thereon, became and was legally the property and estate of said trustees, but in trust, for the use and purposes above set forth.

And these defendants further answering say, that on the eleventh day of March, eighteen hundred and nineteen, after the said conveyance, and as these defendants are informed and believe, after a meeting-house or church edifice had been erected on said lot as aforesaid, a meeting of the said society was duly held in said meeting-house or church edifice, upon ten days previous notice thereof, according to law, 40

and that at said meeting the said trustees, Reuben Ludlam, Isaac Smith, and Sylvanus Sheppard, were again duly elected the trustees of said society, for the purpose of being incorporated and becoming a body politic and corporate as the trustees of said society, according to the statute of the state of New Jersey then in force, entitled "an act to incorporate Trustees of Religious Societies," passed on the thirteenth day of June, seventeen hundred and ninety-nine; that, on being so elected, the said trustees accepted the said
10 trust, and took and subscribed the several oaths required by said statute, and took upon themselves the corporate name of "The Trustees of the Baptist Church in Camden," and certified the same under their hands and seals, and transmitted their certificate thereof to the clerk of the court of common-pleas of the county of Gloucester, within which the said town of Camden then was, who recorded the same in his office, whereupon the said trustees, according to the provisions of said statute, by their said corporate name, became
20 a body politic and corporate, with power to acquire, have, and hold real and personal estate in trust, for the uses and purposes of said society, as herein before set forth, and to sell, assign, demise, and otherwise control and dispose thereof, and to make and use a common seal, and to sue and be sued in courts of law and equity, and to do all other acts and deeds, touching and concerning such real and personal estate, as should appertain to their trusts, as, by reference to a duly certified copy of the records of said certificate, now in the possession of these defendants and ready to be produced, will more fully appear.

30 And these defendants further answering say and respectfully submit, that said trustees, incorporated as aforesaid, thereupon became and were, in their corporate capacity, the successors or successor of themselves, as the grantors in the aforesaid conveyance, and that the legal title and estate in said lot and its appurtenances became vested in said corporation, in trust for said society, and for the same uses, trusts, and purposes as said trustees, in their undivided capacity, immediately before becoming incorporated as aforesaid, had and held the same, and that said trustees, and their
40 successors, from time to time elected by said society, accord-

ing to the rules and regulations thereof, have been and now are said corporation, and in their corporate capacity have held, and do hold, the said lot of land in fee simple, but in trust for said society, to and for the ecclesiastical uses and purposes herein before set forth.

And these defendants further answering deny, that in any other sense than as above set forth, was the said lot of land conveyed to said trustees of said society, or that in any other sense than as above set forth was, or is, the said lot of land and its appurtenances, the property of said society; and these defendants admit, that from the time of the incorporation of said trustees down to the present time, the said trustees and their successors in office, have claimed and held that the legal title to said lot of land was and is in said corporation, in trust as aforesaid, and in their said corporative name, have purchased and held, and now hold, adjacent lots of land in their said corporate name and capacity, in and upon like trusts as are herein above set forth, touching the said original lot; and that it is on this original lot mostly, but in part on said adjacent lots, that the present meeting-house or church edifice, mentioned in said bill of complaint, now stands, which these defendants admit to be of about the dimensions stated in said bill of complaint, but they aver that the said lot, on which the same stands, is considerably less than stated therein; and they also admit that the said present meeting-house or church edifice, is the third one erected on said lot of land.

And these defendants further answering say, that the said present church edifice was erected on said lot or lots, in the year eighteen hundred and sixty-two, by the said corporation, as trustees as aforesaid, in part out of the voluntary subscriptions for that purpose, by these defendants and others, members of said society, and in part by others, not members thereof, and in part by moneys loaned to said corporation, and secured by it by bond and mortgage on said lot or lots, and said building thereon; and in its erection, it cost about the sum of sixteen thousand dollars, of which five thousand eight hundred dollars still remain unpaid, and secured as aforesaid, with about two years interest in arrear thereon.

And these defendants in further answering admit, that the

said society have always, as far as practicable, held their regular meetings for public worship and instruction, and for their church and congregational business, in the several church edifices which have been erected, as aforesaid, on said lot or lots; and they also admit that numbers of pews, in said present church edifice, are rented to members of said society, as well as to persons who are not members thereof, and that such pewholders are entitled to the regular use and occupation of their respective pews, for the purposes of
10 public worship, but these defendants respectfully submit that such use and occupation is necessarily limited to such times and occasions as the trustees of said society, for the time being, or a majority of them, in an honest and faithful discharge of their duties as trustees, having the care and custody of said building, think it prudent and proper to have the same opened for public worship, and that the direction of said trustees, in this respect, should not be restrained or interfered with, so long as it should be honestly exercised for the best interests of said society.

20 And these defendants further answering admit, that at the time said complainants exhibited their said bill of complaint, two of them, David Lock and Henry U. Howes, were pewholders in said church edifice; but these defendants deny, that at that time, and for nearly three months previous thereto, the said complainants, Charles Watson and Andrew I. Nichuals, were, or had been, pewholders therein.

And these defendants further answering say, they believe it to be true, that from the organization of said society, and the subsequent incorporation of the trustees thereof, as above
30 set forth, down to the present time, a board of trustees for said society has been duly elected and kept up, not however yearly, as stated in said bill of complaint; but these defendants deny, that the number of said board did not exceed seven until the twenty-eight day of December, next before exhibiting said bill of complaint, as therein stated; on the contrary, upon examination of the books of the minutes of the proceedings of said society, it appears that the elections or appointments of trustees up to December, eighteen hundred and fifty-one, were at irregular periods, sometimes several
40 years intervening such elections, since which period, they

appear to have been yearly; and that the number of said trustees has been frequently changed, never less than three, and never exceeding nine, as herein after stated; that is to say, when the first deed of conveyance for said church lots was made in eighteen hundred and eighteen, as herein before stated, the number of trustees was three, as stated in said deed, and also in the succeeding year of eighteen hundred and nineteen, when the said three trustees were incorporated as aforesaid; that when or how that number was first changed, these defendants have been unable to ascertain; but that the board had been increased to five, prior to the fifteenth day of April, eighteen hundred and thirty-one, appears by a minute of a meeting of said society held on that day, at which they resolved, previous to going into an election, "that the number of trustees to be elected be three instead of five," and thereupon proceeded to elect three, after which, on motion, they resolved, "that Marmaduke Shreve be an additional trustee," making the number four; again, on the eighteenth day of June, eighteen hundred and thirty-five, at a special meeting of said society, "held to elect two more trustees," they elected two additional trustees, "for an indefinite time," thus increasing the number apparently to six; afterwards, at a meeting of said society, on the first day of January, eighteen hundred and forty-four, held for the purpose of "electing four trustees to fill the board," that number was elected, but of how many the whole board then consisted, is not stated; again, at a special meeting of said society, held on the eighteenth day of October, eighteen hundred and forty-nine, three trustees were elected, but whether as a whole board, or to fill vacancies, does not appear, probably however, and as these defendants believe, to fill vacancies; and at a stated meeting of said society, held on the twenty-eighth day of April, eighteen hundred and fifty-one, it was resolved, that the trustees (not stating the number,) should serve until January, then next; and on the twenty-ninth day of December, next after the passage of that resolution, at a stated meeting of said society, seven trustees were elected; this is the first mention of seven trustees which these defendants have found in the minutes of the proceedings of said society, from which time to the year eighteen hundred and sixty-seven, a board of

seven trustees appear to have been elected yearly; but, at a regular meeting of said society for business, held on the thirty-first day of December, eighteen hundred and sixty-six, it was "resolved to go into an election of nine trustees to serve for the ensuing year," and thereupon such election was had, and nine persons were so elected, accepted the office, and served for that period of time; and afterwards, at the close of that year, on the thirtieth day of December, eighteen hundred and sixty-seven, a board of nine trustees were again
10 chosen for the ensuing year, among which were the same Rollin H. Morgan and Alfred McCully, two of these defendants, whom the said complainants, in their said bill of complaint, aver to have first assumed to act as trustees, on an illegal appointment, by way of adjunct, after the close of the annual election, one year thereafter; all of which nine trustees accepted office and served as such for the year next ensuing their said election.

And these defendants further answering deny, that at the subsequent election of said society for trustees, held on the
20 twenty-eighth day of December, eighteen hundred and sixty-eight, mentioned in said bill of complaint, and after the seven trustees therein named had been duly elected trustees for the ensuing year, and after their said election had been had, and its announcement made, that two of these defendants, said Rollin H. Morgan and Alfred McCully, "were named in addition as trustees, with the assent of the members (then) present;" and that on such "assent," not election, and given only "after the full legal number of trustees had been elected," the said two of these defendants "assumed"
30 to act as trustees, as stated in said bill of complaint; on the contrary, these defendants aver, and state the truth to be, that said election, on the day and year last mentioned, was by ballot, tellers of which were duly appointed, and received, counted, and reported the number of votes, there being but one ballot, by which it appeared, and was so announced by said tellers, that the said two defendants, Rollin H. Morgan and Alfred McCully, with the seven other trustees named in said bill, were duly elected trustees for the ensuing year, as by the minutes of such election, duly entered at or about the
40 time thereof, in the minute book of said society, now in the

possession of these defendants, will more fully appear; and these defendants, for greater certainty on this point, incorporate herein a true copy of said minutes, as follows, to wit:

“The annual election for officers being the next business in order, brother T. W. Wilkinson was, on motion, unanimously elected church clerk, to serve for the year eighteen hundred and sixty-nine.

“The election of trustees being next in order, brothers Harvey and Saunders were appointed tellers. The church then proceeded to vote by ballot, when the tellers reported 10 the following named brothers duly elected, (having received the requisite number of votes) to serve as trustees during the year eighteen hundred and sixty-nine.

“*Trustees for 1869.*—R. H. Morgan, William Groves, A. C. Tallman, George B. Taylor, Alfred McCully, Henry U. Howes, A. I. Nichuals, David Lock, Charles Watson.”

And these defendants further answering say, that at the times of the last three elections of trustees above mentioned, the said complainant, Frank B. Rose, was the pastor of said religious society or church, and presided at each of said elec- 20 tions; that Charles Watson, one other of said complainants, was, at each of said elections, elected a member of each of the said three boards of nine trustees; that Andrew I. Nichuals and David Lock, two other of said complainants, were, at each of said last two elections, elected members of each of said two boards of nine trustees, elected thereat; that Henry U. Howes, the other of said complainants, at the last of said three elections, was elected a member of the board of nine trustees, elected thereat; and that the said complainants, Charles Watson, David Lock, A. I. Nichuals, and H. 30 U. Howes all well knew of their said elections as members of the said several boards of nine trustees of which they were so elected members, accepted the offices to which they were so elected, and afterwards served as members of said respective boards; and, consequently, with the said complainant, Frank B. Rose, must have known the statements in their said bill, touching the last of said three consecutive boards of nine trustees, herein above mentioned, to have been exceedingly inaccurate, if not grossly untrue.

And these defendants further answering, aver and state the truth to be, that not only was said defendant, Rollin H. Morgan, elected a member of each of the said last two boards of nine trustees, but that, after his said last election, he was duly appointed president of said board, and regularly presided at the frequent meetings of said board, and performed all the other duties appertaining to that position.

And these defendants further answering, submit that even if our act to incorporate religious societies, mentioned in
10 said bill of complaint, should be construed to limit the number of trustees to seven, except at the time of becoming incorporated (and these defendants respectfully submit that it should not be so construed), yet that the nine trustees having been, three years in succession, in good faith, elected as herein above stated, and accepted the office to which they were so elected, they thereby became and were, *de facto*, trustees, each one as legally so as the other, and that their respective rights were equal—no one exposed to challenge more than another—and that the right of neither to his said
20 office could be challenged or inquired into, collaterally; but these defendants respectfully submit, that by a fair and proper construction of said act, the number of trustees is limited only to the time of their becoming incorporated.

And these defendants further answering admit, that the said complainant, Frank B. Rose, was elected and called to be pastor of said religious society or church, in the manner stated in said bill of complaint; that he accepted said call and entered upon its duties, and was entitled to all the rights and privileges which appertain to that office.

30 And these defendants further answering admit, that on or about the third day of June last, Rollin H. Morgan, one of these defendants, as the president of the board of trustees of said society, requested the said complainant, Henry U. Howes, the clerk or secretary of said board, to notify the several members that a meeting thereof would be had at the time and place mentioned, for that purpose, in said bill of complaint, and that such notice was given by him to such members, and, as these defendants suppose and believe, in the usual and proper form and manner.

40 And these defendants further answering say, that at the

time and place so appointed for the meeting of said board of said trustees, these defendants, Rollin H. Morgan, Alfred McCully, William Groves, Abel C. Tallman, and George E. Taylor, five of the said board and a majority thereof, convened pursuant to said notice, that after waiting some five minutes beyond the time so appointed for said meeting—to wit, until thirty-five minutes past seven o'clock—the said trustees, so convened, in the usual way organized and proceeded to the proper business of said meeting, without any knowledge or intimation that the other four members of 10 said board desired, or intended to be present, or that they were at the door of said church, although David Lock, one of said four trustees, a few minutes before the said board proceeded to business, came into said church, but in a few minutes retired without giving any intimation of an intention to return, and without, as said board supposed, intending to return; that after said David Lock had retired as aforesaid, the said board of trustees proceeded, in the usual way to business, by Rollin H. Morgan, the president of said board and one of these defendants, submitting a written communication which he had received, signed by a large num- 20 bers of the members of said church, recommending the board to close the said church until the unhappy differences then existing among its members should in some mode become settled, and briefly stating to the board that the principal object of the meeting was to consider that communication; whereupon the said board, upon consideration thereof, unanimously passed the preamble and resolutions, of which the following are copies, to wit:

Whereas, At a regular meeting of this church, held on 30 the twenty-fifth day of March last, the resignation in writing of the Rev. Frank B. Rose, as pastor of this church, was accepted, to take place on the first day of the approaching month of July; and whereas, as well before as since such resignation, feelings of discontent touching the said pastor, threatened and do threaten to disturb the peace of the church, which may lead to violence among the members—it is, therefore

Resolved, That in order to avoid all disorderly or unchristian proceedings, at times of public worship or business, this 40

board deem it prudent, and therefore order that the church edifice be closed against any meetings for public worship or business until after the first day of July next and further order of this board, and that the salary of said pastor up to that day be paid him by the treasurer.

Resolved, That the president of this board be authorized to secure such legal advice, take such measures, and call to his aid such peace officers as he may consider necessary to retain the peaceful possession of this edifice and protect it
10 from injury.

Resolved, That this board cannot, in justice to this church they represent, assume the legal responsibility in the call of the Rev. Frank B. Rose as pastor of the same, by a faction of the said church, on May thirty-first, eighteen hundred and sixty-nine, as said call is extended without a proper consultation of said church.

Resolved, That no regular authorized meeting of this church for business has been held since May third, eighteen hundred and sixty-nine, and, therefore, the aforesaid reported
20 re-call of Frank B. Rose as pastor of said church is illegal, null, and void.

And these defendants further answering say, that the said resolutions were presented to, considered by, and unanimously passed at a regularly convened board of the trustees of said church, acting as, for, and in behalf of the said corporation, in which the legal title and custody of said church edifice then was and still is; that in passing the two first of said resolutions, which relate to and direct the closing of the said church edifice, as therein stated, the said board acted
30 *bona fide*, and, as it then believed, and still believes, for the best interests of said church, temporal and spiritual, to protect the building and property in it from injury, and the members of the church when assembled there for worship or business from the scandal of unchristian violence and conflict; that the conduct of said board in closing said edifice, as it then believed and still believes, was both asked for and sanctioned by a large majority of the members of said church, and of others not members, but in the habit of attending there at times of public worship, and that the fears of said
40 board and others who sanctioned their conduct in closing

said church, were well justified by the fact that but shortly before the passage of said resolutions, at a time of public worship, the excitement and dissensions in the congregation resulted in an open quarrel and personal conflict in the church between two of its members, and, subsequently, but before the passage of said resolutions, to an open personal conflict on one of the public streets in said city of Camden, between the said complainant, Frank B. Rose, the pastor, and one of these defendants, Isaiah Woolston, a member of said church.

10

And these defendants further answering say, that the last two of said resolutions relate to the unhappy dissensions between the said complainants, Frank B. Rose and the members of said church, which had so reduced the income of said church as to render it difficult for said board of trustees to pay his salary, and to render it wholly unable to keep down the current interest on the aforesaid mortgage debt; that this painful and embarrassing condition of feeling and finance induced the members of said church to desire, and the said complainant, Frank B. Rose, the pastor, to tender the resignation of his pastorate, as herein before stated, on the twenty-eighth day of March, eighteen hundred and sixty-nine, to take effect on the first day of the then next ensuing month of July, which on the next day, *viz.* the twenty-ninth of March, anno domini eighteen hundred and sixty-nine, on presentment to a regular quarterly meeting of the members of said church, was promptly accepted, as more fully appears by the following copies of said resignation, and minutes of its acceptance, *viz.*

20

COPY OF RESIGNATION.

30

To the members of the First Baptist Church, Camden, N. J.:

My resignation of the office of pastor of this church is hereby tendered, to take effect upon the first day of July, proximo.

Very truly,

(Signed)

FRANK ROSE.

Camden, N. J., March 28, 1869.

COPY OF MINUTES.

The pastor's resignation was then read by the clerk, as follows:

To the members of the First Baptist Church, Camden, N. J.:

My resignation of the office of pastor of this church is hereby tendered, to take effect upon the first day of July, proximo.

Very truly,

FRANK B. ROSE.

10 A motion was made by brother Woolston that the vote on the resignation be by ballot, which was adopted.

Brethren Samuel and Tallman were, on motion of brother Wilkinson, appointed tellers.

A motion was then made to accept the resignation of the pastor.

The church then proceeded to vote, and the tellers reported that nineteen (19) votes were cast for the motion, and seven (7) against it.

20 Deacon Rodgers, chairman, announced the result of the vote as above, and that the resignation was accepted, to take effect on the first day of July, eighteen hundred and sixty-nine.

On motion, Deacons Peak, Collings, and Read were appointed a committee to wait on the pastor, and inform him of the action of the church, and to make any arrangement that they could with him, in order to bring his labors to a close.

30 And these defendants further answering say, that having accepted the resignation of the said complainant, Frank B. Rose, as set forth in said minutes, the said quarterly meeting adjourned to meet again at the call of said committee appointed to wait on him, as aforesaid; that afterwards, on the call of said committee, an adjourned quarterly meeting was held at said church, to hear the report of said committee, the action of which, as these defendants believe, will most clearly appear by the following copy of the minutes of said adjourned meeting, *viz.*

First Baptist Church, Camden, May 3d, 1869.

An adjourned meeting was held this evening.

Devotional exercises [were*] conducted by the pastor, at the close of which he insisted upon his right to preside at the meeting. Deacon Rodgers claimed his right to the chair, but the pastor asserted that he was chairman, and would preside over the meeting.

Deacon Peak then reported that the committee had waited upon the pastor, and offered him two months' salary, [in advance*] if he would retire from the pastorate; he refused 10 to do so, and no arrangement could be made with him.

The report was then, on motion, accepted, and the committee discharged.

A motion was then made to rescind a motion passed April fifteenth, eighteen hundred and sixty-one, pending which a motion to adjourn was made and adopted.

Adjourned.

(Signed)

T. W. WILKINSON, *Church Clerk.*

And these defendants further answering say, that the "motion," or rather "resolution," passed on the fifteenth 20 day of April, eighteen hundred and sixty-one, referred to in the above minutes, and attempted to be rescinded as therein stated, contains the rule established at that time, limiting the right of voting to the adult male members of said church, except in elections of pastors and deacons, herein before referred to, a copy of which is *Schedule E*, hereunto annexed; that the attempt to repeal that rule came from the said complainant, Frank B. Rose, and those who, at said meeting, co-operated with him, and that his and their object was to disorganize and get the control of said church 30 and church edifice, by extending the right of suffrage to females and minors, whom they hoped to influence or control, they then having at hand secretly, as these defendants understood and believed, such members to vote with them as soon as the said rule should have been abrogated.

And these defendants further answering say, that at the time of said meeting of the third of May, eighteen hundred and sixty-nine, according to a list in the possession of these

*Interlined in pencil.

defendants, which they believe to be accurate, there were fifty-one adults, male members of said church, entitled to vote at said meetings, thirty-seven of whom were known to be opposed to the said complainant, Frank B. Rose, and fourteen, including said Frank B. Rose, were in favor of or co-operated with him; that there were in attendance at said meeting, twenty-two of those who were opposed to him, and who voted for the said adjournment, stated in the aforesaid minutes of its proceedings, and there were also in attendance at said meeting, including said Frank B. Rose, nine who were in his favor, and who voted against said adjournment, making a majority of thirteen voting in the affirmative—yet the said Frank B. Rose, persisting in his right to preside at said meeting, and continuing in the chair, actually announced, and persisting in claiming and announcing that the motion was lost, whereupon the said members opposed to him, themselves declared the meeting adjourned, and, to avoid violence, withdrew with the clerk of said church, who withdrew with them, and recorded the adjournment, as stated in said minutes, in the book of minutes of the proceedings of said church, then and still in his possession, and ready to be produced; and these defendants have designated, on *Schedule F*, annexed hereto (a copy of said list of adult male members) those who voted as above stated.

And these defendants further answering say, that on the adjournment of said meeting, and the withdrawal of the anti-Rose members as aforesaid, the nine pro-Rose members remained, with some females and minors, and calling themselves the adjourned church meeting, re-organized by appointing one of said complainants, Charles Watson, who remained, clerk *pro tempore*, and thereupon proceeded to transact what they called the business of the church, minutes of which were kept by said clerk *pro tempore*, on a loose piece of paper, of which he subsequently furnished to these defendants a copy, in pencil, in his own handwriting, from which it appeared that, among other acts of a disorderly and disorganizing character, they passed a resolution declaring the said rule or resolution limiting the privilege of voting to adult male members repealed, “whereby,” as stated in said minutes, “the ladies and young men of this church were

deprived of their right to vote in the business meetings of this church;" but these defendants, although they deny the regularity and validity of these proceedings, as the unauthorized action of a faction in the church, yet, in order that the court may the better comprehend the real character of said proceedings, and the animus which actuated them, annex hereto a copy of said minutes, marked *Schedule G*.

And these defendants further answering admit, that upon the adjournment of the board of trustees, on the evening of the third of June, eighteen hundred and sixty-nine, after 10 passing the aforesaid resolutions to close said church edifice, the said trustees, constituting said board, came out of and left the said building together, and that on leaving said building, in pursuance of said resolutions, closed and fastened the same, and kept the same fastened and guarded until restrained therefrom by the writ of injunction out of this honorable court, upon the exhibiting and filing of said bill of complaint; but these defendants deny, that in leaving said building they knowingly, or intentionally, were guilty of any rudeness to said complainants, or any of them, then 20 standing by the door of said building.

And these defendants further answering say, that in the closing said church, said trustees acted in good faith, then believing and still believing, that they not only had a legal right, but that it was their legal and moral duty so to do, in order to protect the said church edifice, and church members, when assembled there for religious purposes, from a repetition of the unseemly and unchristian acts of dissention and violence, herein before mentioned, which had already brought reproach and shame to the members of said society; and in 30 its repetition, would almost necessarily involve it in bankruptcy and disgrace; that at the time of closing said church, the said board of trustees was sustained in their own convictions of right, by a very large majority of all the members of said society, as herein before stated, and urged by them to that course; that it was then perfectly obvious to these defendants, that the feelings which had been engendered among the members of said society and congregation, against the conduct and ministrations of the said complainant, Frank B. Rose, and which exhibited itself on almost all occasions of 40

coming together, had ended his prospect of usefulness, as pastor of said church ; and it seemed to said trustees, as well as the others of these defendants, that as he had already voluntarily terminated his pastoral connection by a written and accepted resignation, soon to take effect, the dissention in said church would more likely subside, and harmony be restored, by having it positively known and understood, that his connection with said church would certainly cease at the appointed time, rather than suffer his manœuverings to avoid it, then obvious, 10 from again and perhaps more violently disturbing the excited and irreconcilable feelings of the members of said church and congregation ; and these defendants therefore deny, that the action of said trustees in closing said church edifice, “ was wholly unauthorized, illegal, and contrary to, and in violation of their duty as trustees ;” on the contrary, they respectfully submit, that in so doing, they acted only in the line of their duty, and that their action was both legal and judicious.

And these defendants further answering say, they have 20 heard and believe it to be true, that on or about the sixteenth day of June, last, the said complainants, or some of them, with other members of said church held a meeting, and at such meeting passed the resolutions set forth in said bill of complaint, demanding, in substance, that said church should be at once opened for public worship; and that a copy of said resolutions were served on one of these defendants, Rollin H. Morgan, (who was then and still is president of said board of trustees, and had the custody of the keys of said church,) and 30 demanded of him the possession of said keys; but these defendants deny, that said resolutions were, or are of any force or authority, or that said Rollin H. Morgan, or these defendants, or any of them, were under any obligation to obey them, or the demands made under them ; on the contrary, these defendants respectfully submit, that the custody and care of said building did and does properly belong to said board of trustees, in trust, as herein before set forth, and not to the persons who had passed said resolutions, who neither were, nor in any sense represented said trustees, nor said church, nor any considerable number of its members, but were a 40 faction, the sequence only of the party that remained after

the adjournment of the meeting of said church, on the third day of May, eighteen hundred and sixty-nine, and acted in the manner set forth in their own minutes of their proceedings herein before referred to, and annexed as *Schedule G*, to this answer.

And these defendants therefore further admit, that said board of trustees did not, in obedience to said resolutions, surrender said keys, nor open said church, which, as these defendants aver, had been closed as aforesaid, not only by a full majority of the board of trustees, in a regular session 10 thereof duly convened, but also at the request of a majority of the deacons of said church, and on the written request of a majority of all the male members of said church, and by the known approbation of a large majority of all its members, males and females, adults and minors.

And these defendants further answering admit that a copy of the herein before recited resolutions of the board of trustees for closing said church, was served on Henry U. Howes, one of said complainants, at and about the time and as stated in said bill of complaint. 20

And these defendants further answering admit, that by the rules and regulations of said church, its pastor is not elected or called to its ministrations by the trustees but by the members of the church, convened for such purposes, all of whom have the privilege of voting, as herein before stated, but these defendants aver that when thus elected and called, it becomes the duty of said trustees, in their corporate capacity, having the legal title and possession of the property and revenues of the church, in their discretion to provide for his accommodation and support, and that 30 in the exercise of such discretion, the said trustees, for the time being, have the charge and control of said property, not, it is true, to "prevent" the religious and business meetings of the church, and the ministrations of its pastor, but, yet, to preserve proper order and decorum in their observance, and to restrain, and, if possible, avoid all exhibitions of party strife and violence, and that to discharge this responsible trust, they are, necessarily, the judges for the time, being responsible to the temporal tribunals only in cases of willful misconduct, the proper remedy against a 40

want of discretion and judgment consisting in their periodical elections by the members of the church.

And these defendants further answering deny that there was wanting, at the time said trustees closed said church, all danger and chances of disturbance or violence, and for their just and well-grounded apprehensions thereof, these defendants refer to the actual disturbances herein above stated and referred to, which had actually occurred in said church, as herein before stated.

- 10 And these defendants further answering say, that the dismissal of one of these defendants, mentioned in said bill of complaint, and the censures of other of these defendants, also mentioned in said bill of complaint, which therein is called the dismissal and censures of the said church, are but a part of the outside disorganizing and unauthorized conduct and proceedings of the aforesaid faction of said church members, who commenced such proceedings, as herein before mentioned, after the adjournment of the meeting of said church on the evening of the third day of May,
20 eighteen hundred and sixty-nine, and who persist in calling and claiming themselves to be the said church; but these defendants respectfully submit, once for all, that all such conduct and proceedings are wholly without authority and void, and also, in like manner, are the proceedings of said faction, mentioned in said bill of complaint, recalling the said complainant, Frank B. Rose, to the pastorate of said church.

- And these defendants further answering say, that after the said complainants had exhibited their said bill of complaint,
30 and served the writ of injunction allowed and issued thereon upon these defendants, in order to avoid all further litigation and to have the unhappy differences in said church inquired into and settled by a council of delegates appointed for the purpose, belonging to the West Jersey Baptist Association, in accordance with the usages of that denomination of christians rather than by a temporal tribunal, these defendants and other members of the said First Baptist Church of Camden, made application to said West Jersey Baptist Association to appoint delegates for the settlement of said differ-
40 ences; that fourteen of the churches of said association, on

such application, appointed delegates to hear and determine said differences; that said delegates regularly, and from time to time afterwards, met in council, and after a patient and laborious hearing and consideration of the matters, made their report in writing in favor of the action of these defendants, which, after a careful and accurate statement of the matters in difference, concludes the finding and determination in the nine resolutions, of which the following, with the caption thereto, are copies, which, however, have hitherto been wholly disregarded by said complainants and those co-operating with them, who still persist in their disorderly and disorganizing conduct and proceedings, which has reduced the average attendance of worshipers at said church to about one-fourth the number at and before they obtained the possession and control of said church edifice, through the instrumentality of said writ of injunction. 10

COPY OF RESOLUTIONS.

In consideration of the foregoing facts, this council do solemnly and unanimously adopt the following resolutions, as embodying the judgment to which, after due deliberation, 20 they have come.

First. That we cordially approve the action of the brethren of the First Baptist Church of Camden in calling this council, after having first sought the co-operation of the disaffected brethren of said church, in calling a council of sister churches, to which they should mutually submit their difficulties, and we exceedingly regret the refusal of said disaffected brethren to so unite in calling a mutual council, and that they not only did so refuse, but did, through Rev. F. B. Rose, protest against any attempt on the part of the council 30 to effect an adjustment of the difficulties among them existing.

Second. That while the neglect and refusal of the disaffected members of the church to present to the council their view of the difficulties existing among them has prevented as thorough an investigation thereof as we might otherwise have been able to make, yet we believe that sufficient information has been laid before us to enable us to reach a just, intelligent, and partial conclusion in regard to said difficulties.

Third. That the members of the First Baptist Church of Camden, who called this council, and other members of said church acting and sympathizing with them, are, in our judgment, the First Baptist Church of the city of Camden, duly qualified to act as such, and of right entitled to the possession of the property belonging to said church.

Fourth. That Rev. F. B. Rose is not now, and since the first day of July last past has not been, of right and legitimately the pastor of the First Baptist Church of Camden,
10 and any attempt on his part to act as such is subservious of good order, and endangers the peace of the church.

Fifth. That it is contrary to the custom of the First Baptist Church of Camden, and to the usages of the Baptist denomination, for the pastor of the church to preside at a meeting at which matters personal to himself, and touching his pastoral relation to the church, are to be considered.

Sixth. That the proceedings of the meeting of a minority of the church, on the thirty-first day of May, anno domini eighteen hundred and sixty-nine, at which it is alleged that
20 a recall to the pastorate of the church was extended to Rev. F. B. Rose, were irregular, and the action had or pretended to have been had thereat utterly null and void, and of no force or effect whatever.

Seventh. That the action of the board of trustees, in closing the house of worship, was injudicious, and while we disapprove of their course, in that respect, we are convinced they were moved thereby by a sincere desire to promote the good of the church, and the interest of the cause of Christ.

Eighth. That, in the judgment of the council, the church
30 acted hastily in excluding Rev. F. B. Rose from membership, and we advise that such action be rescinded, and steps taken by the church to call a council, to consider with them the ministerial and christian character of said Rev. F. B. Rose.

Ninth. That the allegations of the bill filed in the Court of Chancery by Rev. F. B. Rose and others, against the Trustees of the First Baptist Church of Camden, upon which an injunction was obtained, are, in our judgment, essentially false, and we are confident that, had the facts in the case been truly stated, the injunction would not have been found.

And these defendants further answering, deny all unlawful combination and confederacy in said bill charged, without that, there is any other matter, cause, or thing material for these defendants to make answer unto, and not herein and hereby well and sufficiently answered, confessed or avoided, traversed or denied, is true, to the knowledge or belief of these defendants.

All which matters and things these defendants are ready to verify, maintain, and prove, as this honorable court shall direct. 10

And these defendants humbly pray that the said injunction may be dissolved, and the said defendants be restored, in all things, to the condition in which they were at the time of exhibiting said bill of complaint, and that said bill be dismissed, with the costs and charges of these defendants in this behalf wrongfully sustained.

A. BROWNING,

Solicitor for and of counsel with defendants.

State of New Jersey, Camden county, ss.—Abel C. Tallman, Josiah D. Rodgers and Thomas W. Wilkinson, three 20 of the defendants mentioned in the above answer, being duly sworn, and Edmund E. Read, Isaiah Woolston, George E. Taylor, William Groves, Rollin H. Morgan, and Alfred McCully, five other of the defendants mentioned in said answer, being duly affirmed (they first alleging themselves to be conscientiously scrupulous of taking an oath) they, the said seven defendants, on their said, oaths and affirmations depose and say—that the facts, matters and things set forth in said answers, so far as they relate to their own acts and deeds, are true, and that so far as they relate to the acts and 30 deeds of any other person or persons, they severally believe them to be true.

JOSIAH D. RODGERS,
ABEL C. TALLMAN,
THOS. W. WILKINSON,
EDMUND E. READ,
ISAIAH WOOLSTON,
GEORGE E. TAYLOR,
WILLIAM GROVES,
R. H. MORGAN,
A. McCULLY.

Sworn, affirmed, and subscribed, at Camden, before me, one of the masters in chancery of New Jersey, this eighth day of December, A. D. 1869.

PETER L. VOORHEES, *M. C.*

SCHEDULE A.

List of the members of the First Baptist Church in Camden, taken from the church register :

David Lock,	Sarah A. Phillips,
Sarah Sexton,	Jacob S. Collings,
10 Reb. Vansciver,	Jane E. Conover,
Ann S. Davis,	Sarah Albertston,
Reb. Williams,	Edwin Phillips,
Martha Jackson,	Sarah Dawsay,
Eliza Lock,	John Conover,
Jesse Hall,	Mary Collings,
Mary W. Hall,	Martha Collings,
Sarah Smith,	Elizab. Middleton,
Elizabeth Ruderon,	Reb. A. Weeks,
Reb. Haston,	Bula Hartsgrove,
20 Martha Edwards,	Lanza Lord,
J. D. Rogers,	Mary E. Lord,
J. H. Rogers,	Sarah E. Sparks,
Hannah A. Hanna,	Sarah S. Bingham,
Mary Taylor,	Joseah Trask,
Anua M. Stevens,	Charlotte Brevoor,
George Ivins,	Charles F. Brevoor,
Drucilla Ivens,	Thomas J. Sparks,
Maria Taylor,	Elizab. Pennington,
Beulah E. Wayne,	Eliza Hillman,
30 Hannah Reanhard,	Susan Derby,
Thomas Peak,	Ester Gibson,
Sarah Carter,	Lucy Weatherby,
Abigal Peak,	Mary E. Hewett,
Anna P. Read,	Emley Hendry,
Harriet P. Read,	Amanda Peak,
S. D. Phillips,	Lanza Hindle,
Lanza Phillips,	Francis Cline,

Eveline Hueble,	Mary A. Groves,	
Mary Shinn,	Emma J. Taylor,	
John F. F. Peak,	Elizab. Anderson,	
Amanda Watson,	Charles Middleton,	
Emeline Starr,	Thomas Saunders,	
Eliza Lee,	Fanny Mills,	
Martha Hewitt,	Anna L. Collings,	
Bridget Calhan,	William Hage,	
Henry Samuels,	Ella Davis,	
Caroline Samuels,	Thomas D. Phillips,	10
Jane A. Daniels,	Sallie A. Phillips,	
Ann Daniels,	Mary Adams,	
Charles Watson,	Emma Murry,	
Ebenezer Saunders,	Amy Anderson,	
Mary A. Murry,	Mary Taylor,	
Mary E. F. Lupton,	Alice Hall, sen.,	
Mary Stow,	Alice Hall, jun.,	
Susan E. Graham,	Eliza O'Brien,	
Margaret Burr,	Martha Carney,	
Hannah J. Sheppard,	Thomas S. Collings,	20
Hannah A. Sheppard,	Joseph Gross,	
Lydia Jenkins,	Ellen Gross,	
Thomas Wilkinson,	Emma Ross,	
Sarah Wilkinson,	Sarah Darrell,	
E. E. Read,	Mary Stilwell,	
George Clark,	Theodore Horsfull,	
Sarah D. Clark,	Elizab. James,	
Alfred Earl,	Adeline Howell,	
Priscilla Erle,	Arthur Howell,	
Hannah Hewitt,	Lizzie Craner,	30
Martha Scudder,	Lilia Howes,	
David Austermele,	Sarah Bell,	
Wilhelmina Austermuhle,	Jessie Baker,	
Sarah Taylor,	Emma Baker,	
Ella Taylor,	Mary Hawkins,	
Elizab. Palmer,	Lydia Vansciver,	
John S. Read,	Caddie Tatem,	
Anna Halsey,	Liscon Cook,	
Lizzie Patterson,	Anna Davis,	
Maria Gray,	Kate Hackett,	40

- | | |
|---------------------------|----------------------|
| Rosanna Stoaner, | Mary Bourgain, |
| Sarah Bassett, | Kate Mansfield, |
| Rev. F. B. Rose, | Amelia Phillips, |
| John Robertson, | Clara Phillips, |
| Lily Taylor, | Anna Wallace, |
| Mary Brevoor, | Eliza Burr, |
| Lizzie Stow, | Mary Rose, |
| George Smith, | Sarah E. Willmanson, |
| Mary Vansciver, | Sophia Branson, |
| 10 Harriet P. Read, jun., | James Seal, |
| Clara Hillman, | John H. Bousted, |
| Lida Lambert, | Edith Bousted, |
| Kate Austin, | Isaiah Woolston, |
| Emma C. Lock, | Miss Cuthbert, |
| Conrad Austermuhle, | May Rose, |
| Laura Lock, | Charlotte Brevoor, |
| Mary Saunders, | Sarah Lock, |
| Anna Horsfull, | Deborah Cowan, |
| John Hires, | Sarah B. Woolston, |
| 20 Caroline Hires, | Susan Cowan, |
| J. H. Weatherby, | Mary A. Cowan, |
| Jacobine Brevoor, | Sarah Cox, |
| Phebe Lorange, | Sarah E. Howell, |
| Sarah Webb, | Catharine Howell, |
| Amelia Nichols, | Sarah M. Howell, |
| Virginia Nichols, | Rev. E. B. Hall, |
| Theodore Nichols, | Hannah L. Hall, |
| Caroline H. Hanna, | Harrison B. Hall, |
| Emma Pike, | Anna B. Hall, |
| 30 Harriet Oakley, | Anna Ruderow, |
| Georgiana Ireton, | R. H. Morgan, |
| Joseph Archer, | Mary Morgan, |
| Rachel Lippencott, | J. J. Read, |
| Emma Dill, | Cecelia Read, |
| Henry Mayhew, | Mary Read, |
| Alfred McCully, | Anna Read, |
| Rachel Pike, | Cecelia Tallman, |
| Louisa Hawk, | A. J. Nichols, |
| Richard Lippencott, | William S. Wooster, |
| 40 Sarah-Carlon, | Rev. J. Burdsall, |

Ella Stilwell,	Mary E. Burdsall,	
George Hewitt,	Sarah A. Baxter,	
Wilmina Vansciver,	Martha Stilwell,	
James Shurman,	Laura Hall,	
Joseph Budding,	James W. Wilkinson,	
Mary Appelgate,	Martha Denison,	
Henry Boosted,	Ebenezer Westcott,	
J. F. Sharp,	Elizabeth Westcott,	
Mary Warwick,	Mary A. Barefoot,	
Rebecca Pike,	A. J. Rexdron,	10
Anna Whitlock,	Elizabeth Timmens,	
William Browning,	A. C. Tallman,	
Fanny Wilson,	William Groves,	
William Haney,	Joseph W. Taylor,	
George Taylor,	Ann Ridgeway,	
Henry Howes,	Elizabeth Anderson.	
Miss McElroy,		

SCHEDULE B.

1. PETITION OF ADULT MALE MEMBERS.

We, the undersigned, members of the First Baptist Church of Camden, do hereby petition the board of trustees 20 to close the building of our church during the present disturbance, and do hereby agree to support said board in any measures they may deem necessary to accomplish their purpose.

J. D. Rodgers,	Isaiah Woolston,	
Joseph J. Read,	J. S. Collings,	
Edmund E. Read,	T. T. Saunders,	
G. W. Smith,	T. W. Wilkinson,	
John S. Read,	John T. F. Peak,	
Thomas Peak,	E. Westcott,	30
Henry Samuels,	William Groves,	
A. McCully,	R. H. Morgan,	
George E. Taylor,	A. C. Tallman,	
Jos. W. Taylor,	George Clark,	
Thomas S. Collings,	C. K. Middleton,	

2. PETITION OF MEMBERS GENERALLY.

We, the undersigned, members of the First Baptist Church, of Camden, N. J., do fully endorse the action of the trustees of said church, in closing said church edifice, and request the same shall remain closed until the present painful difficulties among the members shall become settled or assuaged.

We also fully recognize and approve the resolution on the books of the church, allowing only the adult male members the right to vote on any business of said church, (except on 10 the call of a pastor and election of deacons,) and request the same shall not be rescinded.

Camden, July 19, 1869.

Thomas Peak,
J. S. Collings,
J. D. Rodgers,

Joseph I. Read,
Rollin Morgan.

Deacons.

T. W. Wilkinson, *Church Clerk.*

Thomas P. Collings,	Rebecca H. Archer,
Mrs. Joseph J. Read,	Lizzie Cranner,
Sarah J. Wilkinson, per T. W.	Emeline Heubel,
20 Wilkinson,	Sarah A. Phillips,
Martha C. Collings,	Kate Mansfield,
Anna L. Collings,	Mary Stilwell,
Mary B. Collings,	Jane H. Rodgers,
Hannah A. Hanna,	John H. Weatherby,
Sophia Branson,	Stephen D. Phillips,
Celia R. Tallman,	Louisa A. Phillips, per J. P. C.,
Abel C. Tallman,	Susan Cowan,
Isaiah Woolston,	Mary Appelgate, per J. P. C.,
Sarah B. Woolston,	Harriet Oakley, " "
30 Sarah Cox,	Elizabeth James, " "
Amy Anderson,	Sarah Sexton, " "
Lizzie Anderson,	Sarah E. Williamson, "
Lidie Anderson,	Deborah Cowan,
Mary S. Adams,	Elizabeth O. Westcott,
Mary Morgan,	E. Westcott,
James W. Wilkinson,	Lide E. Tatem,
George Clark,	Martha Jackson,

Sarah D. Clark,	Mary Read,	
Mary C. Shin,	Annie Read,	
Mary B. Bourquin,	John F. Sharp,	
Hannah F. Sheppard,	Millie Phillips,	
Fanny C. Wilson,	A. McCully,	
Martha C. Denson,	Emily Hendry,	
Anna Ridgeway,	Lucey A. Weatherby,	
Drucilla Ivins,	Beulah Hartsgrove,	
George Ivins,	Ann Halsey,	
Hannah M. Sheppard,	Louisa Hindle,	10
John F. F. Peak,	Harriet P. Read,	
Amanda Peak,	Anna P. Read,	
Anna Horsefall,	Hattie P. Read,	
J. Horsefall,	Eliza W. Hillman,	
Rebecca F. Pike,	Clara V. Hillman,	
Abigail Peak,	Hannah Reinhard,	
Eliza Palmer,	E. O. Brian,	
E. E. Read,	C. A. Busted,	
C. K. Middleton,	George E. Taylor,	
G. W. Smith,	John Conover,	20
John S. Read,	Jane Conover,	
John H. Bousted,	Elizabeth Middleton, per C. K.	
Geo. R. Hewitt,	Middleton,	
William Hage,	E. A. Timmons,	
Henry W. Bousted,	M. A. Groves,	
Anna Ruderow,	Anna S. Davies,	
Clara Phillips,	John H. Hires,	
Hannah Hewitt,	Caroline M. Hires,	
Henry Samuel,	Emma J. Taylor,	
Caroline Samuel,	Annie V. Davies,	30
William Groves,	Ella C. Davies,	
Susan E. Graham,	Joseph W. Taylor,	
Josiah W. Trask,	Mary Taylor, sen.,	
Joseph Gross,	Martha Scudder,	
Ellen Gross,	Mary E. Saunders,	
Beulah Wayne,	L. L. Cook,	
Lizzie W. Pilkington,	Anna E. Saunders,	
Thomas L. Phillips,	Thomas T. Saunders,	
Edwin Phillips,	Ebenezer Saunders,	
Sallie Phillips,	Priscilla M. C. Earle,	40

Rebecca A. Weeks,
 Mary Taylor,
 Lizzie Paterson,
 Margaret Burr,
 Mrs. Henry A. Dill,
 Alfred Earle,
 Esther Gibson,

Mrs. Maria Taylor,
 Sarah Smith,
 Ella Stilwell,
 Martha Stilwell,
 Rebecca D. Huston,
 Sarah Bingham.

SCHEDULE C.

List of members opposed to Mr. Rose, but who declined
 10 to sign any paper to that effect.

Sarah Albertson,
 Susan Derby,
 Mary E. Hewitt,
 Martha Edwards,

Mary Applegate,
 Sarah Carter,
 Rebecca Vansciver,
 Mary A. Cowen.

SCHEDULE D.

List of pro-Rose members who approve of the action of
 complainants.

David Lock,
 Reb. Vansciver,
 20 Reb. Williams,
 Eliza Lock,
 Jesse Hall,
 Mary Hall,
 Sarah E. Sparks,
 Thomas J. Sparks,
 Charlotte Brevoor,
 Charles T. Brevoor,
 Amanda Watson,
 Charles Watson,

Miss Cuthbert,
 May Rose,
 Charles Brevoor, jun.,
 Sarah Lock,
 Jacobine Brevoore,
 Amelia Nichols,
 Virginia Nichols,
 Caroline H. Hanna,
 Henry Mayhew,
 Sarah Carlon,
 Edward Carlon,
 Anna Whitlock,

Alice Hall,	Wm. Browning,	
Frances Cline,	Wm. Haney,	
David Austermuhl,	Sarah E. Howell,	
Wilhemina Austermuhl,	Catherane Howell,	
Rosanna Stooner,	E. B. Hall,	
Rev. F. B. Rose,	Harison B. Hall,	
John Robertson,	Hanna L. Hall,	
Lilly Taylor,	Anna B. Hall,	
Mary Brevoor,	Ander J. Nichols,	
Lizzy Stow,	Rebeca J. Burdsell,	10
Adaline M. Howde,	Mary E. Burdsell,	
Emma C. Lock,	Sarah A. Baxter,	
Louisa Lock,	Lura Hall,	
Arthur Howde,	Mary Ann Bareford,	
Lilly Howes,	Henry H. Howes,	
Lydia Vansciver,	Joseph Archer,	
Mary Rose,	Richard Lippincott.	
Theodore Nichols,		

SCHEDULE E.

Copy of rule limiting the right of voting made by resolution passed April fifteenth, eighteen hundred and sixty-one, 20 and recorded on page one hundred and thirty-six of church minutes.

Resolved, That in the opinion of this church its interests would be promoted by committing all its business to the brethren of adult age, except in the case of the election of pastor and deacons.

SCHEDULE F.

LIST OF ADULT MALE MEMBERS.

ANTI-ROSE MEMBERS.

Thomas Peack,*	John W. Weatherby,
I. S. Collinge,*	George Taylor,*
I. D. Rogers,*	John Conover,
I. I. Read,*	Charles Middleton,*
Rollins Morgan,*	John H. Hills,
Thomas Wilkinson,*	Joseph W. Taylor,*
10 Thomas S. Collins,	Liston T. Cook,
Henry Samuels,*	Thomas Saunders,*
Wm. Groves,*	E. Saunders,
Josiah Trask,	George Shin,
Joseph Grap,	I. T. F. Peak*
Thomas Phillips,*	Theo. Horsfeldt,
Alfred Earle,	E. E. Read,*
Geo. W. Smith,*	Josiah Woolston,*
John S. Read,	George Clarke,*
Edward Phillips,*	E. Westcott,*
20 John H. Boosted,	A. McCully,*
Wm. Hague,	Stephen Phillips.
A. C. Tallman,*	

PRO-ROSE MEMBERS.

Rev. F. B. Rose,*	M. Howell,
Jesse Hall,*	John Robinson,*
Bentley Hall,*	Henry Mayhew,*
David Lock,*	Charles Watson,*
C. F. Brevoor,*	M. Austermuhl,*
Henry Howes,†	Jos. Archer,
30 A. J. Nichuals,*	Thomas Sparks.
Richard Lippincott,	

NOTE.—These thus marked * were present and voted at the meeting of May third, eighteen hundred and sixty-nine. †Voted, but a minor.

SCHEDULE G.

Camden, N. J., May 3, 1869.

At an adjourned church meeting of the First Baptist Church, held on the third instant (as per call of committee appointed at its last meeting) a resolution being under discussion to rescind a resolution or resolutions on the church books, passed some time ago, whereby the ladies and young men of the church were deprived of the right to vote on the business affairs of the church, the clerk, T. W. Wilkinson, moved that the meeting adjourn; the motion was put by the 10 chair, and decided in the negative by a large majority, whereupon the clerk said the meeting had adjourned.

The chair then put the motion on the question to rescind the resolution or resolutions, and it was carried.

The clerk then informally and disorderly left the meeting, and carried away the church minutes and records with him.

The meeting being without a clerk, brother Hall moved, and it was ordered, that Charles Watson act as clerk *pro tempore*.

When the clerk *pro tempore* took his chair, brother Isaiah Woolston was walking up and down the aisles of the church, 20 insulting the pastor (he being in the chair) calling him a liar, and put his hand upon his shoulders, and conducting himself in a disorderly manner, and refused to be quiet when called upon by the chair; whereupon brother B. Hall moved that brother Isaiah Woolston be put under church censure, when he (Woolston) defied the church, and continued with his insulting remarks and actions, when brother Hall moved that he (Woolston) be excluded from this church immediately; the motion was seconded and passed, and Isaiah Woolston was excluded from this church. 30

The chair then requested him to retire, as he was no longer a member of this church, which he refused to do, and made such a disturbance that the meeting could not proceed with its business; whereupon the chair requested some one to go for a policeman to remove brother Woolston, and keep order, but before the policeman arrived Mr. Woolston left the house, and order was restored.

Brother McCully asked for a general letter, but the chair decided that it was contrary to the rules of the church to grant general letters to any one.

Brother J. S. Collings asked for a letter for himself to the Haddonfield Baptist Church, and, on motion, it was granted.

Brother Abel C. Tallman asked for a letter for himself to the First Presbyterian Church of Camden, which the chair decided could not be granted. He then asked for a letter to the Spruce Street Baptist Church of Philadelphia; objections were made on the grounds that the church did not grant letters to churches out of the state, and, on motion, resolved that the rule, if there was such a one on the church books, be suspended for the time being, and the letter for brother Tallman was granted.

A motion was now made to adjourn, but it was lost.

On motion resolved, that the clerk *pro tempore* be requested to record the action of this church meeting in rescinding the resolution or resolutions on the church books, passed several years ago, whereby the ladies and young men of this church were deprived of their right to vote in the business meetings of this church.

On motion Resolved, That a committee of three be appointed to inquire into the disgraceful conduct of some of the members of this church at its last meeting, in which an assault was made on one of its members, and also in regard to the reports that some of the members of this church had been offering this church property for sale, and to disband this church, without authority, and to report at the next meeting of the church.

Brothers Jesse Hall, D. Lock, and C. Watson were appointed that committee.

On motion Resolved, That a committee of ways and means be appointed, and, after some discussion, it was withdrawn.

On motion, adjourned to meet the last Monday evening in May.

Brother Hall closed the meeting with prayer.

CHAS. WATSON,
Church Clerk, pro tempore.

right to do so by having trustees elected, and become the technical trustees of said corporation.

JOSIAH D. ROGERS.
 ABEL C. TALLMAN,
 T. W. WILKINSON,
 ISAIAH WOOLSTON,
 R. H. MORGAN,
 A. McCULLY,
 GEORGE E. TAYLOR,
 WILLIAM GROVES, 10
 EDMUND E. READ.

Sworn, affirmed, and subscribed, at Camden, in the county aforesaid, this twenty-third day of December, A. D. 1869, before me, one of the masters in chancery of the state of New Jersey.

MARTIN V. BERGEN, *M. C.*

Upon filing the within bill and the affidavits annexed, let an injunction issue according to the prayer thereof, so far only as relates to creating encumbrances on the church property.

December 24th, 1869.

A. O. ZABRISKIE, *C.* 20

Order for Injunction.

[Filed December 24, 1869.]

Upon reading the bill of complaint in this cause, and the affidavit thereunto annexed, and on motion of Peter L. Voorhees, of counsel with the complainants—

It is, on this twenty-fourth day of December, A. D. eighteen hundred and sixty-nine, ordered, that upon filing the said bill and affidavit, an injunction do issue according to the prayer of the bill, so far only as relates to creating encumbrances on the church property. 30

A. O. ZABRISKIE, *C.*

Replication.

[Filed January 4, 1870.]

These repliants, saving and reserving to themselves all and all manner of advantage of exception to the manifold insufficiencies of the said answer, for replication thereunto say—that they will aver and prove their said bill to be true, certain, and sufficient in the law to be answered unto, and that the said answer of the said defendants is uncertain, untrue, and insufficient to be replied unto by these repliants; 10 without that, that any other matter or things whatsoever, in the said answer contained, material or effectual in the law to be replied unto, confessed and avoided, traversed or denied, is true; all which matters and things these repliants are and will be ready to aver and prove as this honorable court shall direct, and humbly pray, as in and by their said bill they have already prayed.

ROBESON & SCOVEL,

Solicitors for and of counsel with complainants.

Summons.

20 New Jersey, to wit.—The state of New Jersey to Frank B. Rose, Charles Watson, Andrew J. Nichuals,
[L. s.] Henry U. Howes, David Lock, and the trustees of the Baptist Church in Camden, greeting:

We command you, that you personally appear before our Chancellor, in our Court of Chancery, on the thirteenth day of January next, at Trenton, to answer to a bill of complaint exhibited against you, in our said court, by Rollin H. Morgan, Alfred McCully, William Groves, George E. Taylor, Abel C. Tallman, Isaiah Woolston, Josiah D. Rogers, Edmund E. Read, and Thomas W. Wilkinson, and to do 30 further, and receive what our said court shall have consid-

ered in that behalf: and this you are not to omit, under the penalty of five hundred dollars.

Witness his Honor, Abraham O. Zabriskie, Chancellor of our said state, at Trenton, the twenty-seventh day of December, in the year of our Lord one thousand eight hundred and sixty-nine.

P. L. VOORHEES, *Solicitor.*

B. GUMMERE, *Clerk.*

Appearance.

[Filed January 15, 1870.]

10

Appearance entered for the defendants in the above stated cause, by

ALDEN C. SCOVEL,
Solicitor of defendants.

Injunction.

New Jersey, to wit.—The state of New Jersey to Frank B. Rose, Charles Watson, Andrew J. Nichuals, Henry U. Howes, David Lock, and “The Trustees of the Baptist Church in Camden,” their attorneys, agents, [L. s.] officers, servants, and all and every person acting 20 for them, or under their authority, or of any or either of them, and each and every of them, greeting:

Whereas, it hath been represented to us, in our Court of Chancery, on the part of Rollin H. Morgan, Alfred McCully, William Groves, George E. Taylor, Abel C. Tallman, Isaiah Woolston, Josiah D. Rogers, Edmund E. Read, and Thomas W. Wilkinson, complainants, that they have lately ex-

hibited their bill of complaint against you, the said Frank B. Rose, Charles Watson, Andrew J. Nichuals, Henry U. Howes, David Lock, and "The Trustees of the Baptist Church in Camden," defendants, to be relieved, touching the matters set forth in the said bill, in which said bill it is, among other matters, set forth that you, the said defendants, are combining and confederating with others to injure the complainants, touching the matters set forth in said bill, and that the actings and doings of you, the said
10 defendants, are contrary to equity and good conscience.

We, therefore, in consideration of the premises, and of the particular matters set forth in the said bill, do strictly enjoin and command you, the said Frank B. Rose, Charles Watson, Andrew J. Nichuals, Henry U. Howes, David Lock, and "The Trustees of the Baptist Church in Camden," and all and every the persons before mentioned, and each and every of you, under the penalty that may fall thereon, that you and every of you do absolutely desist and refrain from in anyway
20 proceeding to encumber or charge the said corporation or the property thereof, or any part thereof, by mortgage or otherwise, until you, the said defendants, shall have fully answered the said bill of complaint, and our said court shall make other order to the contrary.

Witness his Honor, Abraham O. Zabriskie, our Chancellor, at Trenton, the twenty-seventh day of December, in the year of our Lord one thousand eight hundred and sixty-nine.

P. L. VOORHEES, *Solicitor.*

BARKER GUMMERE, *Clerk.*

State of New Jersey, Camden county, ss.—Randal E.
30 Morgan being duly affirmed, he first alleging himself to be conscientiously scrupulous of taking an oath, saith—that he served the with'in writ of injunction on Frank B. Rose, Charles Watson, Andrew J. Nichuals, and David Lock on the twenty-seventh day of December instant, by delivering to each of them a copy of said writ of injunction, and at the same time exhibiting to each of them the original writ of injunction, with the seal of the court attached, and informing them of the contents thereof; that he served the said writ on Henry U. Howes and the trustees of the Baptist

Church in Camden, by delivering a copy thereof to said Henry U. Howes, and by delivering a copy of the same to Henry U. Howes, the secretary of the said the trustees of the Baptist Church in Camden, on the twenty-eighth day of December instant, and at the same time exhibiting to him the writ, with seal of court attached, and informing him of the contents thereof.

RANDAL E. MORGAN.

Affirmed and subscribed, at the county aforesaid, this 28th day of December, A. D. 1869, before me, one of the masters 10 in chancery of the state of New Jersey.

MARTIN V. BERGEN, *M. C.*

Order Refusing Motion to Dissolve.

[Filed February 19, 1870.]

The defendants in this cause having filed their answer to the complainants' bill, and having thereupon moved for a dissolution of the injunction issued in this cause, and said motion having been argued by the counsel for the respective parties, and the court having considered the same—

It is ordered, that the said motion be and the same is 20 hereby refused, with costs. On motion of A. C. Scovel of counsel with complainants.

Dated 18th February, 1870.

A. O. ZABRISKIE, *C.*

Appeal.

[Filed February 24, 1870.]

The defendants hereby appeal from the order or decree of the Chancellor made in the above stated cause, on the eighteenth day of February instaut, refusing to dissolve the

injunction which had been allowed and issued in said cause to the Court of Errors and Appeals, in the last resort in all causes of law and equity.

Dated February 24th, 1870.

A. BROWNING,

Solicitor for and of counsel with defendants.

I conceive there is good cause for appeal in the above stated cause.

A. BROWNING,

Of counsel with defendants.

10

Order for Injunction.

[Filed June 25, 1869.]

Upon reading the bill of complaint in this cause, and the affidavits thereunto annexed, and on motion of Robeson & Scovel, of counsel with the complainants—

It is ordered, that, upon filing the said bill and affidavits, an injunction do issue, according to the prayer of said bill.

Dated the twenty-fifth day of June, A. D. eighteen hundred and sixty-nine.

A. O. ZABRISKIE, C.

20

Subpœna.

New Jersey, to wit.—The state of New Jersey to Rollin H. Morgan, Alfred McCully, Abel C. Tallman, William [L. s.] Groves, George Taylor, Isaiah Woolston, Josiah D. Rogers, Edmund E. Read, and Thomas W. Wilkinson, greeting:

We command you, that you personally appear before our Chancellor, in the Court of Chancery, on the tenth day of July next, at Trenton, to answer to a bill of complaint exhibited against you in our said court by Frank B. Rose,

30

Charles Watson, Andrew J. Nichuals, Henry U. Howes, and David Lock, and to do further, and receive what our said court shall have considered in that behalf: and this you are not to omit, under the penalty of five hundred dollars.

Witness his Honor, Abraham O. Zabriskie, Chancellor of our said state, at Trenton, the twenty-sixth day of June, in the year of our Lord one thousand eight hundred and sixty-nine.

ROBESON & SCOVEL, *Solicitors.*

BARKER GUMMERE, *Clerk.*

Appearance.

10

[Filed July 10, 1869.]

Appearance entered for the defendants in the above entitled cause, by

PETER L. VOORHEES,
Solicitor of said defendants.

Injunction.

New Jersey, to wit.—The state of New Jersey to Rollin H. Morgan, Alfred McCully, Abel C. Tallman, William Groves, George Taylor, Isaiah Woolston, 20 Josiah D. Rogers, Edmund E. Read, Thomas W. [L. s.] Wilkinson, and their attorneys, agents, and servants, and all and every person acting for them, and each and every of them, greeting:

Whereas, it hath been represented to us, in our Court of Chancery, on the part of Frank B. Rose, Charles Watson, Andrew J. Nichuals, Henry U. Howes and David Lock, complainants, that they have lately exhibited their bill of complaint against you, the said Rollin H. Morgan, Alfred McCully, Abel C. Tallman, William Groves, George Taylor,

Isaiah Woolston, Josiah D. Rogers, Edmund E. Read, and Thomas W. Wilkinson, defendants, to be relieved touching the matters set forth in the said bill, in which said bill it is, among other matters, set forth that you, the said defendants, are combining and confederating with others to injure the complainants touching the matters set forth in the said bill, and that the actings and doings of you, the said defendants, are contrary to equity and good conscience.

We, therefore, in consideration of the premises, and of the
10 particular matters set forth in the said bill, do strictly enjoin and command you, the said Rollin H. Morgan, Alfred McCully, Abel C. Tallman, William Groves, George Taylor, Isaiah Woolston, Josiah D. Rogers, Edmund E. Read, and Thomas W. Wilkinson, and all and every the persons before mentioned, and each and every of you, under the penalty that may fall thereon, that you and every of you, do absolutely desist and refrain from closing the meeting-house or church edifice of "The Baptist Church of Camden," commonly known and called the First Baptist Church of the
20 city of Camden, situate on the easterly side of Fourth street, between Market and Plum streets, in said city of Camden, and from keeping the same closed against the said Frank B. Rose, pastor of said church, and Charles Watson, Andrew J. Nichuals, Henry U. Howes and David Lock, trustees of said church, and the members and congregation of said church, and the pew-holders therein, and from in any way preventing, hindering, or interfering with the use of said meeting-house and property by the said Frank B. Rose, pastor of said church, and the members and congregation of said
30 church for the regular quarterly meeting of the said church, to be held therein on the twenty-eighth day of June, A. D. eighteen hundred and sixty-nine, and for all other meetings of the said members and congregation of said church for public worship or business, and for all other religious services, exercises, and ministration of the said members and congregation of said church and the said Frank B. Rose, pastor of the same, until you, the said defendants, shall have fully answered the said bill of complaint, and our said court shall make other order to the contrary.

40 Witness his Honor, Abraham O. Zabriskie, our Chancel-

lor, at Trenton, the twenty-fifth day of June, in the year of our Lord one thousand eight hundred and sixty-nine.

ROBESON & SCOVEL, *Solicitors*.

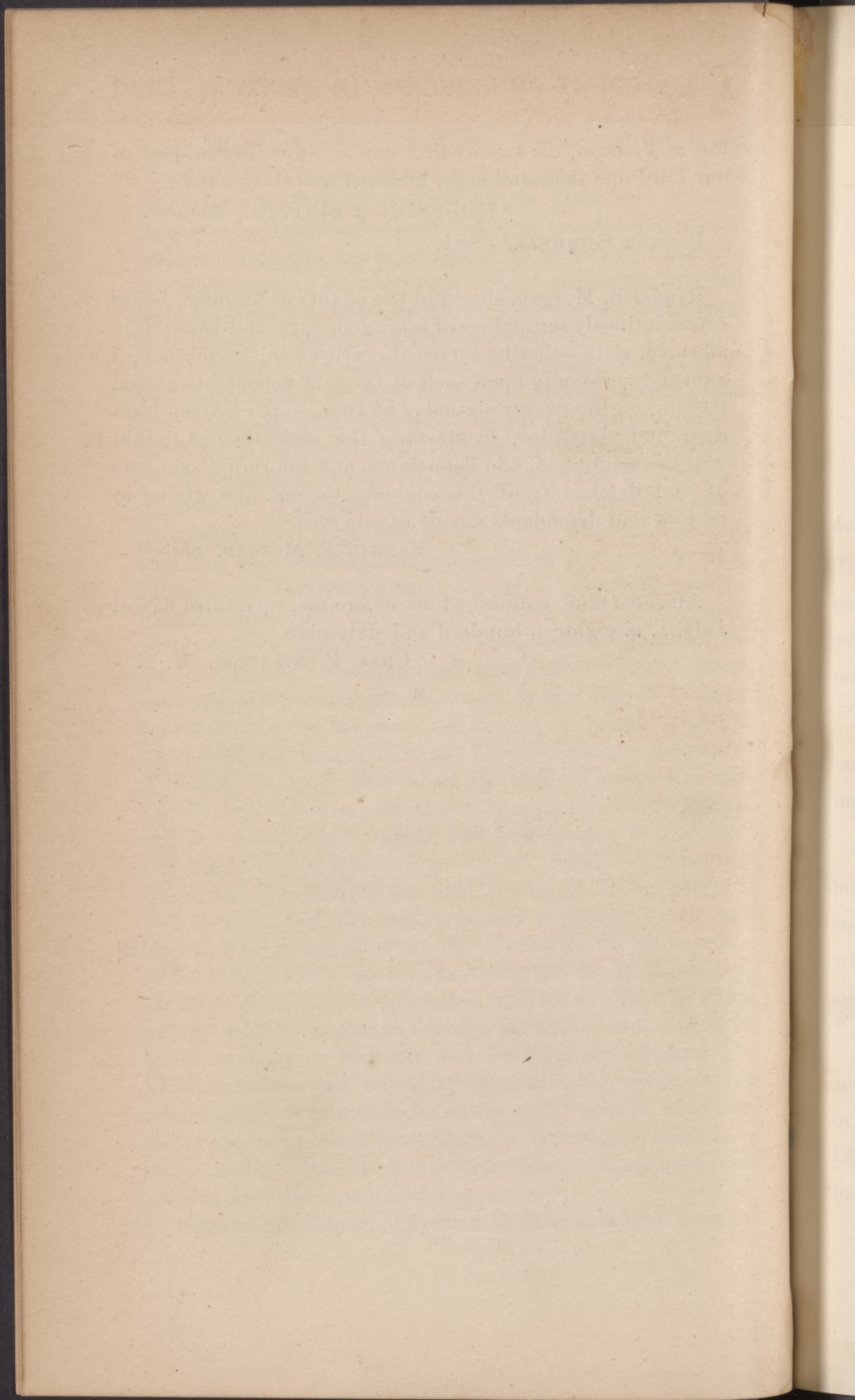
BARKER GUMMERE, *Clerk*.

Randal E. Morgan, sheriff of the county of Camden, being conscientiously scrupulous of taking an oath, and being duly affirmed, saith—that he served the writ of injunction hereto annexed personally upon each of the said defendants named therein, on the twenty-sixth day of June, A. D. eighteen hundred and sixty-nine, by showing the seal attached to said writ to each one of said defendants, and informing each one of said defendants of the contents thereof, and giving to each of said defendants a copy of said writ.

RANDAL E. MORGAN, *Sheriff*.

Affirmed and subscribed to before me, this third day of July, A. D. eighteen hundred and sixty-nine.

CHAS. P. STRATTON, *M. C.*



New Jersey Court of Errors and Appeals.

ROLLEN H. MORGAN, *et al*,
Appellants,
and
FRANK B. ROSE, *et al*,
Appellees. } *On Appeal.*

APPELLANTS' POINTS.

1. That the bill of complaint does not disclose sufficient equity for an injunction.
2. That the proper parties are not before the court as complainants or defendants, to enable the court to make a decree in accordance with the prayer of the bill
3. All the equity claimed in the bill, is fully answered and denied by all the defendants.

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COURT OF ERRORS AND APPEALS.

ROLLIN H. MORGAN, et. al., Appellants,
and
FRANK B. ROSE, et. al., Respondents. } On Appeal.

POINTS OF RESPONDENTS.

1. The religious society, organized and known as "The Baptist Church, in Camden," is the real owner of the Meeting House and the lot on which it is erected. Though the legal title to the property is vested in a corporate body created for a special purpose, called "The Trustees of the Baptist Church in Camden," it is so created solely and only for the use and benefit of said Society, and to the end that the Society may more conveniently use and enjoy its own.

2. The Church or Society is entitled to the full and uninterrupted use and enjoyment of its Meeting House, and to hold there its meetings for worship and religious instruction, at such times as they may choose to do so.

3. The persons who may for the time being be the trustees of the Church have no right to decide when such meetings shall be held; and have no right to lock the Meeting House and wholly prevent the Church members and those who usually meet with them, from meeting there for worship and religious exercises.

4. The Injunction merely protects the Church members in their right to hold such meetings in their Meeting House, and restrains the appellants from preventing or interrupting them, till the further order of the Court:—and the order of the Chancellor refusing to dissolve, and continuing the Injunction till the hearing be affirmed.

A. C. SCOVEL,

Solicitor of Respondents.

COURT OF ERRORS AND APPEALS.

On Appeal.

ROLLIN H. MORSE, et al., Appellants,
and
FRANK H. ROSE, et al., Respondents.

POINT OF RESPONDS.

1. The religious society, organized and known as "The Baptist Church, Inc." is the real owner of the Meeting House and the lot on which it is situated. Although the legal title to the property is vested in a corporate body created for the purpose, called "The Trustees of the Baptist Church in Camden," it is held solely and only for the use and benefit of said society, and to the end that the society may more conveniently use and enjoy its own.

2. The Church or Society is entitled to the full and uninterrupted use and enjoyment of its Meeting House, and to hold there its meetings for worship and religious instruction, at such times as they may choose to do so.

3. The persons who may for the time being be the trustees of the Church have no right to decide when such meetings shall be held; and have no right to enter and lock the Meeting House and wholly prevent the Church members and those who usually meet with them, from meeting there for worship and religious instruction.

4. The injunction merely protects the Church members in their right to hold meetings in their Meeting House, and restrains the appellants from preventing or interrupting them, till the further order of the Court:—and the order of the Chancellor refusing to dissolve, and continuing the injunction till the hearing be affirmed.

A. C. SCOVILLE,

Solicitor of Respondents.