

IN THE CIRCUIT COURT NO. 2

OF

BALTIMORE CITY

364217
1927

ALBERT J. GREENE

VS.

NOBEL H. KEYS, et al

(1) Order

PETITION, AFFIDAVIT AND
ORDER THEREON.

Mr. Clerk:-

Please file.

2 15 1 Pm

George W. Evans

Warner F. McQuinn

ATTORNEYS FOR PETITIONER

710 157380

*1-4
Copy Order & copied*

DAVIS & EVANS
ATTORNEYS AT LAW

file 25 June 1927

*Copies of the within Order of Court served on
Noble H. Keys, James Turner, Abner S. Stanley,
Martin T. Thompson and Laurence B. Duckett
on the 25th day of June 1927 in the Presence of
Frank A. Budney, Court Clerk as to James B. Matthews,
Cephas Allen, Joseph P. Williams, William D. Johnson,*

*John E. Potee
Shenck*

Geo F 375

ALBERT J. GREENE

:

IN THE CIRCUIT COURT NO.2

VS.

:

NOBEL H. KEYS,
JAMES TURNER,
ALVAN S. STANLEY,
CEPHAS ALLEN,
WILLIAM H. JOHNSON,
E. MATTHEWS,
JOSEPH P. WILLIAMS,
MARTIN THOMPSON and
CLARENCE B. DUCKETT,
majority of the Trustees
of The First Colored
Baptist Church of Balti-
more City.

:

OF

:

BALTIMORE CITY.

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Orator, Albert J. Greene, complaining respectfully

says:

- I. That he is and has been for six years past the regularly, legally appointed minister at The First Colored Baptist Church of Baltimore City; and that the said Nobel H. Keys, James Turner, Alvan S. Stanley, Cephas Allen, William H. Johnson, E. Matthews, Joseph P. Williams, Martin Thompson and Clarence B. Duckett are the majority of the Trustees of the said The First Colored Baptist Church of Baltimore City.
2. That on June 23, 1927, at which time the regular monthly church meeting was held, immediately after the adjournment of the aforementioned regular monthly church meeting, certain persons, some of whom were and some of whom were not regular communicant members of the aforementioned, The First Colored Baptist Church of Baltimore City, in company with some of the officers of the said The First Colored Baptist Church of Baltimore City, did, *These persons and prayed to be taken as part thereof* illegally and without any authority as granted by the Charter, ^A or any other rules, customs or by laws regulating the First Colored Baptist Church of Baltimore City, hold a meeting at which meeting

although no notice of such proposed action was ever given from the pulpit, or in any other manner
the pulpit was declared vacant, and your petitioner was declared

dismissed from the pastorate of the aforementioned, The First *in defiance of and contrary to the expressed provisions of the charter of said Church governing such matters* Colored Baptist Church of Baltimore City. That your petitioner

has never been charged with any acts of immorality or of preaching any doctrine contrary to the gospel of Christ or any other matters subjecting him to disqualification as pastor of the said The First Colored Baptist Church of Baltimore City.

3. That the said aforementioned Trustees and other members and certain members of the Board of Deacons, threaten and state emphatically that they will refuse permission of your petitioner to fulfill his duties as pastor of the First Colored Baptist Church of Baltimore City; that the said aforementioned Trustees of The First Colored Baptist Church of Baltimore City state that they will select a pastor to fill the pulpit of the aforementioned The First Colored Baptist Church of Baltimore City during the said alleged vacancy caused by the illegal dismissal of your petitioner.

WHEREFORE, YOUR PETITIONER PRAYS:

(a) That the said Nobel H. Keys, James Turner, Alvan S. Stanley, Cephas Allen, William H. Johnson, E. Matthews, Joseph P. Williams, Martin Thompson and Clarence B. Duckett, their agents and servants and each of them be enjoined and restrained from interfering with your petitioner, the said Albert J. Greene, in any manner whatsoever in the performance of his, the said Albert J. Greene's duties as pastor of the First Colored Baptist Church of Baltimore City and that the said Nobel H. Keys, James Turner, Alvan S. Stanley, Cephas Allen, William H. Johnson, E. Matthews, Joseph P. Williams, Martin Thompson and Clarence B. Duckett may be further enjoined and restrained from permitting any person other than your petitioner, the said Albert J. Greene from performing any of the duties incident to the pastorate of The First Colored Baptist Church of Baltimore City.

13. *That a Supreme Issue is defendant*

Albert J. Greene
COMPLAINANT

George Evans
Warner & McQuinn
ATTORNEYS FOR COMPLAINANT.

STATE OF MARYLAND, BALTIMORE CITY, to wit:-

I HEREBY CERTIFY, that on this 25th day of June, in the year one thousand nine hundred and twenty seven, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City aforesaid, personally appeared Albert J. Greene and made oath in due form of law that the matters and facts in the foregoing petition are true to the best of his knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Helen C. Fisher.
NOTARY PUBLIC

Ordered by the Circuit Court No. 2 of Baltimore City
this ^{25th} day of June, 1927, upon the foregoing petition and affidavit, that the said Nobel H. Keys, James Turner, Alvan S. Stanley, Cephas Allen, William H. Johnson, E. Matthews, Joseph P. Williams, Martin Thompson and Clarence B. Duckett be and are hereby enjoined and restrained from interfering with the said Albert J. Greene in the performance of the said Albert J. Greene's duties as pastor of the First Colored Baptist Church of Baltimore City unless cause to the contrary be shown on or before the ^{10th} day of ~~June~~ ^{July} 1927, provided a copy of this order be served on the defendants on or before the ^{30th} day of June, 1927.

Robert F. Cantor

Geo. W Evans.

SUPERIOR COURT

of BALTIMORE CITY

ROOM 310

STEPHEN C. LITTLE

Plaintiff Exhibit
No. 1. Clerk

COPY

Charter

The Colored Peoples First

Baptist Church in the City

of Baltimore

Liber... T. K. No. 57... Fol. 158... & C

Amount... \$9.50... Exd. 1570.11

\$..... Paid.....

36 a ²¹⁹/₁₉₂₇

Albert J Green
vs

Hobel H Keys
Plaintiff Exhibit
No 1

No 15738A
427

pd 25 June 1927

Incorporation of the } State of Maryland Baltimore City Set Be it known
Colored Peoples first } to all whom It may concern that on this Sixth day
Baptist Church in the } of March in the year of Our Lord Eighteen hundred
City of Baltimore } and thirty seven in pursuance of and by the Au

thority of the Act of Assembly in such case made and provided Entitled
An Act to incorporate certain persons in every Christian Church or Con
gregation in This State The Male members of the Colored Peoples first
Baptist Church in the City of Baltimore above the age of Twenty one years
being communicants of the Church and in full membership of said Church
assembled at the preaching house now used & which has been ordinarily
used as a house of public worship situate at the corner of Thompson &
Young Streets in said City of Baltimore for the purpose of electing cer
tain sober and discreet persons not less than five nor more than thirteen
to be constituted a body politic or corporate to Act as Trustees in the
name & on behalf of said Church Society or Congregation of the Colored
Peoples first Baptist Church in the City of Baltimore (previous notice
having been given from the pulpit of said Church at a public meeting on
the Sabbath previous to said assembling of said members) for the purpose
of managing the estate and Interest of said Church Society or Congreg
ation in the best most upright & careful way & manner & To have perpetual
succession in Law. name & fact according to the provisions of said act
of Assembly in such case made and provided and the said members of said
Church being then & there assembled as aforesaid agreeably to a previous
& public notice as aforesaid did agree upon settle fix & determine upon
the following plan. rules and regulations for the government and manage
ment of said Society Church or Congregation in way and manner following
that is to say

1 First That five sober and discreet persons being free male Colored per
sons residing in the City of Baltimore or within five miles thereof and
members recognize on the Church Register of said Society as Communicants
of said Church shall be elected by ballot on the Sixth day of March
Eighteen hundred and thirty seven at the said House of Worship situate
as aforesaid which said persons when so elected together with the Minister
for the time being shall be constituted a Body politic or corporate to
act as Trustees for and in the name of said Church Society or Congregation
called "The Colored Peoples First Baptist Church in the City of

Baltimore & to manage direct and control The right title & Estate of said Society congregation & Church And that there shall be an Annual Election for Trustees at such time place & manner as hereinafter named

2 That it shall take at least a majority of the persons qualified to vote before any Election of Trustees shall be made and that the Trustees already elected shall be qualified to do all acts required by these presents till their successors shall be duly elected and installed which shall be by his or their taking a seat at the board which said Trustees thus elected refusing or neglecting to act at the board for 6 months after their respective election shall be no longer considered as members of said Board of Trustees & their places being thus vacated shall be supplied in way & manner herein prescribed for the election of Trustees in the event of vacancy or vacancies between the period of the last & ensuing election

3 There shall be a Church Register placed in the Hands of the Minister for the time being whose duty it shall be to enter all the names of Communicants who shall be male members of the Church & be male members of Twenty one years & upwards entitled to vote for officers of the Church and he said Minister shall regularly enter on another part of said Register all Communicants of any age or sex that the following qualifications shall be necessary for a person to vote for Trustees or other officers of said Church viz The person shall be ^a male member of said Church of the Age of Twenty one years or upwards and a communicant of said Church whose name appears on said Register of the Church as entitled to membership & who is free from the charge of any breach of Morals entitling him to suspension or expulsion under these presents in any constitution or by laws of the Church corporate But that none shall be eligible as Trustee or Minister in said Church who is not freed by the laws of the land That none shall be admitted to membership of said Church unless he examined at a general Church meeting & approved of by the two thirds of the members present That no members shall be expelled from membership of said Church unless by the Consent of two thirds of the members of said church who may be present

4 That each person so elected Trustee shall on taking his seat at the Board of Trustees shall continue & remain a member of said body politic or corporate for the respective terms for which he or they may be elected unless he resign cease to be a member of said Church or live beyond eight miles of said church the said period of service of said Trustee

shall be as follows To Wit The said Trustees shall be divided into two classes the first shall be composed of two members & the second shall be composed of Three members The first on their first election shall only serve Twelve months from the date of their election The second shall continue in office for the term of Two members & thus shall each class hereafter elected serve for two years from their election meaning hereby That at each annual election of the classes shall alternately & successively be elected The term of the said first class shall expire at the end of Twelve months from the day of first election the second class shall expire at the end of Two years from the first election & the successors of the first & second classes shall continue in service for two years & thus in like succession forever hereafter and in the event of any vacancy or vacancies the Trustee or Trustees if there be but one shall fill up each vacancy as it may occurs respect being had to the respective class which said Trustee when so elected shall serve only for such term as his immediate predecessor would have served subject however as well as the other Trustees to a reelection at the annual election

5 In all cases of election of Trustees their Trustees or Trustee (if there be but one in office) shall cause notice to be given by the Minister at least one Sabbath previously to the election of the time & place of the annual election and in case of ^avacancy in the Charge as Minister the said Trustees or Trustee as aforesaid shall cause notice to be given to the congregation at least two Sabbaths previous to an election of Minister whose election shall be require to thirds of the members present qualified to vote for Trustees to elect him & as many votes to expell any Minister on any Charge of Immorality or other disqualifications as Minister The Trustees shall have power together with the Minister ^{the} to transact all temporal concerns of the Church

6 That the Minister shall be chosen by a majority of all the members of the Church assemble on notice given as aforesaid & every successive election for a Minister shall be elected in like manner The minister shall continue in office during good behaviour & and may be removed from office on a charge of Immorality or preaching contrary to the Gospel of Christ The Minister shall preside at all the meetings of said Board of Trustees & keep a record of the proceedings & in case of a divided vote he shall have the casting vote on all questions

7 All property real personal or mixed shall belong to the society or congregation & no part of the real or mixed estate of said church

nor any amount of the personal to the amount of fifty dollars or more shall be sold transferred or otherwise disposed of without the consent of a majority of the male members of said church which consent shall be expressed by a vote of the members who shall be assembled for that purpose on notice given from the pulpit on a Sabbath previously

8 To said body politic there shall be a corporate seal which shall be affixed to all cases required by the law of the Land which with the records of said Church shall be given in charge to the Minister who shall deliver ^{them} up to the Trustees on his ceasing to be a Minister of said Church said Minister shall record all the proceedings at the Board of Trustees in a Book kept for that purpose register all members of the Society note all expulsions & such other acts as may be required by the charter or the by laws which the Church or Society may make alter or determine upon from time to time which said constitution or by laws shall be made by an assemblage of the members of said Church on previous notice given one Sabbath previously in the Congregation

9 That the said Church Society or congregation shall hereafter be known and called by the name of The Colored Peoples First Baptist Church in the City of Baltimore and that the Body politic or corporate shall be known & Styled & Called by the name of The Trustees of the Colored Peoples First Baptist Church in the City of Baltimore and shall forever hereafter be known and acknowledged by that name & have perpetual succession in law as provided by the aforesaid act of Assembly Now Be it known & further remembered that the said male members of the Colored Peoples First Baptist Church in the City of Baltimore being so assembled under & by virtue of a notice having been previously given on Sabbath day at public meeting as herein before stated or intended to be so stated in said church or preaching house situate as aforesaid at the corner of Thompson & Young Streets now used & which has been used by the congregation aforesaid as a place of Public worship from time to time & being duly qualified to vote as aforesaid on the ^{said} Sixth day of March in said year did proceed by ballot to elect five sober and discreet persons to be Trustees as aforesaid according to the foregoing plan agreement rules and regulations when on counting the ballots it appeared that George Johnson Thomas Jones Peter M Smith William Cook & Thomas Jefferson had a majority of votes of the members qualified to vote as aforesaid That the said George Johnson & Thomas Jones were elected to serve one year from the sixth day of March eighteen hundred

and thirty seven till the end of & for one year from that date they being the first class of Trustees hereinbefore named and That Peter M Smith William Cook & Thomas Jefferson constitute the second & other class of Trustees therein named who were elected to serve two years from said Sixth day of March in said year and therefore the said Thomas Jones George Johnson Peter M Smith William Cook & Thomas Jefferson were declared & admitted by the said electors members of said Church qualified to vote as aforesaid to be elected and qualified according to the said plan & agreement rules and regulations herein adopted as the plan of the body politic or corporate called & known by the name of The Trustees of the Colored Peoples first Baptist Church in the City of Baltimore "To act as Trustees for & in behalf of said Church or congregation ^{to} & manage the property and estate interest & inheritance of said Church or congregation in the most upright & careful manner & To have perpetual succession in law fact & name as herein before prescribed according to the act of Assembly in such case made & provided

IN WITNESS we & each hereto place our names & seals this -- day of March 1837 (Seal)

Moses C Clayton (Minister) (Seal)		Peter M Smith (Seal)
his		his
George x Johnson (Seal)	(Seal)	William x Cook (Seal)
mark		mark
Thomas (Seal)	(Seal)	Thomas Jefferson (Seal)

STATE OF MARYLAND BALTIMORE CITY SCT Be it Remembered that on this fourteenth day of March in the year Eighteen Hundred and thirty seven the within & foregoing named George Johnson Thomas Jones Peter M Smith William Cook & Thomas Jefferson each personally appeared before us the subscribers two Justices of the Peace for the City of Baltimore in the State of Maryland they said George Johnson Thomas Jones Peter M Smith William Cook & Thomas Jefferson being proven to us by oral Testimony that they are the proper and identical persons herein purporting to be the party Trustees to these presents & whose names are hereto signed) and severally acknowledged that the within & foregoing proceedings plan agreement rules and regulations herein before mentioned & specified were regularly & duly ordained had settled & determined & fixed upon by the persons herein before named as members of the said Church or congregation called the Colored Peoples first Baptist Church in the City of Baltimore having competent & legal authority on the said Sixth day of March in the year Eighteen hundred and thirty seven at the preaching


house situate at the Corner of said Thompson & Young Streets in said City of Baltimore which has been used by said congregation as the place of worship at the first election or appointment of the within body politic or Corporate & which same plan rules regulations & agreement were adopted ratified & recorded by due authority of law & of the said Church according to the rules & usage of said Church & approved by the persons named as Trustees and we do further certify that we were well assured by said Trustees that the said election & proceedings have been legally & regularly conducted according to the provisions of the act of Assembly in such case made and provided

William Warfield Thos B Pottenger

Received to be recorded the 20th day of March 1837 same day recorded and Examined Per Thos Kell Clk

I hereby certify that the foregoing is a true copy taken from Liber T K. No 57 folio 158 &c one of the Charter Records of Baltimore City

In Testimony whereof I hereto set my hand and affix the seal of the Superior Court of Baltimore City on this the 27th day of June A D 1927



Stephen C. Little

Clerk of the Superior Court
of Baltimore City

Ordered by the Circuit Court No.2 of Baltimore City
this ^{25th} day of June, 1927, upon the foregoing petition and affi-
davit, that the said Nobel H. Keys, James Turner, Alvan S. Stanley,
Cephas Allen, William H. Johnson, E. Matthews, Joseph P. Williams,
Martin Thompson and Clarence B. Duckett be and are hereby enjoined
and restrained from interfering with the said Albert J. Greene, in
the performance of the said Albert J. Greene's duties as pastor
of the First Colored Baptist Church of Baltimore City, unless
cause to the contrary be shown on or before the ^{10th} day of ~~June~~ ^{July}
1927, provided a copy of this order be served on the defendants,
on or before the ^{30th} day of June, 1927

True Copy Test Robert F. Stanton
John Pleasants
Clerk

Ordered by the Circuit Court No.2 of Baltimore City
this ^{25th} day of June, 1927, upon the foregoing petition and affi-
davit, that the said Nobel H.Keys, James Turner, Alvan S.Stanley,
Cephas Allen, William H.Johnson, E.Matthews, Joseph P.Williams,
Martin Thompson and Clarence B.Duckett, be and are hereby en-
joined and restrained from interfering with the said Albert J.
Greene in the performance of the said Albert J.Greene's duties
as pastor of the First Colored Baptist Church of Baltimore City
unless cause to the contrary be shown on or before the ^{10th} day of
~~June~~ ^{July} 1927, provided a copy of this order be served on the defendant
on or before the ^{30th} day of June, 1927.

True Copy Test

John Pleasants

Clerk

Robert F. Stanton

Ordered by the Circuit Court No.2 of Baltimore City
this ^{25th} day of June, 1927 upon the foregoing petition and affi-
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Martin Thompson and Clarence B. Duckett be and are hereby en-
joined and restrained from interfering with the said Albert J.
Greene in the performance of the said Albert J. Greene's duties
as pastor of the First Colored Baptist Church of Baltimore City
unless cause to the contrary be shown on or before the ^{10th} day of
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fendant on or before the ^{30th} day of June, 1927.

Robert F. Stanton

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John Pleasants
Clerk

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Greene in the performance of the said Albert J. Greene's duties
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unless cause to the contrary be shown on or before the ^{10th} day of
~~June~~ ^{July}, 1927, provided a copy of this order be served on the de-
fendant on or before the ^{30th} day of June, 1927.

True Copy Test Robert F. Stanton
John Pleasants
Clark

217
1927 In the *36th*
Circuit Court No. 2
of
Baltimore City. *217*
369-1927

Albert J. Green

vs.

Noble H. Keys,
et al.

"Answer to Bill of
Complaint."

Mr. Clerk;
Please file.

N. Ashlie Hawkins
~~Solicitor for Respondents.~~

No 15738A
67

HAWKINS & MCMECHEN
ATTORNEYS AND COUNSELLORS AT LAW
14 E. PLEASANT STREET
BALTIMORE, MD.

FILED *11 July 1927*
THE DAILY RECORD CO., BALTIMORE, MD.

Albert J. Green	:	In the
	:	
vs.	:	Circuit Court No. 2
	:	
Noble H. Keys, James Turner,	:	
Alvan S. Stanley, Cephas Allen,	:	of
William H. Johnson, Martin Thompson,	:	
and	:	
Clarence B. Duckett, a majority of the Trustees of The First Colored Baptist Church of Baltimore City, Inc.	:	Baltimore City.
	:	

To the Honorable, the Judge of said Court:

The Answer of Noble H. Keys, Cephas Allen, James Turner and Joseph P. Williams, Trustees of The First Colored Baptist Church of Baltimore City, to the Bill of Complaint, exhibited against them and others, constituting a majority of the Trustees of The First Colored Baptist Church of Baltimore City, Incorporated.

Your respondents answering say:

-First-

That they admit the matters and facts set out in the first paragraph of said Bill of Complaint.

-Second-

That your respondents admit the holding of a regular monthly church meeting of their said church on the 23rd day of June, 1927, the date given in the second paragraph of said Bill of Complaint, but they deny that the other matters and facts in said paragraph happened "immediately after the adjournment of said monthly church meeting", but they aver that they happened during the regular progress of said meeting, and before any adjournment thereof; that regular notice of said meeting had been given as usual, that the persons attending the same were in good and regular standing in said church, according to its rules and regulations; and that every action taken by said meeting, particularly the vote declaring the pulpit of said church vacant, and dismissing from the ~~pastorate~~ thereof, the complainant

Rev. Albert J. Green, ^{was regular and in good form} Further answering said paragraph, your respondents allege and charge that the action of the great majority of said church, present and voting at the meeting, was founded on acts unethical, if not immoral, on the part of the said Rev. Albert J. Green, and for his engaging ⁱⁿ practices which ~~is~~ persisted in, will not only disqualify him to act as pastor of The First Colored Baptist Church of Baltimore City, but of any other Christian Church.

-Third-

That in answer to the third paragraph of said Bill of Complaint, your respondents understand that the action of the membership of The First Colored Baptist Church of Baltimore City held as aforesaid on June 23rd, last, means that in due time they hope to have a new pastor, and will do all that is regular and proper in their power to bring such about, but they deny taking any action in derogation of the rights of the said Rev. Albert J. Green, but they allege on the contrary, that this church has done more than its full duty toward the said Rev. Albert J. Green since his occupancy of the pulpit of said church.

-Fourth-

Further answering said Bill of Complaint, your respondents allege, that on Sunday June 26th last, although restrained by a writ of injunction passed by the Circuit Court of Baltimore City, the said Rev. Albert J. Green and some of his adherents caused considerable disturbance at The First Colored Baptist Church of Baltimore City, before and during the hours of divine service, and were only induced to put an end to the same by the action of the Police by request of the church authorities, and further, that the Rev. Albert J. Green has taken action indicating his acceding to the action of the church as above set forth, in his attempt to establish another church of the same denomination, in the immediate vicinity of The First Colored Baptist Church of Baltimore City.

Having answered said Bill of Complaint as fully as they are advised is necessary, they ask to be hence dismissed with their bill of costs.

And as in duty bound, etc.

Noble H. Keys, Chm
Board of Trustees

W. Albert Hawkins
Solicitor for Respondents.

State of Maryland, Baltimore City, to wit:

I Hereby Certify, That on this *11th* day of July, in the year nineteen hundred and twenty-seven, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City aforesaid, personally appeared Noble H. Keys, *Chairman*, ~~Cephas Allen,~~ *of the Board of* ~~James Turner and Joseph P. Williams,~~ Trustees aforesaid, and made oath in due form of law that the foregoing Answer is true to the best of ^{*his*} ~~their~~ knowledge and belief.

Arthur C. Pusey
Notary Public.

