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THE
Code, Index and Digest
✓ OF THE
LAWs OF FREEMASONRY.
CONSISTING OF THE
*Ancient Charges, Constitution and Statutes, and
Code of Procedure of the*
GRAND LODGE OF FREE AND ACCEPTED MASONS
OF THE
STATE OF NEW YORK,
TOGETHER WITH
Decisions of Grand Masters, Standing Resolutions, and
a Digest of the
COMMISSION OF APPEALS' REPORTS,
ADOPTED AND APPROVED BY THE
GRAND LODGE.
TO WHICH ARE ADDED
The Acts of the Legislature relative to the Incorporation of Lodges, and of the Hall and Asylum;
Forms of Certificates under said Laws;
Forms of Diplomas, Dimits, &c.
EDITED BY
JAMES E. MORRISON, P. M.

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1877.



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"The Law is the standard and guardian of our liberty; it circumscribes and defends it; but to imagine liberty without law, is to imagine every man with his sword in his hand to destroy him who is weaker than himself; and that would be no pleasant prospect to those who cry out most for liberty."--*Clarendon.*

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PREFACE.

THE preparation of this brief work was designed by the Editor to place before the Craft, in concise and systematic form, the Organic and Statute Law of Masonry, together with the construction and interpretation of important articles, by decisions of the Grand Master and of the Commission of Appeals.

It is hoped that the several INDEXES will render reference, in every instance, easy and convenient. The Index to the CONSTITUTION AND STATUTES, and that to the CODE OF PROCEDURE, point to the *Section* in which the provision sought may be found. In this way they will serve for any form or edition of these documents. The reference to COMMISSION OF APPEALS REPORTS is by the *number* of the *Case* and the *year* in which it was reported. Observe, that the names of Lodges and of parties, involved in these cases, have been carefully eliminated. The remainder of the text is indexed by *pages*, for obvious reasons.

The FORMS for dimission, etc., are those which have been sanctioned by use and authority.

Four years have passed since the adoption of the Constitution by which the Craft in our jurisdiction is at present governed. Now is deemed the proper time to codify and digest the accumulated laws and rules of procedure which have grown meanwhile.

If the work shall render the study of our law sufficiently easy and simple to encourage brethren in the acquirement of its provisions, and if Masters may by it be enabled to relieve the Grand Master from a portion of his burdens of correspondence, these results will be a sufficient return to

THE EDITOR.

T H E
CHARGES OF A FREE MASON,
EXTRACTED FROM
The Ancient Records of LODGES beyond Sea, and of those
in England, Scotland and Ireland, for the
Use of the Lodges in London,

TO BE READ

At the making of NEW BRETHREN, or when the
MASTER shall order it.

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Charge I.

Concerning GOD and RELIGION.

A *Mason* is obliged by his Tenure, to obey the moral Law; and if he rightly understands the Art, he will never be a stupid *Atheist*, nor an irreligious *Libertine*. But though in Ancient Times Masons were charged in every Country to be of the Religion of that Country or Nation, whatever it was, yet it is now thought more expedient only to oblige them to that Religion in which all men agree, leaving their particular opinions to themselves; that is, to be *good Men and true*, or men of Honour and Honesty, by whatever Denominations or Persuasions they may be distinguished; whereby Masonry becomes the *centre of Union*, and the means of conciliating true Friendship among Persons that must have remained at a perpetual distance.

Charge II.

Of the CIVIL MAGISTRATE Supreme and subordinate.

A *Mason* is a peaceable Subject to the Civil Powers, wherever he resides or works, and is never to be concerned in Plots and Conspiracies against the Peace and Welfare of the Nation, nor to behave himself undutifully to inferior Magistrates; for as Masonry hath been always injured by War, Bloodshed, and Confusion, so ancient Kings and Princes have been much disposed to encourage the Craftsmen, because of their Peaceableness and *Loyalty*, whereby they practically answered the cavils of their Adversaries, and promoted the Honour of the Fraternity, whoever flourished in Times

of Peace. So that if a Brother should be a rebel against the state, he is not to be countenanced in his Rebellion, however he may be pitied as an unhappy man; and if convicted of no other crime, though the loyal Brotherhood must and ought to disown his Rebellion, and give no Umbrage or Ground of political Jealousy to the Government for the time being; they cannot expel him from the *Lodge*, and his Relation to it remains indefeasible.

Charge III.

Of LODGES.

A LODGE is a Place where *Masons* assemble and work : Hence that Assembly, or duly organized Society of Masons, is called a LODGE, and every Brother ought to belong to one, and to be subject to its *By-Laws* and the GENERAL REGULATIONS. It is either *particular* or *general*, and will be best understood by attending it and by the Regulations of the *General* or *Grand Lodge* hereunto annexed. In ancient Times, no *Master* or *Fellow* could be absent from it, especially when warned to appear at it, without incurring a severe censure, until it appeared to the *Master* and *Wardens*, that pure Necessity hindered him.

The Persons admitted members of a *Lodge*, must be good and true Men, free born, and of mature and discreet Age, no Bondmen, no Women, no immoral or scandalous Men, but of good Report.

Charge IV.

Of MASTERS, WardenS, Fellows, and Apprentices.

All preferment among *Masons* is grounded upon real Worth and personal Merit only; that so the *Lords* may be well served, the Brethren not put to Shame, nor the *Royal Craft* despised: Therefore no *Master* or *Warden* is chosen by Seniority, but for his Merit. It is impossible to describe these things in writing, and every Brother must attend in his Place, and learn them in a way peculiar to this *Fraternity*: Only *Candidates* may know, that no *Master* should take an *Apprentice*, unless he has sufficient Imployment for him, and unless he be a perfect Youth, having no Maim or Defect in his Body, that may render him uncapable of learning the *Art*, of serving his *Master's Lord*, and of being made a *Brother*, and then a *Fellow Craft* in due time, even after he has served such a Term of Years as the Custom of the Country directs; and that he should be descended of honest Parents; that so, when otherwise qualified, he may arrive to the Honour of being the *WARDEN*, and then the *Master* of the *Lodge*, the *Grand Warden*, and at length the *GRAND MASTER* of all the *Loges*, according to his Merit.

No Brother can be a *WARDEN* until he has passed the Part of a *Fellow Craft*; nor a *MASTER* until he has acted as a *Warden*, nor *GRAND WARDEN* until he has been a *Master* of a *Lodge*, nor *Grand Master* unless he has been a *Fellow Craft* before his Election, who is also to be nobly born, or a *Gentleman* of the best Fashion, or some eminent *Scholar*, or some curious *Architect*, or other *Artist*, descended

of honest Parents, and who is of singular great merit in the Opinion of the *Lodges*. And for the better, and easier and more honourable Discharge of his Office, the *Grand Master* has a Power to chuse his own **DEPUTY GRAND MASTER**, who must be then, or must have been formerly, the *Master* of the particular *Lodge*, and has the Privilege of acting whatever the **GRAND MASTER**, his *Principal*, should act, unless the said *Principal* be present, or interpose his Authority by a Letter.

These Rulers and Governors, *supreme* and *subordinate* of the ancient *Lodge*, are to be obeyed in their respective Stations by all the Brethren, according to the *old Charges* and *Regulations*, with all Humility, Reverence, Love, and Alacrity.

Charge V.

Of the MANAGEMENT of the CRAFT in working.

All *Masons* shall work honestly on working Days, that they may live creditably on *holy Days*: and the time appointed by the Law of the Land, or confirmed by Custom, shall be observed.

The most expert of the *Fellow Craftsmen* shall be chosen or appointed the *Master* or Overseer of the *Lord's* work; who is to be called **MASTER** by those that work under him. The *Craftsmen* are to avoid all ill Language, and to call each other by no disobligeing Name, but *Brother* or *Fellow*; and to behave themselves courteously within and without the *Lodge*.

The *Master*, knowing himself to be able of Cunning, shall undertake the *Lord's* work as reasonably as possible, and truly dispend his Goods as if they were his own; nor to give more Wages to any brother or *Apprentice* than he really may deserve.

Both the *Master* and the *Masons* receiving their Wages justly, shall be faithful to the *Lord*, and honestly finish their Work, whether *Task* or *Journey*; nor put the Work to *Task* that hath been accustomed to *Journey*.

None shall discover Envy at the Prosperity of a Brother, nor supplant him, or put him out of his work, if he be capable to finish the same; for no Man can finish another's Work so much to the *Lord's* Profit, unless he be thoroughly acquainted with the Designs and Draughts of him that began it.

When a *Fellow Craftsman* is chosen *Warden* of the Work under the *Master*, he shall be true both to *Master* and *Fellows*, shall carefully oversee the work in the *Master's* Absence to the *Lord's* Profit: and his Brethren shall obey him.

All *Masons* employed shall meekly receive their Wages without Murmuring or Mutiny, and not desert the *Master* till the Work is finished.

A *younger Brother* shall be instructed in working, to prevent spoiling the Materials for want of Judgment, and for increasing and continuing of *Brotherly Love*.

All the Tools used in Working shall be approved by the Grand Lodge.

No *Labourer* shall be employed in the proper Work of *Masonry*; nor shall *Free Masons* work with those that are *not free*, without an urgent Necessity; nor shall they teach *Labourers* and *unaccepted Masons*, as they should teach a *Brother* or *Fellow*.

Charge VI.

OF BEHAVIOUR, viz. *In the Lodge while Constituted.*

1. You are not to hold private Committees, or separate Conversation, without Leave from the *Master*, nor to talk of anything impertinent or unseemly, nor interrupt the *Master* or *Wardens*, or any Brother speaking to the *Master*; Nor behave yourself ludicrously or jestingly while the *Lodge* is engaged in what is serious and solemn; nor use any unbecoming Language upon any pretence whatsoever; but to pay due Reverence to your *Master*, *Wardens*, and *Fellows*, and put them to worship.

If any Complaint be brought, the Brother found guilty shall stand to the award and Determination of the *Lodge*, who are the proper and competent judges of all such controversies, (unless you carry it by *Appeal* to the GRAND LODGE) and to whom they ought to be referred, unless a *Lord's* Work be hindered the mean while, in which case a particular Reference may be made; but you must never go to Law about what concerneth *Masonry*, without an absolute necessity apparent to the *Lodge*.

Behaviour after the Lodge is over and the Brethren not gone.

2. You may enjoy yourselves with innocent Mirth, treating one another according to Ability, but avoiding all Excess, or forcing any Brother to eat or drink beyond his Inclination, or hindering him from going when his Occasions call him or doing or saying anything offensive, or that may forbid an *easy and free* Conversation, for that would blast our Harmony, and defeat our laudable Purposes. Therefore no private Piques or Quarrels must be brought within the door of the *Lodge*, far less any Quarrels about *Religion*, or *Nations*, or *State Policy*, we being only, as *Masons*, of the *Catholic Religion* above mentioned; we are also of all *Nations*: *Tongues*, *Kindreds*, and *Languages*, and are resolved against *all Politicks*, as what never yet conduced to the Welfare of the *Lodge*, nor ever will. This Charge has been always strictly enjoined and observed; but especially ever since the *Reformation* in BRITAIN, or the Dissent and Secession of these Nations from the *Communion of ROME*.

Behaviour when Brethren meet without Strangers, but not in a Lodge formed.

3. You are to salute one another in a courteous manner, as you will be instructed, calling each other *Brother*, freely giving mutual Instruction as shall be thought expedient, without being overseen or overheard, and without encroaching upon each other, or derogating from that Respect which is due to any *Brother*, were he not a *Mason*:

For though all *Masons* are as *Brethren* upon the same *Level*. yet *Masonry* takes no Honour from a Man that he had before; nay rather it adds to his Honour, especially if he has deserved well of the Brotherhood, who must give Honour to whom it is due, and avoid *ill Manners*.

Behaviour in Presence of Strangers not Masons.

4. You shall be cautious in your Words and Carriage, that the most penetrating Stranger shall not be able to discover or find out what is not proper to be intimated; and sometimes you shall divert a discourse, and manage it prudently for the Honour of the *Worshipful Fraternity*.

Behaviour at Home and in your Neighborhood.

5. You are to act as becomes a moral and Wise Man; particularly not to let your Family, Friends, and Neighbours know the *Concerns* of the *Lodge*, &c., but wisely to consult your own Honour, and that of the *ancient Brotherhood*, for Reasons not to be mentioned here. You must also consult your Health, by not continuing together too late, or too long from Home, after Lodge hours are past; and by avoiding of Gluttony or Drunkenness, that your Families be not neglected, or injured, nor you disabled from Working.

Behaviour towards a Strange Brother.

6. You are cautiously to examine him, in such a Method as Prudence shall direct you, that you may not be imposed upon by an ignorant false *Pretender*, whom you are to reject with Contempt and Derision, and beware of giving him any hints of Knowledge.

But if you discover him to be a true and genuine *Brother*, you are to respect him accordingly; and if he is in want, you must relieve him if you can, or else direct him how he may be relieved. You must employ him some days, or else recommend him to be employed. But you are not charged to do beyond your ability, only to prefer a poor *Brother*, that is a *good Man and true*, before any other poor people in the same circumstances.

FINALLY, All these *Charges* you are to observe, and also those that shall be communicated to you in *another way*; cultivating *BROTHERLY LOVE*, the Foundation and Capestone, the *Cement* and *Glory* of this *Ancient Fraternity*, avoiding all Wrangling and Quarrelling all Slander and Backbiting, nor permitting others to slander any honest *Brother*, but defending his Character, and doing him all good Offices, as far as is consistent with your *Honour* and *Safety*, and no farther. And if any of them do you Injury, you must apply to your own or his *Lodge*; and from thence you may appeal to the *GRAND LODGE* at the *quarterly Communication*, and from thence to the *Annual GRAND LODGE*, as has been the ancient laudable Conduct of our Forefathers in every nation; never taking a *legal Course* but when the case cannot be otherwise decided, and patiently listening to the honest and friendly advice of *Master* and *Fellows*, when they would prevent your going to Law with *Strangers*, or would excite you to

put a speedy Period to all *Lawsuits*, that so you may mind the *Affair* of **MASONRY** with the more Alacrity and Success; but with respect to *Brothers* or *Fellows at Law*, the *Master* and *Brethren* should kindly offer their Mediation, which ought to be thankfully submitted to by the contending Brethren; and if that submission is impracticable, they must however carry on their *Process*, or *Lawsuit*, without Wrath and Rancor (not in the common way) saying or doing nothing which may hinder *Brotherly Love*, and good Offices to be renewed and continued; that all may see the *benign Influence* of **MASONRY**, as all true *Masons* have done from the Beginning of the *World*, and will do to the end of *Time*.

Amen so mote it be.



CONSTITUTION AND STATUTES
OF THE
GRAND LODGE,
OF
FREE AND ACCEPTED MASONS
OF THE STATE OF NEW YORK.

THE Free and Accepted Masons of the State of New York, by their Grand Officers and Representatives in Grand Lodge assembled, at an Annual Communication thereof, in accordance with existing Constitutions and Laws, do ordain and establish the following Constitution and Statutes :

C O N S T I T U T I O N .

ARTICLE I.

Of the Grand Lodge.

§ 1. The style of this Grand Lodge shall be "THE GRAND LODGE OF FREE AND ACCEPTED MASONS, OF THE STATE OF NEW YORK."

§ 2. The government of Free and Accepted Masons is reposed :

1. In GRAND LODGES; and,

2. In SUBORDINATE, or PARTICULAR LODGES.

§ 3. This Grand Lodge has supreme and exclusive jurisdiction over all matters of Ancient Craft Masonry within the territorial limits of the State of New York.

§ 4. This Grand Lodge shall be composed of all its Grand Officers, the Past Grand Masters, Past Deputy Grand Masters, Past Grand Wardens, Past Grand Treasurers, Past Grand Secretaries, and one representative from each Lodge, who shall be the Master, one of the Wardens in order of seniority, or a proxy duly appointed by the Lodge, the members of the Commission of Appeals, according to the rules prescribed by the Constitution of this Grand Lodge, and also of all such Past Masters of Lodges under this jurisdiction as

were elected and installed and served one year in the chair of Master prior to the 31st day of December, 1849. But it may at its pleasure, and by duly altering its Constitution, enlarge or diminish the numbers and qualification of its members, provided no one can be a member of this Grand Lodge unless he be a member of some Lodge within this jurisdiction.

§ 5. The following Grand Officers shall be elected annually at the Annual Communications of this Grand Lodge: a Grand Master, Deputy Grand Master, Senior Grand Warden, Junior Grand Warden, Grand Treasurer, Grand Secretary.

The following Grand Officers shall be appointed by the Grand Master at the Annual Communication, or within thirty days after the close thereof, or as vacancies may occur, to hold office during his pleasure, namely:

A District Deputy Grand Master for each Masonic District, three Grand Chaplains, a Grand Marshal, Grand Standard Bearer, Grand Sword Bearer, four Grand Stewards, a Senior Grand Deacon, a Junior Grand Deacon, a Grand Lecturer, a Grand Librarian, and a Grand Pursuivant and Grand Tiler.

§ 6. The Grand Lodge shall meet annually in the City of New York, on the first Tuesday of June.

Special Communications may be called by the Grand Master, but no Legislation affecting the general interest of the Craft shall be made, repealed, or changed, except at the Annual Communication.

§ 7. The representatives of ten Lodges, convened on due notice to all the Lodges, shall be indispensably necessary to open the Grand Lodge or transact business therein, except on occasions of ceremony, when the Grand Master, or his representative, with a sufficient number of brethren, may open the Grand Lodge and transact the business for which it is called.

§ 8. The elective Grand Officers shall be chosen by ballot, and by a majority of votes, unless there be but one candidate in nomination, when an election may be had by show of hands.

§ 9. When the Grand Master shall be chosen from the City of New York or the City of Brooklyn, the Deputy Grand Master shall be chosen from some other portion of the State; and when the Grand Master shall be chosen from any portion of the State other than the City of New York or the City of Brooklyn, the Deputy Grand Master must be chosen from the said cities. The Grand Treasurer and Grand Secretary shall be chosen from said cities. The Senior Grand Warden and Junior Grand Warden shall be chosen from some part of the State other than the said cities. A residence of four months immediately previous to such election shall be required to comply with this section.

§ 10. Whenever a vacancy shall occur in any Grand Office, the Grand Master may appoint any member of the Grand Lodge to discharge the duties of the office till the vacancy shall be filled at the next Annual Communication.

§ 11. Each member of the Grand Lodge, except the Grand Tiler shall have one vote as such.

§ 12. If represented by the Master or other representative, each Lodge shall be entitled to three votes for any number of members less than one hundred, and one additional vote for each additional fifty members exceeding the first fifty.

§ 13. No person shall act in Grand Lodge as proxy of a Lodge unless he shall have been elected and installed Master of a Lodge, and be a member of a Lodge under this jurisdiction, nor until there shall have been filed with the Grand Secretary a certificate of his appointment; such certificate to be signed by the Master of the Lodge appointing him, attested by its seal and the signature of the Secretary.

§ 14. None but members of the Grand Lodge (Grand Officers, Past Grand Officers, and representatives of other Grand Lodges excepted) shall be present at the opening of the same, or at an election, nor be admitted at any time, save by unanimous consent of the Grand Lodge.

§ 15. Every officer and member of the Grand Lodge must be a member of a warranted Lodge under this jurisdiction.

ARTICLE II.

Of the Powers of the Grand Lodge.

§ 16. The powers of this Grand Lodge are:

1. Executive,
2. Legislative, and
3. Judicial.

§ 17. All general governmental powers, whether executive, legislative, or judicial, and all powers necessary to enforce or carry into effect the provisions of this Constitution, are reposed in the Grand Lodge.

§ 18. The judicial powers of this Grand Lodge may be exercised by the Grand Lodge, or delegated, and are:

1. Original: Embracing all matters of controversy which may arise between any of the Lodges under its jurisdiction or the members of different Lodges, and the enforcement of discipline upon its own members and the Lodges under its jurisdiction, and upon unaffiliated Masons.
2. Appellate: Embracing all matters of controversy and discipline over which it has or has not original jurisdiction.

ARTICLE III.

Of Masonic Law and Statutes.

§ 19. The action of Freemasons in their Grand or subordinate Lodges, or in their individual character, is regulated and controlled:

1. By ANCIENT LANDMARKS; or, the unwritten Law of Masonry;
2. By WRITTEN CONSTITUTIONS, and General or Special Legislation; and
3. By USAGES, CUSTOMS, RULES, EDICTS, RESOLUTIONS, and lawful judicial action.

§. 20. The Ancient Landmarks are those principles of Masonic government and polity which are the only part of Masonic law or rule of government that may never be altered or disturbed, and such of them as are lawful to be written are usually, but not wholly, engrafted in written Constitutions and General or Special Legislation.

§ 21. Constitutions are those written compacts or laws adopted by Freemasons for the government of a Grand Lodge, and its subordinate Lodges, and their members—including fundamental provisions, constitutionally adopted, that are intended to be permanent in their character.

§. 22. General or Special Laws, Usages, and Customs. Rules, Edicts, and Resolutions are those Masonic rules of action adopted, by competent authority, for local or temporary purposes, admitting of change at convenience, and not embraced in Ancient Landmarks or Constitutions, and are herein termed Statutes.

ARTICLE IV.

Of the Powers and Duties of Grand Officers.

§ 23. The Grand Master has power:

1. To convene any Lodge within the jurisdiction, preside therein, inspect its proceedings, and require its conformity to Masonic rules.
 2. To require the attendance of, and information from any Grand Officer respecting his office.
 3. To suspend any elected Officer of a Lodge from the functions of his office for just cause.
 4. To suspend the warrant of a Lodge for just cause until the next Annual Communication of the Grand Lodge.
 5. In case of a vacancy in the offices of Master and Wardens of a Lodge, to grant a dispensation for an election to fill such vacancies.
 6. To grant a dispensation to a Lodge to elect or install its Officers, when such Lodge may have failed to elect or install its Officers at the proper time.
 7. To grant a dispensation for a new Lodge, under the restrictions of the Constitution and on the petition of at least seven Master Masons.
 8. To grant such other dispensations as may be applied for in accordance with the Constitution.
 9. To appoint Representatives of this Grand Lodge near other recognized Grand Lodges, and to receive and accredit Representatives of other recognized Grand Lodges near this Grand Lodge.
 10. To appoint such Officers as may be required under this Constitution.
 11. To do such other things as are inherent in and pertain to his office, and are not in conflict with this Constitution.
- § 24. It is the duty of the Grand Master:
1. To preside in the Grand Lodge.
 2. To exercise all the executive functions of the Grand Lodge when it is not in session.

§ 25. In case of the death, absence, or inability of the Grand Master, or of a vacancy in his office, the Deputy Grand Master, Senior Grand Warden, and Junior Grand Warden will in succession assume his prerogatives, powers, and duties, for all purposes.

§ 26. The Deputy Grand Master has power to discharge such executive functions of the Grand Lodge as may be delegated to him by the Grand Master, and such duties as may be imposed by this Constitution.

§ 27. It shall be the duty of the Grand Wardens to assist in the affairs of the Grand Lodge, and diligently to endeavor to preserve the Ancient Landmarks throughout the jurisdiction.

§ 28. It shall be the duty of the Grand Treasurer:

1. To take charge of all the funds, property, securities and vouchers of the Grand Lodge, depositing the same in some depository to be approved by the Grand Master, in the name of the Grand Lodge, payable on his order as Grand Treasurer.
2. To pay all orders duly drawn under general regulations or special directions of the Grand Lodge, and certified by the Grand Secretary.
3. To attend on the Grand Lodge or its presiding officer, when required, with the books and all documents relating to his office; and, when required, the meeting of any Committee whose duty it may be to act in relation to the fiscal concerns of the Grand Lodge.
4. To report annually to the Grand Lodge the amount of his receipts and expenditures by items, and from whom and when received, and to whom and when paid, and the amount of securities in his hands for funds invested by the Trustees of the Permanent Fund.
5. To execute and file with the Grand Master an official bond, with sureties, and in an amount to be approved by the Grand Master or Deputy Grand Master, at the commencement of each term of office, and to be renewed, as to amount or sureties, whenever required by the Grand Master, conditioned that he will pay or deliver on demand to the Grand Lodge, or to his successor in office, all funds and property of the Grand Lodge that shall come to his hands as Grand Treasurer and remain unexpended; and,
6. To pay and deliver, at the expiration of his term, to his successor in office, or such person as shall be designated by the Grand Lodge, all moneys, securities, evidences of debt, books, writings, and property of the Grand Lodge under his control, with all proper assignments when necessary.

§ 29. It shall be the duty of the Grand Secretary:

1. To record the transactions of the Grand Lodge.
2. To register all initiates and members of Lodges under this jurisdiction returned to him for that purpose, with the particulars set forth in such returns.
3. To receive, duly file, and safely keep all papers and documents of the Grand Lodge.
4. To sign and certify all instruments from the Grand Lodge. /

5. To receive and keep a proper account of all moneys of the Grand Lodge, with date of their receipt, and pay over the same promptly to the Grand Treasurer, taking his receipt therefor.
6. To report annually to the Grand Lodge the amount of money received by him, by items and dates, and the specific sources from which it was received; also the Lodges that have neglected to render proper returns of their elections, members and dues, and such general information as to the state of the Lodges as may be proper for the information or action of the Grand Lodge.
7. To conduct the correspondence of the Grand Lodge, under the direction of the Grand Master, and in a Masonic manner.
8. To attend, with any books, papers or writings under his control, or in his custody, on all meetings of the Grand Lodge, and whenever required by the Grand Master or Deputy Grand Master, on the requisition of the Grand Master; and also to attend upon the Grand Master or Deputy Grand Master, on Masonic business when required.
9. To keep his office open, for the transaction of Masonic business, at least five hours each day, except Sunday, of which public notice shall be given.
10. To transmit to the several Grand Lodges, in correspondence with this Grand Lodge a certificate of the election of Grand Officers, immediately thereafter, containing their signatures, respectively, and authenticated under his hand and seal of the Grand Lodge, with a request for a similar document from each of said Grand Lodges.
11. To notify each of the Lodges, in any Masonic District, of the appointment of a District Deputy Grand Master for that District, and to furnish each District Deputy Grand Master with a list of the Lodges in his District, and to furnish blank forms for the annual statements of District Deputy Grand Masters.
12. To prepare forms of Registry and Returns of the Elections, blanks for Tabular statements of District Deputy Grand Masters, and Certificates of the Appointment of Proxies, in accordance with the Constitution, and to furnish two copies of each to each Lodge annually.
13. To keep an Alphabetical Register of all rejections officially reported to him from Lodges, specifying the date of such rejection, the age, occupation and residence of the person rejected, and such other information as may be embodied in such reports, together with the name and number of the Lodge from which received, and at all proper times to furnish the free inspection of said Register to all Master Masons in good standing.

§ 30. It shall be the duty of the Grand Chaplains to attend the Grand Lodge and to conduct its religious services.

§ 31. It shall be the duty of the Grand Marshal, Grand Standard Bearer, Grand Sword Bearer, Grand Stewards, Grand Deacons, Grand

Pursuivant and Grand Tiler to perform such duties as pertain to their offices.

§ 32. It shall be the duty of the several Officers of the Grand Lodge, in addition to the duties herein specially mentioned, to perform such other duties appertaining to their offices as shall, from time to time, be directed by the Grand Lodge, or Grand Master, under the provision of this Constitution.

ARTICLE V.

Masonic Districts and the Powers and Duties of District Deputy Grand Masters.

§ 33. The existing Masonic Districts shall remain as now organized, subject to alterations by the Grand Lodge at any Annual Communication.

§ 34. Every District Deputy Grand Master shall be well skilled in the Standard Work of the three Degrees of Ancient Craft Masonry, and in the customs and usages of the Craft; he shall be a Master or Past Master, and a Member in good standing of some Lodge in the District for which he is appointed, and shall receive a warrant of his appointment, signed by the Grand Master and attested by the Grand Secretary.

§ 35. Each District Deputy Grand Master shall have power, and it shall be his duty:

1. To appoint Commissioners to hear and determine matters of controversy that may arise in his District.
2. To visit officially every Lodge in his District, at a stated or special communication thereof, at least once during his term, if practicable; and all necessary expenses incurred by him, while in the discharge of this duty, shall be paid by the Lodge so visited.
3. To preside in each Lodge upon the occasion of his official visit after it is opened; to examine its books and records, and see if they are properly kept; to inform himself of the number of members, and the punctuality and regularity of their attendance; to ascertain the state and condition of the Lodge in all respects; to point out any errors he may ascertain in their conduct and mode of working; and to instruct them in every particular wherein he shall find they may require or may desire information, and particularly to recommend attention to the moral and benevolent principles of Masonry, and caution in the admission of candidates; to determine and order in what cases a member, alleged to have been illegally stricken from the rolls, rendered unaffiliated, or suspended for non-payment of dues only, shall be restored to the rolls or reinstated; and if he discover in his District any Masonic error or evil, to endeavor to immediately arrest the same by Masonic means, and, if he judge it expedient, to specially report the same to the Grand Master.
4. To receive and secure the funds and property of any dormant or extinct Lodge in his District.

- 5. To prepare, on blanks to be furnished by the Grand Secretary, a statement in tabular form of the condition of each Lodge in his District for the year ending on the first day of May in each year, and transmit such statement to the Grand Secretary, to be by him laid before the Grand Lodge.
- 6. To prepare a report for the year ending on the first day of May in each year, on the general condition of Masonry in his District, and of his acts therein, with such particulars as he may deem necessary, and transmit such report to the Grand Master on or before the fifteenth day of May in each year.
- 7. To perform such other services and executive duties as may be deputed or intrusted to him by the Grand Master or by the Grand Lodge.

ARTICLE VI.

Of Work and Lectures.

§ 36. The Grand Lecturer shall be a Master or Past Master, of Masonic skill and learning, and shall have power to appoint one or more competent assistants in each judicial district of this State.

§ 37. It shall be the duty of the Grand Lecturer and his assistants to impart the Standard Work and Lectures approved and determined by the Grand Lodge, to the Lodges or brethren in this jurisdiction, in such manner as the Grand Lodge may prescribe.

§ 38. Every Lodge shall adopt and practice the Standard of Work and Lectures imparted by the Grand Lecturer or Assistant Grand Lecturers, and no other; and any Lodge violating this provision without express authority from this Grand Lodge, shall be subject to punishment.

§ 39. Any Freemason not duly authorized, who shall impart any Work or Lectures, except in the instruction of an actual candidate, shall be subject to discipline; but this shall not apply to the Master or Wardens of a Lodge, or any Present or Past Master, or competent brother invited by them.

ARTICLE VII.

Of Revenue and Funds.

§ 40. The revenue of this Grand Lodge shall be derived from the following sources:

1. For every Dispensation to form a new Lodge.....	\$100 00
2. And if a Warrant shall be afterward granted, the additional sum of.....	20 00
3. For every Grand Lodge Diploma.....	2 00
4. For every Grand Lodge Traveling Certificate.....	50
5. For every person Initiated into a Lodge.....	3 50
\$3 whereof shall be appropriated to the increase of the Hall and Asylum Fund.	
6. For the adjoining fee of every Master Mason and E. A. or F. C., from without the jurisdiction.....	50
7. For registry fee of every adjoining member or Entered Apprentice made.....	25

8. Every Lodge shall pay for each of its members annually.....	50
9. Every Lodge shall pay for each of its members annually, for the period of five years..... which shall be appropriated to the Hall and Asylum Fund.	50

§ 41. Every Lodge shall pay a full year's dues on all members embraced in its last previous return, but no dues for members made or affiliated during the year for which the return is made.

§ 42. The management of the permanent funds is vested in a Board of Trustees, denominated the Trustees of the Permanent Fund, consisting of the Grand Master, Deputy Grand Master, Grand Wardens and Grand Secretary, and all the invested funds of the Grand Lodge shall be placed under the management and stand in the names of the said Trustees, whose duty it shall be to take the best measures for the security and increase of said funds, and to invest from time to time, as a majority may decide upon, all money which shall come into the hands of the Grand Treasurer, after paying salaries, representatives and rent, and after leaving in his hands for charitable and contingent purposes, such sum as the Grand Lodge may, from time to time, direct. The said Trustees shall deposit in the hands of the Grand Treasurer the security and vouchers of the said invested funds, and shall not have the power to appropriate any part of the invested fund without a vote of the Grand Lodge at the annual communication.

§ 43. The accounts of the Grand Treasurer and Grand Secretary shall be examined, and the items compared with the vouchers quarterly, by a discreet Committee of three Brethren—Past Masters, Masters or Wardens—from different lodges, to be appointed by the Grand Master or the Deputy Grand Master, and such committee shall make and certify their report to the officer appointing them.

ARTICLE VIII.

Of Salaries of Officers and the Pay of Representatives.

§ 44. The Grand Treasurer, Grand Secretary, Grand Lecturer, Grand Pursuivant, and Grand Tiler shall each receive such stated compensation for his services as the Grand Lodge shall direct, which compensation shall be fixed before said officers or any of them are elected or appointed, and shall not be altered at any time so as to affect the incumbent in office.

ARTICLE IX.

Of Warranted Lodges.

§ 45. A warranted Lodge consists of a Master, a Senior Warden, a Junior Warden, a Treasurer, a Secretary, a Senior Deacon, a Junior Deacon, a Tiler, and as many members as may be convenient, congregating and working in pursuance and by virtue of a warrant held under the authority of a Grand Lodge having lawful jurisdiction over it.

§ 46. The powers, duties and privileges of a Warranted Lodge

under this jurisdiction are such as are defined by its warrant, by the Constitution of this Grand Lodge and the Ancient Landmarks.

They are divided into:

1. Executive: The Master has the primary executive power of the Lodge.
2. Legislative: Over all matters relating to its internal concerns, not in derogation of the Ancient Landmarks, the Constitution of this Grand Lodge, or of its own particular By-Laws.
3. Judicial: In the exercise of discipline and the hearing and determining of controversies.

ARTICLE X.

Of the Dissolution of Lodges, and Surrender of and Forfeiture of Warrants.

§ 47. A Lodge can be dissolved only by the surrender or forfeiture of its warrant.

§ 48. The warrant of a Lodge can be surrendered only when there cannot be found among its members seven brethren duly qualified desirous of retaining the same.

§ 49. A Lodge may forfeit its warrant by:

1. Contumacy to the authority of the Grand Master or Grand Lodge.
2. Departure from the original plan of Masonry and Ancient Landmarks.
3. Disobedience to the Constitution or Laws.
4. Ceasing to meet for one year, and
5. Neglecting to make returns and pay dues for two years.

§ 50. No warrant of a Lodge can be declared forfeited except upon charges regularly made in Grand Lodge, at its Annual Communication of which charges due notice shall be given to the Lodge, and an opportunity afforded of being heard in its defence.

§ 51. The surrender of a warrant, when approved, or the forfeiture of a warrant, when declared by the Grand Lodge, shall be conclusive upon the Lodge and its members, and all the property of the Lodge shall become the property of, and must, on demand, be surrendered to the Grand Lodge, or its authorized agent, by the person or persons having its custody.

§ 52. The warrant of a Lodge may be suspended by the Grand Lodge or Grand Master, at any time, upon proper cause shown; which suspension when made by the Grand Master, shall not extend beyond the next Annual Communication of the Grand Lodge.

ARTICLE XI.

Dispensations for New Lodges.

§ 53. No dispensation to form a new Lodge in the State of New York shall be issued without the recommendation of all the Lodges whose jurisdiction would be effected by such new Lodge, except in cities; nor in any city except upon the recommendation of at least a majority of all the Lodges in such city, unless such city shall consist of more than one Masonic District, in which case the consent of a

majority of the Lodges in the District in which it is sought to locate such new Lodge shall be sufficient; nor within three months next preceding an Annual Communication, nor without the certificate of a warranted Lodge, whose jurisdiction would be effected by such new Lodge, that the proposed Master and Wardens of such new Lodge have exhibited their work in the three degrees of Ancient Craft Masonry in said warranted Lodge, and that such proposed Master and Wardens are well skilled in the said Work, and are competent to confer said degrees and impart the lectures thereof, and that all of the petitioners for such Dispensation are in good Masonic standing; nor without a good and sufficient certificate that each of the affiliated petitioners for such Dispensation has paid all his dues to the warranted Lodge of which he is a member, nor unless the certificate of dimission, or its equivalent, of each of the unaffiliated petitioners accompanies such petition.

ARTICLE XII.

Of Membership.

§ 54. Membership in a Lodge shall only be acquired by a brother in the manner following:

1. By having been named one of the persons to whom was granted the Dispensation or Warrant under which the Lodge is constituted.
2. By having been accepted by the Lodge as a candidate, and afterward having received the third degree.
And every brother receiving that degree shall be deemed a member of the Lodge by which he shall have been accepted (if it shall then exist), and it shall be his duty, immediately after receiving such degree, to sign the By-Laws of such Lodge.
3. An Entered Apprentice or Fellow Craft made by a Lodge which shall have ceased to exist, may apply to any Lodge within the jurisdiction of which he resides for the remaining degrees or degree; and, if the Lodge accept his application, shall become a member of such Lodge and sign its By-Laws on receiving the third degree, and
4. By regular affiliation; but no Master Mason shall become a member of a Lodge other than that in which, or at the request, or upon the consent of which he received the third degree, unless it shall appear that he is non-affiliated and not indebted to any Lodge for dues or assessments, and that no charges of unmasonic conduct are pending against him.

ARTICLE XIII.

Of Candidates.

§ 55. No Lodge shall initiate a person except upon his petition, and no petition for initiation shall be received by a Lodge unless the petitioner shall have in such petition answered in writing the questions prescribed in the Statutes.

§ 56. A Lodge shall not initiate any person without due inquiry

into his character, nor without being satisfied, in a Masonic manner, that he has not been previously rejected. If it shall be ascertained that a person, being a petitioner for initiation, has been rejected, then no Lodge shall initiate him until the expiration of six months after such rejection, nor without the permission of the Lodge that rejected him, expressed by a majority vote, if such Lodge exist.

§ 57. A ballot for each degree is an undeniable right whenever demanded, and if after a candidate has been accepted, and before he has been initiated, a new ballot be demanded, it must be taken, and if such ballot result in a rejection, it shall have the same effect as if it had occurred when such candidate was accepted; and if, after a candidate has been initiated, any member shall demand a ballot upon the advancement of the candidate, and such ballot result in a rejection, the candidate may again apply for advancement at any subsequent Stated Communication of the Lodge, the application must lie over at least to the next Stated Communication, and a clear ballot must be had before the candidate can be advanced. But no written or verbal objection, except as above stated, shall have the effect to reject the application of a candidate.

ARTICLE XIV.

Trials and Appeals.

§ 58. The Grand Lodge shall have original jurisdiction to enforce the provisions of its Constitution and Statutes, and to hear and determine charges which may be preferred against an unaffiliated Mason and all matters of controversy which may arise between Lodges, or between a Lodge and its Master, or between a Lodge and a member or the members of another Lodge, or members of different Lodges; and when charges are preferred in any of the foregoing cases, it shall be the duty of the Grand Master, or a District Deputy Grand Master of the District in which the offense or controversy shall arise, to appoint by his warrant, a commission, consisting of not more than five nor less than three disinterested brethren, who shall have attained the rank of Master, and shall hail from at least three different Lodges, to hear and determine the same.

§ 59. The Grand Lodge, upon the nomination of the Grand Master, shall appoint six Commissioners, to be styled the Commission of Appeals, to consist of Masters or Past Masters in good Masonic standing. These Commissioners, immediately after their appointment shall divide themselves by lot into three classes, and certify the same to the Grand Secretary. The term of office of class number one shall expire at the end of the first year; of class number two, at the end of two years, and of class number three, at the end of three years: so that there shall be at all times thereafter two Commissioners annually selected by the Grand Lodge, upon the nomination of the Grand Master, in place of those whose terms have expired, who shall hold their office for three years. Vacancies for unexpired terms may be filled in like manner.

§ 60. The Grand Lodge, upon the nomination of the Grand Master, shall appoint an additional Commissioner to preside in said Commission of Appeals, to be styled Chief Commissioner, and to hold office

for three years. Vacancies in the office of Chief Commissioner for the unexpired term shall be filled by the Grand Master.

§ 61. The Commission of Appeals thus constituted shall have the same powers and duties as have been exercised by Committees on Appeals in the Grand Lodge, and shall meet at each Annual Communication.

ARTICLE XV.

Of Amendments.

§ 62. No amendment to this Constitution shall be made, or have any effect until it shall have been proposed in Grand Lodge at its Annual Communication in June, and been adopted by the Grand Lodge at the same communication, and then again adopted in like manner by the Grand Lodge at the next succeeding Annual June Communication—or, in addition to the adoption thereof at one such Annual Communication, it shall, during the next year succeeding, and before the next Annual June Communication thereafter, be adopted by the affirmative vote of a majority of the Lodges within this jurisdiction—to take effect as soon as such consent is promulgated by the Grand Master. If any such amendment be adopted, it shall be appended to the published proceedings at the end, under the caption, "Proposed Amendment to the Constitution," and sent with the printed proceedings to all the Lodges in the jurisdiction, and no General Regulation shall be adopted inconsistent with this Constitution, and all former written Constitutions are hereby repealed, and all General Regulations and decisions heretofore made and adopted are also hereby repealed.

§ 63. The Statutes may be amended at any Annual Communication of the Grand Lodge by a two-thirds vote, provided that notice of such proposed amendment shall have been given and the amendment proposed, presented in writing at the previous Annual Communication.

S T A T U T E S.

ARTICLE I.

Installation, Style, and Insignia of Grand Officers.

SEC. 1. All the elected Grand Officers of the Grand Lodge shall be installed at the Annual Communication at which they shall be elected, or on the nearest convenient day thereafter.

§ 2. The Style of the Grand Master is Most Worshipful, of the remaining Grand Officers, Right Worshipful, except the Grand Pursuivant and Grand Tiler whose style is Worshipful.

§ 3. Each member of the Grand Lodge shall appear therein with his proper jewel and clothing.

ARTICLE II.

Salaries, Pay of Representatives, and Deductions.

§ 4. In the computation of time relative to salaries of Grand Officers, the year shall be considered as commencing on the last day of the Annual Communication of the Grand Lodge, and such salaries to be paid quarterly accordingly.

§ 5. The representative from each Lodge shall be entitled to receive his traveling expenses at the rates established by the proprietors of public conveyances, which he shall take in coming directly from his Lodge to the place of meeting and returning thereto, as charged by said proprietors at the time, and also five dollars for each day's attendance, and three dollars per day for time actually necessary for traveling to and from the Grand Lodge, not exceeding two days in going and returning. And, though he represent more than one Lodge, he shall receive pay only for one Lodge; nor shall he receive more than the aggregate dues of the Lodges he shall represent.

§ 6. Grand Officers, and past, elected, and installed Grand Officers, enumerated in section 5 of the Constitution, (who do not receive salaries as such or pay as representatives of Lodges) and commissioners of Appeals, shall be entitled to the like compensation from the funds of the Grand Lodge.

§ 7. Absence of a Grand Officer or Representative, before the close of the Communication, for any cause except sickness of or calamity to himself or his family, shall forfeit all claim to payment or compensation under the two next preceding sections.

ARTICLE III.

Elective Officers of Lodges, How and When Chosen and Installed. If not done in time, Dispensation to issue. Other Officers may be Appointed.

§ 8. The Master, Senior Warden, Junior Warden, Treasurer and Secretary of a warranted Lodge must be chosen annually, by ballot, and by a majority of votes at the Stated Communication of such Lodge next preceding the twenty-seventh day of December, summoned as required by the warrant, and be installed on or before the next Stated Communication thereafter.

Any Lodge may provide for such additional officers, to be either elected or appointed, as its By-Laws may prescribe.

If, at the time prescribed, a Lodge shall fail to elect, or within the time prescribed shall fail to install its Master and Wardens, or any of them; or if, having elected its Master and Wardens at the prescribed time, any of them shall fail or refuse to be installed within the prescribed time, the Grand Master may grant a Dispensation to such Lodge to elect or to install such officer or officers as the exigencies of the case may require.

ARTICLE IV.

Qualifications for Office, and Voting, and of Disfranchisement.

§ 9. Every member of a Lodge in good standing is entitled to vote; provided, however, that a Lodge may enact and enforce a By-Law which will disfranchise a member, at an election of officers, for non-payment of dues. Every voter is eligible to any office in the Lodge except that of Master.

§ 10. No member can be a Master of a warranted Lodge unless he has previously served as an installed Master or Warden, except at the institution of a new Lodge.

11. Membership in a Lodge is necessary to constitute eligibility to office therein, except in the case of a Tiler, who must be a member of some Lodge, but need not be a member of the Lodge for which he tiles.

ARTICLE V.

Resignations, Vacancies in Office, How and When Supplied.

§ 12. Neither Master nor Warden can resign, and every installed officer shall hold his office until his successor shall have been installed, unless his office become vacant, as provided in the next section.

§ 13. A vacancy in office in a Lodge can only occur—

1. By death.
2. By resignation of another than Master or Warden.
3. By election and installation of the holder of such office to fill another office in the Lodge.
4. By expulsion, or by suspension for a time extending beyond the next annual election, or by removal from office.

§ 14. A vacancy in an elective office, except that of Master or War-

den, may be filled by ballot at any Stated Communication upon full notice to the members. A vacancy in an appointed office may be filled at any time. In case the offices of Master and Wardens become vacant, an election can be held only by virtue of a Dispensation from the Grand Master, which is without fee, and must be applied for by two thirds of the members present, to be so certified by the Secretary; and in case such election be held, the members shall be summoned as for an annual election, and its result shall be immediately reported to the Grand Secretary, and the officers duly installed.

ARTICLE VI.

Proxy Representative of Lodge in Grand Lodge, How and When Chosen.

§ 15. A Lodge may, at a Stated Communication thereof, within the restrictions of Section Thirteen of the Constitution, by a majority vote, appoint a proxy to represent it, in the absence of its Master and Wardens, at the next succeeding Annual Communication of the Grand Lodge.

ARTICLE VII.

By-Laws of Lodge—Power to Make, and What to Contain.

§ 16. A Lodge has full power and authority to enact By-Laws for its own government, in conformity to the Constitution of this Grand Lodge and the principles of Masonry, and any By-Law inconsistent therewith is absolutely void.

§ 17. A Lodge may, at a Stated Communication, when summoned for the purpose, and on notice, tax or assess its members for strictly Masonic purposes, but for no other.

ARTICLE VIII.

Visitation of Lodges by Brethren Regulated.

§ 18. No visitor can be admitted into any Lodge without due inquiry and satisfaction as to his good Masonic standing; nor can he be admitted if his admission will disturb the harmony of the Lodge or embarrass its work.

ARTICLE IX.

Precedents of Lodges, Changing of Location, Seal, and Books, and Penalty for Failure to Work for One Year.

§ 19. Lodges shall take precedence according to the order in which they stand upon the Roll of the Grand Lodge.

§ 20. A Lodge may not remove its place of meeting from the town, village, city, or portion of a city named in its warrant nor from one place to another in such town, village, city, or portion of a city, without a concurrent vote of two thirds of the members present, and voting at a Stated Communication, to attend which they shall have been required by a summons, served at least ten days previously, stating the subject to be acted upon at such Communication. The removal of a Lodge from the town, village, city, or portion of a city named in its warrant, must receive the sanction of the Grand Lodge previous thereto.

§ 21. Every Lodge shall have a seal, and shall keep the following books, to wit:

A Book of By-Laws, with the signatures of the members.

A Record Book of the proceedings of the Lodge.

A Register containing the name of each member, his birthplace, age, occupation, residence, the dates of his initiation, passing and raising or affiliation, and also the date of the termination or suspension of his membership, with the cause thereof, as the same may occur.

An alphabetical list of expulsions, suspensions and rejections.

Such books as may be necessary to present clearly the receipts and accounts of the Treasurer and Secretary.

It shall also be the duty of the Lodge to keep, with the Lodge books, a book of Constitutions and Statutes of the Grand Lodge, to which shall be added, from time to time, all alterations duly adopted by the Grand Lodge. It shall also be the duty of the Lodge to preserve in its archives a copy of the proceedings of the Grand Lodge, as published from year to year.

§ 22. Every Lodge shall meet at least once in each year—and the neglect of a Lodge to hold any meeting for one year, or to make returns and pay dues for two years successively, shall subject it to forfeiture of its warrant—and a Lodge neglecting to pay its annual dues shall not be entitled to be represented in Grand Lodge.

ARTICLE X.

Charity—Right to, and How Furnished.

§ 23. All members of Lodges in good standing, their wives, widows and minor children, have a right to charitable relief from such Lodges upon presenting satisfactory evidence of their Masonic character or relations, and that they are in necessitous circumstances.

§ 24. If a claim for charitable relief be made upon the funds of a Lodge, when not in session, the Master and Wardens shall be a Committee to examine the same, and they shall be authorized to draw upon the funds of the Lodge to an amount not exceeding the amount specified in the By-Laws for present relief.

ARTICLE XI.

Lodges not to Divide Funds, nor to Allow Intoxicating Liquors, nor Work Clandestinely, or on Sunday.

§ 25. No Lodge shall distribute its funds among its members, nor introduce intoxicating liquors within its Lodge room, or any room adjoining, nor countenance or permit clandestine lecturing, nor meet for Masonic labor, other than in the burial of a Mason, on the first day of the week, commonly called Sunday.

ARTICLE XII.

Insignia of Lodge Officers.

§ 26. The jewels of the officers of Lodges are to be of silver or white metal; the color of their aprons to be of white, except as otherwise specially ordered or allowed by this Grand Lodge.

ARTICLE XIII.

Masonic Duty Violated is an Offence.

§ 27. When a duty is imposed, its neglect or violation, without excuse, shall be considered an offence against Masonic law.

ARTICLE XIV.

Master's Duty. Vacancy in His Office, How Filled. Powers and Duties of One Acting as. No Appeal from the Chair.

§ 28. The Master of a Lodge has power:

1. To congregate the members of his Lodge upon any emergency.
2. To issue summonses.
3. To discharge all the executive functions of the Lodge; and,
4. To remove any appointed officer for just cause.

§ 29. In case of the death, absence, or inability of the Master, of a vacancy in his office, the Senior and Junior Wardens will, in succession, succeed in his prerogatives and duties for all purposes, except such as pertain to the installation of the officers.

§ 30. From the decision of the Master, or Warden presiding in the absence of the Master, there shall be no appeal except to the Grand Master or Grand Lodge.

ARTICLE XV.

Treasurer's Duties.

§ 31. It shall be the duty of the Treasurer of a Lodge:

1. To receive from the Secretary all moneys paid into the Lodge,
2. To keep a just and regular account thereof; and,
3. To pay them out by order of the Master and consent of the Brethren.

ARTICLE XVI.

Secretary's Duties.

§ 32. It shall be the duty of the Secretary of a Lodge:

1. To record the proceedings of the Lodge, under the direction of the presiding officer.
2. To receive all moneys paid into the Lodge and pay the same to the Treasurer.
3. To keep a register of the members of the Lodge, with a permanent number affixed to each name, corresponding with the return for registry required by the Grand Lodge.
4. To register alphabetically, in a suitable book, all expulsions, suspensions, rejections and restorations communicated by the Grand Lodge.
5. To report immediately to the Grand Secretary (in case of all Lodges within the cities of New York and Brooklyn) the name, age, occupation and residence of every rejected candidate for initiation; and in every other city or town, where there is more than one subordinate Lodge, he shall furnish all other Lodges in the same city or town the same information, under the seal of the Lodge.
6. To make an annual return to the Grand Secretary of those who

have been initiated, passed and raised, with the dates thereof, and of such other matters as may be required by the Grand Secretary.

7. To transmit, immediately after every election, a certificate of the names and residences of the Officers elected to the Grand Secretary, and to the District Deputy Grand Master of the District in which the Lodge is located.
8. To make a full and correct return annually to the Grand Lodge of all who were members of the Lodge on the first day of May in each year, which return shall be transmitted to the Grand Secretary on or before the 15th day of May in each year.
9. To make a full and correct return annually to the District Deputy Grand Master, of the condition of the Lodge on the first day of May, and in the form prescribed by the Grand Lodge, to be transmitted on or before the 5th day of May.
10. To report, immediately after the expulsion or suspension of a member by the Lodge, the same to the Grand Secretary, with the cause of such expulsion or suspension.
11. To certify and affix the seal of the Lodge to all returns and certificates of election made to the Grand Lodge, and to the District Deputy Grand Master; and
12. To attest the official signature of the Master to all other Masonic documents, when necessary.

ARTICLE XVII.

Minutes, Keeping and Approval of, and not to be Changed.

§ 33. The minutes of a Communication shall be read and corrected (if necessary), and approved by the Lodge before it is closed, and such proceedings shall be submitted to the Grand Lodge whenever required, and having been approved cannot be altered or expunged.

ARTICLE XVIII.

Officers of Lodge Generally.

§ 34. The officers shall be subject, in all things relating to their official duties, to the direction of the Master or presiding officer.

ARTICLE XIX.

Dispensations for New Lodges, How and When Issued; and of Lodges U. D.

§ 35. An elected officer of a Lodge cannot be a petitioner for a Dispensation for a new Lodge, nor can a member of a Lodge under the jurisdiction of another Grand Lodge be a petitioner for a Dispensation for a new Lodge in the State of New York.

§ 36. A Lodge under Dispensation cannot elect or install its officers, nor discipline its members or other Masons, nor can it be represented in Grand Lodge, but it possesses all other powers and privileges, and must perform all the other duties of a warranted Lodge, except that it need not have a seal.

§ 37. No warrant shall be issued to any number of Masons less than seven, nor unless they shall have given proof of their skill and ability by Work under Dispensation, which shall be certified by the Grand Lecturer or Assistant Grand Lecturer and District Deputy Grand Master of the District in which the Lodge is to be located ; nor unless said Dispensation and an attested transcript of all the proceedings of such Lodge, including a copy of the By-Laws thereof, shall have been delivered to the Grand Lodge, nor unless they shall show that, as a Lodge under Dispensation, they are clear of all indebtedness, and that they have secured and prepared a suitable and safe place for meeting as a Lodge.

§ 38. All Brethren, members of or attached to a Lodge under Dispensation at the time of the expiration of the Dispensation, shall be deemed to continue such relation thereto, and be members of or attached to said Lodge whenever and as soon as said Lodge shall be duly warranted and constituted.

§ 39. A Lodge under Dispensation must pay Grand Lodge dues of its members.

§ 40. All Dispensations to form new Lodges expire on the 15th day of May in each year.

ARTICLE XX.

Full Membership in only one Lodge, and of Honorary Membership, How Acquired, and Rights of.

§ 41. No Mason shall be a member of two Lodges at the same time; provided, however, that a Lodge at a Stated Communication, and by unanimous ballot, upon a proposition received at the previous Stated Communication, may confer honorary membership upon any Master Mason, who, at that time, shall be a member in good standing of some warranted Lodge ; but an honorary member of a Lodge shall not vote therein.

ARTICLE XXI.

Penalties for Unaffiliation.

§ 42. One who shall remain an unaffiliated Mason within this jurisdiction one year or more shall not be allowed to visit any Lodge, or join in a Masonic procession, nor be entitled to receive Masonic relief or burial.

ARTICLE XXII.

Effect of Petitioning for Dispensation.

§ 43. If a member of a warranted Lodge join in a petition for a Dispensation to form a new Lodge ; and, such Dispensation be granted, his membership in such warranted Lodge shall be in abeyance until the expiration of the Dispensation ; unless before that time he shall have resumed full membership in the warranted Lodge by withdrawing from the new Lodge. If he shall not have withdrawn from the new Lodge before the expiration of the Dispensation, and the new Lodge shall not be continued by a warrant, his membership in the first above mentioned Lodge shall be resumed.

ARTICLE XXIII.

Applications for Affiliation, Dimission, and Withdrawal.—How and When Granted and Effect.

§ 44. A member of a Lodge may present his application to another Lodge for affiliation therein, and such last mentioned Lodge may receive the application, and refer it to a Committee of Investigation, and upon the report of the Committee take a ballot, and if thereupon such application be accepted, the brother shall become a member of the Lodge so accepting him, when it shall receive a certificate that such brother has been regularly discharged from membership in the first mentioned Lodge.

§ 45. No member shall be permitted to Dinit from the Lodge of which he is a member until he shall present a certificate from some warranted Lodge that he has petitioned for membership therein : on presentation of such certificate, and upon the written request of the brother, the Lodge, at a Stated Communication shall, if the member is not an elected officer of or indebted to the Lodge, or under charges, issue a certificate of Dimit, which shall not be delivered to the brother, but shall be transmitted, by the Secretary of the Lodge, to the Lodge from which such Certificate of petition came ; which Dimit shall not become operative, or the brother's membership in the Lodge issuing the Dimit terminated until notice has been received that the brother has consummated membership in the other Lodge. Provided that when any member shall be or become a resident of another Grand Lodge jurisdiction, a Dimit may be granted to him direct and without compliance with the foregoing provisions.

But any member of a Lodge against whom charges are not pending, and whose dues and indebtedness to the Lodge are paid, may withdraw from membership by presenting a written application therefor at a Stated Communication. The Lodge shall grant the request of the brother by dropping his name from the rolls, and his membership shall thereby be terminated, and he shall be subject to the disabilities of an unaffiliated Master Mason : Provided, however, that an elected officer cannot withdraw.

ARTICLE XXIV.

Non-Payment of Dues,—Penalty for. How Dues are Affected by Unaffiliation or Suspension,

§ 46. A Lodge shall have the power to enact a By-Law which shall provide a penalty for the non-payment of Lodge dues, which penalty shall be unaffiliation ; but such penalty shall not be inflicted except for the non-payment of at least two years' dues, nor until the brother shall have been duly summoned thirty days previous to pay said two years' dues. Any such unaffiliated brother may be restored to membership by a majority vote of the members present, and voting at a Stated Communication, provided he shall have paid the amount due at the time of such restoration.

§ 47. A Lodge shall not be liable for Grand Lodge dues for a member unaffiliated for non-payment of dues until restored to membership.

§ 48. Suspension, after due Masonic trial, shall not relieve the member from payment of Lodge dues, or the Lodge from Grand Lodge dues.

ARTICLE XXV.

Petitions for Initiation, Requisites of, and Fees on. Lodge Jurisdiction over Candidates. Duties of Lodges, Officers and Members on, and on Work thereon, or on Degrees. Fraud or Falsehood of Candidate, how Punished.

§ 49. The following are the questions required to be answered by a petitioner for initiation :

What is your age ?

Where born ?

Where do you reside ?

What is your occupation ?

Have you resided in the State of New York the twelve months last past ?

Have you resided in the town, village, or city in which you now reside for four months last past ?

Have you ever, to your knowledge or belief presented a petition to or been rejected in any Masonic Lodge, and, if so, when and in what Lodge ?

Do you believe in the existence of one ever living and true God ?

Do you know of any physical, legal, or moral reason which should prevent you from becoming a Freemason ?

§ 50. The jurisdiction of a Lodge over candidates extends over all persons residing nearer to it than to any other Lodge within this jurisdiction, except that if there be more than one Lodge in a village or city, those Lodges shall have concurrent jurisdiction, and except that Lodges in the cities of New York and Brooklyn shall have concurrent jurisdiction.

§ 51. No Lodge shall initiate any candidate who is a resident of the State of New York, unless he has been such resident for twelve months next preceding the application for such initiation, and for four months in the jurisdiction of the Lodge to which he applies, without the consent of the Lodge within the jurisdiction of which he last previously resided; and no Lodge shall initiate any candidate who is not a resident of the State of New York without the consent of a warranted Lodge, acting in accordance with the Constitution and Laws (by whatever name such Laws may be known) of the Grand Lodge under the jurisdiction of which such candidate resides, provided, however, this section shall not apply to seafaring men or persons in the United States naval or military service.

§ 52. A petition for initiation or affiliation cannot be received by a Lodge except at a Stated Communication, and when received it shall be referred to an Investigating Committee of not less than three members, and no report of an Investigating Committee shall be received until at least two weeks after such petition shall have been referred.

§ 53. A petition for initiation, after having been rightfully presented and referred, cannot be withdrawn, but must be acted upon by

report of Committee and a ballot; and an adverse ballot cannot be reconsidered under any circumstances in less than six months thereafter, and then only on a new petition of the candidate.

A petition wrongfully presented and referred must be returned as soon as the error be discovered.

§ 54. No ballot on a petition for initiation, passing or raising, or for affiliation, can be taken at any other than a Stated Communication and unless the ballot be unanimous in favor of the petitioner, he shall be declared rejected.

§ 55. Every member of a Lodge present at any balloting therein for initiation, advancement, or affiliation, must vote.

§ 56. If at any time it shall be charged that a Mason made any misrepresentation to the Lodge in which he shall have been initiated, or to a Committee of Investigation appointed by such Lodge, or used any concealment or deceit in relation to his initiation, he may be tried therefor, and, if found guilty, may be punished by suspension or expulsion.

§ 57. No discussion upon the merits of a petitioner for initiation, passing or raising, shall be allowed in the Lodge.

§ 58. The balloting on a petition cannot be postponed or adjourned but when once commenced must be completed, and the result thereof be declared.

§ 59. A Lodge shall not initiate, pass, or raise more than five candidates at one Communication, and shall not confer more than one degree upon a candidate in any one day.

§ 60. A Lodge shall not confer the second degree or the third degree on the same candidate or candidates, at a less interval than two weeks from the time of conferring the preceding degree.

§ 61. No officer or other member of a Lodge shall be permitted to procure the initiation or advancement of any candidate in any other Lodge than that in which such candidate shall have been accepted.

§ 62. No Entered Apprentice or Fellow Craft, initiated or passed in any Lodge within the United States, shall be passed or raised in any Lodge under the jurisdiction of this Grand Lodge, other than that in which he was initiated, unless the consent of the Lodge in which he was initiated or passed shall have been obtained, provided said Lodge continue in existence.

§ 63. No Lodge shall make a Mason for a sum less than twenty dollars, nor upon credit.

§ 64. No candidate shall be passed to the degree of Fellow Craft, or raised to the sublime degree of Master Mason, without proof of suitable proficiency in the preceding degree, ascertained from an examination by a competent brother in open Lodge, or by a Committee appointed for that purpose.

§ 65. Any brother who shall in any way make known the kind of ballot cast by himself or another, on an application for the degrees of Masonry, or any of them, or for affiliation, or if after any such balloting as aforesaid, at which such application has been rejected, any brother shall in any way declare that he or any other brother cast a certain kind of ballot at such balloting or shall declare that any specified or indicated number of white balls or ballots, or black balls or ballots, was cast at any balloting as aforesaid it shall be deemed a Masonic offence, and such brother so offending may, on conviction thereof, be suspended for a period not exceeding one year. And, on the trial

of a brother for any offence specified in this section, it shall not be permitted to prove the kind of ballot cast by any brother, nor the number of white balls or ballots, or black balls or ballots, cast at any such balloting.

ARTICLE XXVI.

Charges, Trials, and Appeals.

§ 66. After service of the charges against a brother, the Commission shall appoint a time and place for the trial convenient to the parties and summon the parties and their witnesses; and any Master of a Lodge may issue a like summons for witnesses at the request of either party.

§ 67. When the trial is concluded, the Commissioners shall, as soon as possible, make their report of the facts found by them, and their determination upon the matter, and give notice thereof to each of the parties, and a majority of the Commissioners must concur in the judgment of the Commission; a copy of which report must be filed with the Grand Secretary.

§ 68. The decision of the Commissioners shall be final unless an appeal shall be taken therefrom to the Grand Master or Grand Lodge within six months, in which case it shall be the duty of the Commissioners, upon receiving notice of such appeal, to transmit their report together with all the papers and proceedings in the case, to the Grand Secretary, unless they have already filed a copy. The appellant shall also, within thirty days after notice of the decision, give notice of intention to appeal to the opposing party. The decision of the Grand Master shall be final, unless a further appeal be taken within thirty days after notice thereof.

§ 69. When notice of appeal to the Grand Lodge shall have been filed with the Grand Secretary, that officer shall immediately, or as soon as received, send to the Chief Commissioner all papers and reports having reference to the case, to the end that the Commission of Appeals may have time to examine the appeal in advance of the meeting of the Grand Lodge.

§ 70. The appeal shall be heard before the Commission of Appeals during the session of the Grand Lodge, and the decision of the Grand Lodge upon the report of said Commission shall be conclusive upon all parties.

§ 71. A Warranted Lodge shall have, with the Grand Lodge, concurrent jurisdiction over any unaffiliated Mason residing within its territorial jurisdiction, and original jurisdiction, over any E. A. made or F. C. passed therein, and over any of its members except its Master; and when charges are preferred in a Lodge, a Commission shall be appointed by the presiding Master, consisting of not less than three nor more than five members of the said Lodge, to take testimony in the case and report the same to the Lodge for its judgment. The decision of the Lodge shall be final, unless an appeal be taken therefrom to the Grand Master or the Grand Lodge, in the same manner as provided in Section Sixty-eight.

§ 72. The expenses which may be incurred by the Commissioners in conducting a Masonic trial shall be borne by one or both of the

parties to the controversy, as may be determined by the Commissioners and set forth in their report, and payment of such expenses may be enforced in the same manner as Lodge or Grand Lodge dues, or by proper Masonic discipline.

§ 73. Charges against the Master of a Lodge for official misconduct, while holding the office of Master, shall be presented to the Grand Master or the Grand Lodge only during the term of said Master, or within one year thereafter.

§ 74. Charges preferred, which if proven would not constitute a Masonic offence, may be and should be dismissed by the Lodge or officer before which the same may have been preferred.

§ 75. All trials of charges preferred and appeals taken in pursuance of the provisions of the Constitution and Statutes shall be conducted, so far as the same may be applicable, in accordance with such rules and forms as may be adopted by the Grand Lodge.

ARTICLE XXVII.

Penalties and Restoration from.

§ 76. The penalties which may be inflicted for a violation of Masonic law shall be : First, reprimand or censure ; Second, suspension from all the rights of Masonry, which shall be for a definite time ; and, Third, expulsion.

§ 77. The Grand Lodge shall have power to restore an expelled Mason to the rights of Masonry after the expiration of one year from the date of the sentence.

§ 78. A Lodge having expelled a member, may restore such expelled Mason to the rights of Masonry at any time and by a majority vote, notice of a motion to do so having been made at a preceding Stated Communication, and a Lodge may terminate a definite suspension at any time. Provided, however, that such restoration shall not be made when the Grand Lodge shall have affirmed the decision on appeal.



RULES OF ORDER.

I.—At the third stroke of the Grand Master's gavel, there shall be a general silence, and he who breaks silence without leave from the Chair, shall be subject to a public reprimand.

II.—Under the same penalty, every Brother shall keep his seat, and observe strict silence whenever the Grand Master or presiding officer shall call to order.

III.—No Brother is to speak more than once to the same question, unless by permission.

IV.—If, in the Grand Lodge, any member is twice called to order, at one Communication, for transgressing these rules, and is guilty of the third offence of the same nature, the Chair may peremptorily order him to leave the Lodge-room for that day.

V.—Whoever shall be so rude as to ridicule any Brother, or what another says, or has said, may be forthwith solemnly excluded the communication, and declared incapable of ever being a member of any Grand Lodge for the future, unless he publicly own his fault, and he be excused.

VI.—All motions are to be decided by a majority of

votes, each member having one vote, each Lodge having three votes, and such additional votes as the law prescribes, and the Grand Master two votes, in case that an equal number shall require his decision.

VII.—The opinions or votes of the members may be signified by holding up of the left hand, unless some member shall call for a vote by Lodges, which shall be sustained by at least ten members.

VIII.—All members shall keep their places, except the Grand Marshal and Grand Deacons, who are allowed to move from place to place, in the discharge of their duties.

XI.—Every one who speaks shall rise, and remain standing, addressing himself to the presiding officer; and no member shall interrupt him unless to call him to order; but after he has been set right, he may proceed, if he observe due order and decorum.

X.—In case of the absence of the Grand Wardens, when they, or either of them shall be entitled to take the Chair by succession, the Past Grand officer present, who is highest in rank, (if his office shall have been elective), shall take it; and in case of the absence of both Present and Past Grand Officers, entitled to take the Chair, the Master of the Senior Subordinate Lodge present shall take it.

XI.—Every proposition offered for consideration shall be in writing, if required by any member.

XII.—At any Annual Communication of the Grand Lodge, the following Standing Committees shall be ap-

pointed, to consist of three members each, except as herein stated :

1. A Committee on Credentials of Members and Returns of Lodges.
2. Committee on the Condition of Masonry within the jurisdiction, to consist of seven members. To this committee shall be referred all domestic correspondence requiring action, and questions relative to the usages, privileges, and customs of the Fraternity.
3. A Committee on Foreign Correspondence.
4. A Committee on Warrants, to consist of nine members, one from each Judicial District in the State except the First District from which there shall be two. To this Committee shall be referred all application for warrants, and all cases of forfeited warrants. They shall not act upon any applications for a warrant, unless it shall have been recommended by the nearest Lodge; nor shall any warrant be revived which has been forfeited previous to June, 1839; nor any other warrant forfeited since that time, unless it be first surrendered.
5. A Committee on Grievances.
6. A Committee on Finance, who shall examine into and report upon all matters touching the finances of the Grand Lodge, and to whom shall be referred all subjects involving an appropriation of its funds; and without such reference, no such appropriation shall be made.

7. A Committee on Accounts of Representative and the pay of Members.
8. A Committee on the Constitution and By-Laws of Lodges. To this Committee shall be referred all propositions to amend the Constitution, General Regulations, and Rules of the Grand Lodge.
9. A Committee on Charity, as proved by the Constitution.
10. A Committee on Unfinished Business of the previous Annual Communication.
11. A Committee on Printing, and no resolution to print at the expense of the Grand Lodge shall be adopted, without the sanction of such Committee, stating the number of copies to be printed.
12. A Committee on Work and Lectures, to consist of nine members, one from each Judicial District in the States, except the First District, from which there shall be two. To this Committee shall be referred the Report of the Grand Lecture, and all questions relative to the work and lectures of the Fraternity.
13. A Committee on the Hall and Asylum, to consist of nine (9) members, one from each Judicial District, and one additional from the First District. To this Committee shall be referred all matters relating to the Hall and Asylum Fund.
14. A Committee of one from each Masonic District, before whom the Grand Lecturer shall exhibit the standard work and lectures of the Grand Lodge ; and the Committee to report thereon,

XIII.—The Standing Committees shall not sit while the Grand Lodge is actually in session, unless on leave obtained, and shall all report at the same Communication at which they were appointed, and be discharged at the close thereof, unless otherwise ordered, except the Committees on Foreign Correspondence and Unfinished Business.

XIV.—After the Grand Master has called the Grand Lodge to order at the opening thereof, on the first day of the Annual Communication, the following order of proceedings and business shall be observed :

1. Prayer by the Grand Chaplain.
2. Calling the Roll of Lodges by the Grand Secretary.
3. The usual solemn ceremonies of opening the Grand Lodge in ample form.
4. Reading and approving the minutes of any previous Communication not before read and approved.
5. Address of the M. W. Grand Master, and action thereon.
6. Report of the Grand Secretary and Grand Treasurer, and action thereon.
7. Miscellaneous Business.

XV.—After the first session of the Annual Communication, the Grand Lodge shall assemble daily, at nine o'clock in the morning, and take a recess from one o'clock, P. M. until two o'clock, P. M., and again from six o'clock until the following morning at nine o'clock.

XVI.—The order of business at each session, after the first day, shall be as follows, except the third, which shall not be observed after the second day.

1. Reading and approving minutes of the preceding session.
2. Reports upon Credentials of Members.
3. Appointment of Standing Committees.
4. Reports on Unfinished Business of the previous Communication.
5. Presentation and reference, or other disposition of memorials, petitions, and communications.
6. Motions and Resolutions, and reference or other disposition of the same.
7. Reports of Standing Committees, and action thereon ; the Committees on Foreign Correspondence, and the Condition of Masonry having the preference.
8. Reports of Special Committees, and action thereon.
9. Special orders (if any).
10. Considerations of Amendments to Constitutions, General Regulations, and Rules (if any).
11. Unfinished Business of previous session (if any).
12. Miscellaneous Business, not included in the above ; including the lectures on three degrees in presence of the Grand Lodge, once at each Communication. (See subdivision 14 of Rule XII).

XVII.—Should the Order of Business not be concluded at the session at which it is first called, it shall be commenced at the succeeding session, where it was left off, and so on, throughout the Communication ; taking up the Order of Business as in Rule 16 ; again, when once finished

and going through with it in the same manner ;—Provided, nevertheless, that the reading and approving of the minutes shall be the first business in order at each session ; and that the appointment of a time for, and the election and installation of officers, and the lectures, shall be in order at any time designated by the Grand Lodge.

XVIII.—The Rules or Order shall not be suspended at any time, except by unanimous consent.

XIX.—These rules may be amended at any time, by a vote of two-thirds of the Grand Lodge.

XX.—All former Rules of Order of the Grand Lodge, inconsistent herewith, are hereby abrogated.

MASONIC CODE OF PROCEDURE;

IN THREE PARTS, VIZ:

I. TRIALS; II. APPEALS; III. RESTORATION.

[ADAPTED TO THE USE OF LODGES.]

PREPARED BY JOHN L. LEWIS, P. G. M., AND APPROVED BY THE
GRAND LODGE OF NEW YORK, JUNE, 1873.

I. OF TRIALS.

SECTION 1. A Masonic trial is the judicial examination of the issues arising on Complaints for offences before the Grand Lodge or Commissioners, whether they be issues of law or fact.

§ 2. Masonic offences which object the individual offender to trial and punishment, are of four kinds:

1. Offences against Statutory law, being such as are called crimes, divided into felonies and misdemeanors.
2. Offences at common law, not made crimes by any statute; such as assault and battery.

3. Offenses against the moral law, not punishable as crimes ; such as adultery and fraud ; and
4. Offenses against the Constitution and laws of Masonry, written or unwritten.

§ 3. The penalties which may be inflicted upon an individual Mason, for an offense, are :

1. Reprimand or censure ; 2. Suspension for a definite time ; and, 3. Expulsion.

§ 4. Masonic offenses may also be committed by a Lodge in the particulars defined by the Constitution, and not otherwise, and which are :

1. Contumacy to the authority of the Grand Master or Grand Lodge.
2. Departure from the Ancient Landmarks ;
3. Disobedience to the Constitution, and laws of the jurisdiction ; and
4. Neglecting to meet as a Lodge for one year or more.

§ 5. Every individual Mason, and every Lodge accused of a Masonic offense, must be proceeded against by written charges called a Complaint, and notice thereof ; and each is entitled to a speedy and impartial trial.

§ 6. Any Mason in good standing may prefer a complaint to the proper authority against any other individual Mason, or against a Lodge, and may be a witness on the trial ; but it is recommended that when preferred in a Lodge against any one in its jurisdiction, it should be by the Junior Warden ; and in all cases after complaint made he should be the persecutor.

§ 7. A complaint must be in writing and contain an orderly statement of the facts constituting a Masonic offense and should be brief but comprehensive, avoiding repetition, and clearly defining the nature of the offense charged, with an accurate specification of the time, place and circumstances of its alleged commission.

§ 8. A complaint preferred in a Lodge should be substantially in the form designated as "Form No. 1." ; or as designated as "Form No. 2" ; or as "Form No. 3" as examples ; and which may readily be adapted to any other case of Masonic offense.

Form No. 1.

The Complaint.

"*To the Master, Wardens and Brethren of Triluminar Lodge, No. 800 :*

CHARGE. Brother *A. B.* is hereby charged with *immoral* and *unmasonic* conduct :

First Specification. That the said *A. B.*, on the first day of April, 1859, in the public street at Freetown, in the county of_____, and then being a member of said Lodge, was in a state of intoxication from the immoderate and improper use of intoxicating liquor, in violation of his duty as a Mason, and to the scandal and disgrace of the Fraternity.

Second Specification. That the said *A. B.*, on the first day of April, 1859, at Freetown aforesaid, and at various other times and places in the year 1859, was intoxicated with strong and spirituous liquors, although admonished there-

for by the Master and Wardens of this Lodge, in violation of his duty as a Mason, and to the great scandal and disgrace of the Masonic Fraternity.

And it is hereby demanded that the said A. B. be dealt with, therefor, according to Masonic law and usage.

Dated April 9, 1859.

S. L. *Junior Warden.*"

Form No. 2.

The Complaint in another form.

"To the Masters, Wardens and Brethern of Triluminar Lodge, No. 800 :

CHARGE. Bro. C. D. is hereby charged with *immoral and unmasonic conduct*:

First Specification. That the said C. D. on the first day of April, 1859, at Freetown in the county —, and then being a member of said Lodge, in the presence and hearing of Bro. E. F. and others, spoke and declared of Bro. G. H. of Anchor Lodge, No. 801, these words in substance : that the said G. H. was a dishonest man ; that he was a knave and a cheat ; and that he was a liar : to the great injury of the said G. H. and of the common scandal and disgrace of the Masonic Fraternity.

Second Specification. That the said C. D. on the first day of April, 1859, at Freetown aforesaid, in the presence and hearing of Mr. Y. Z. and others, publicly spoke and declared of the said G. H., who was not present, that he, the said G. H., was a dishonest man, a knave, a cheat and a liar, in violation of the duties of the said C. D., as a Master Mason, to the great injury of the said G. H., and

to the common scandal and disgrace of the said Anchor Lodge, No. 801, and of the Masonic Fraternity :

And it is therefore hereby demanded that the said C. D. be put upon trial therefor.

Dated April 9, 1859.

S. L., *Junior Warden.*"

Form No. 3.

The Complaint—Another Form.

"To the Master, Wardens and Brethren, of Triluminar Lodge, No. 800 :

CHARGE. Bro. *E. F.*, is hereby charged with *unmasonic* conduct :

Specification. That heretofore said Triluminar Lodge adopted a Code of By-Laws, and amongst other things provided by Section 21 of said By-Laws, which has ever since been and is in full force, in substance and effect that said Lodge might tax its members for Masonic purposes ; that at a stated communication of said Lodge, held on the 24th day of December, 1858, said Lodge adopted a resolution to impose a tax upon each of its members of three dollars to replenish the Charity Fund of said Lodge ; that on said last mentioned day said E. F. was a member of said Lodge and had subscribed to said By-Laws, and is still a member of said Lodge, but that the said E. F., although of sufficient pecuniary means and ability, refused to pay said tax of three dollars, and still refuses to pay the same, contrary to the provisions of said Section 21 of said By-Laws, to the injury of said Lodge, and in violation of his duties and obligations as a Master Mason :

and it is therefore hereby demanded that the said E. F. be put upon his trial therefore.

Dated April 9, 1869.

S. L., *Junior Warden.*

§ 9. The proceedings on a complaint to a Lodge under "Form No. 1." (selected as an example) are contained in the preceding Section 8, and in the Sections following to and including Section 20.

§ 10. The complaint must be presented in open Lodge at a Stated Communication, and a motion should be made and adopted that the complaint be received and Commissioners appointed before further proceedings can be had.

§ 11. The complaint need not be copied in the minutes but its nature shall be entered with the fact of its reception and reference, and the names of the Commissioners appointed by the master.

§ 12. When such a motion of reception and reference has been adopted, the Master should forthwith appoint three capable and disinterested members of the Lodge as Commissioners. If a brother appointed as Commissioner shall know of any cause which would disqualify him from acting, it is his duty to state it either in open Lodge or privately to the Master, in order that another may be forthwith substituted.

§ 13. (Stricken out, 1874.)

§ 14. It is the duty of the Secretary of the Lodge immediately to serve upon the accused a copy of the complaint with a notice annexed, except in cases mentioned in Section 17.

§ 15. The notice annexed to the complaint may be in the following form :

Form No. 4.

Notice of Complaint.

“Bro. A. B.:—Take notice that the within (or foregoing) is a copy of the complaint preferred against you at a Stated Communication of Triluminar Lodge, No. 800, held on the 9th of April, inst.; and that Bros. R. S., T. U., and V. W. were appointed Commissioners to hear and try the same.

Dated April 10, 1859.

P. Q., *Secretary.*

§ 16. Commissioners should determine if possible at the time the complaint is preferred, when and where they will meet for trial, and inform the Secretary thereof, in which case he will add to the above notice the following : “and that they will meet for the purpose on the 20th day, of April, 1859, at seven o’clock, p.m., at Triluminar Lodge Room in Freetown, at or before which time you are required to answer said complaint.”

§ 17. If from any cause the complaint cannot be personally served, then a notice of its presentation, and the nature of the charges it contains should be sent to accused by mail, or other safe conveyance, if his residence be known ; if the residence be not known, then after a reasonable time and after diligent inquiry, the Secretary should leave such notice at the last place of residence, or place of business of the accused, with information that a copy of the complaint will be furnished when demanded by the accused.

§ 18. The notice in the case mentioned in Section 17, may be in the following form :

Form No. 5.

Notice to Absent Defendant.

"Bro. A. B.:—Take notice that at a Stated Communication of Triluminar Lodge, No. 800, held in Freetown, on the 9th day of April, 1859, charges of unmasonic conduct were preferred against you ; that Bros. R. S., T. U.. and V. W., were appointed Commissioners to hear and try the same ; that a copy of the complaint will be furnished you on demand, and you are required to answer said complaint within—days thereafter, and serve your answer upon me.

Dated April 16th, 1873.

P. Q., *Secretary.*

§ 19. After service of the complaint, if the accuser of the accused has an objection to the Commissioners, or any of them, he should as soon as possible make his challenges, that the Master, if satisfied that the challenge is made upon good grounds, may make another appointment, and it should state specifically the grounds on which it is made. Challenges may, however, be made to Commissioners at any time, before the trial commences.

§ 20. If there be doubts whether the grounds of the challenge are sufficient, the Master shall be the trier, when all or two of the Commissioners are challenged ; or when but one is challenged the other Commissioners may act as triers ; but it is recommended that if there be reasonable objection, or if probable cause for challenge be mani-

fest, that the challenged Commissioners remove all objection by resignation, in which case the Master will appoint another, and if made at any other time than at a Communication of the Lodge, that he supply the vacancy by appointment in writing, to be filed with the Secretary, who shall present the same to the Lodge when next convened.

§ 21. The appointment of Commissioners being completed, it is next the duty of the accused to answer the complaint. As this must be in most cases, if not all, equivalent to the well-known plea of "Not guilty," the form is immaterial, but to complete the record it may be in the following form :

Form No. 6.

The Answer.

"C. D. in person, denies the complaint made against him, and every matter and thing contained in the charges and several specifications of the same as therein stated and set forth, and demands trial thereon. C. D."

§ 22. The answer, however, may vary according to the facts of each case ; as for example one specification may be admitted and another denied ; or the charges and specifications may be admitted and matters set forth in excuse or extenuation of any or all of the specifications ; or the charges and specifications may be admitted with a denial that they constitute Masonic offence, (the last being what is called a demurrer), but which to avoid technicality will be termed a special answer.

§ 23. The special answer to the complaint may be in the following form :

Form No. 7.

The Special Answer.

“C. D. in person, answers the complaint made against him, and without denying the charges or specifications therein, says, that the statements in said complaint do not present sufficient facts to constitute a Masonic offence, because he says that it is contrary to the principles of Masonic law for a Lodge to tax its members,” [or whatever else may be the grounds of the special answer.]

§ 24. The answer whether general or special being made, the issue is formed and the parties proceed to trial, at the time and place appointed by the Commissioners, of which the accused should always have reasonable notice in writing.

§ 25. If a special answer be made and the decision be against the accused, he will still be permitted to put in an answer denying or excusing the charges in the manner above stated, and hence it is best not to interpose a special answer, as the accused may always have the benefit of any question of Masonic law under a general answer.

§ 26. The attendance of witnesses on either side, when they are Masons, may be enforced by summons, which may be issued by any Master of a Lodge, and may be in the following form :

Form No. 8.*The Summons for Witness.*

“To Bro. I. J.:—You are hereby summoned and required to attend as a witness before the Commissioners appointed for the trial of Bro. A. B., on certain charges preferred against him on the 20th day of April, 1859, at 7 o'clock, P. M., at the Lodge-room of Triluminar Lodge, No. 800, in Freetown: and there to testify the truth according to your knowledge on behalf of [naming the party summoning him].

Dated April 16, 1859. K. L. *Master of Star Lodge, No. 900.*”

§ 27. The summons may be made to answer for several witnesses by inserting their several names and adding the words “and each of you” after the word “you”; taking care to leave a blank after the first name for the insertion of other names. The attendance of witnesses other than Masons must necessarily be voluntary only.

§ 28. The brother disobeying such summons is liable to discipline in the same manner as for disobedience to any other summons; and for this reason, the one serving it should note upon it when and how it was served, whether personally or otherwise.

§ 29. The complaint for disobeying a summons may be in the following form:

Form No. 9.*Complaint for Disobeying Summons.*

"To the Master and Wardens of Triluminar Lodge No. 800:

CHARGE. Bro. I. J. is hereby charged with *unmasonic* conduct.

Specification. That the said I. J., having taken the solemn obligations of a Master Mason, and being a member of said Triluminar Lodge, No. 800, in good standing, was, on the 16th day of April, 1859, personally served with a summons to attend as a witness before the Commissioners appointed for the trial of Bro. A. B., on certain charges against the said A. B., on the 20th day of April, 1859, at seven o'clock, P. M., at the Lodge-room of said Triluminar Lodge, No. 800, in Freetown, there to testify the truth according to his knowledge, on behalf of said Triluminar Lodge, which summons was issued by K. S., Master of Star Lodge, No. 900; and that the said I. J., wholly disregarding said summons and his solemn obligations as a Master Mason to obey the same, and did not attend at the time and place specified in said summons, but wholly neglected and refused so to do, to the great injury of said Triluminar Lodge, and to the evil example of the whole Masonic Fraternity :

Wherefore, it is demanded that the said I. J., be brought to trial and punishment therefor.

Dated April 21, 1859.

S. L., *Junior Warden.*"

This form, with the necessary alterations, may be adapted to any case of wilful disregard of any lawful summons of a Brother Master Mason, or of a lawful Lodge of Master Masons.

§ 30. Testimony may be taken by Commission (as limited in Section 38 following) when the witness to be examined resides at such distance as may be inconvenient for him to attend, of which fact the Commissioners appointed for the trial shall be the judges, and the attendance of such witnesses to testify may (if he be a Mason) be compelled by summonses, as prescribed in Sections 26 and 27 preceding.

§ 31. Reasonable notice of intention to apply for a Commission must be given by the applicant therefor, and may be in this form :

Form No. 10.

Notice of Commission.

"To S. L., Junior Warden :—Take notice that I shall apply to the Commissioners appointed for the trial of the charges against me at Triluminar Lodge-room, in Free-town, on the 20th day of April 1859, at 7 o'clock, P. M., for a Commission to examine W. Bro. H. J., Master of Hearty Lodge, No. 777, to examine X. Y., as a witness on my behalf, on interrogatories.

Dated April 16th, 1859.

A. B."

§ 32. If the Commissioners at the time of hearing, on this notice decide to issue the Commission, it should be issued to the Master or a Warden of the nearest or most convenient Lodge to the witness, (unless there be reasonable objection to such Master or Warden), to act as Examiner ; and it may be in the following form :

Form No. 11.*Commission for Witness.*

“To W. Bro: H. J., *Master of Hearty Lodge, No. 777.*

You are hereby appointed Examiner to take the testimony of Bro. F. F., of Noblesburg, in your county, as a witness in the matter of the charges preferred in Triluminar Lodge, No. 800, against Bro. A. B., of said Lodge, at such early time and convenient place as you may appoint, upon the interrogatories and cross-interrogatories hereto annexed, and reduce his answers thereto to writing, to be subscribed by him, and by you certified to us, and returned forthwith by mail to the Secretary of said Triluminar Lodge, acting in the premises with all convenient speed.

Dated Freetown, April 20th, 1859. R. S. }
[SEAL OF TRILUMINAR LODGE.] T. U. } Commissioners.”
Attest: P. Q., *Secretary.* V. W. }

§ 33. At the time of hearing on the application for Commission, or at such other time as shall be agreed upon or appointed, the parties shall prepare, and the Commissioners (or one of their number designated by them) shall settle their respected interrogatories or cross-interrogatories.

§ 34. The interrogatories (or questions) may be in the following form

Form No. 12.*Interrogatories.*

“Interrogatories to be proposed to F. F., a witness to be examined on Commission annexed :

First Interrogatory. What is your age, occupation and residence?

Second Interrogatory. Are you acquainted with A. B. named in the annexed Commission? and if so, for how long a time?

Third Interrogatory. Were you at Freetown on the first day of April, 1859? and if so, did you see A. B. there?

Fourth Interrogatory. What was the state of his health at that time? and if not good, state what was his disease? how it affected his actions?

[And so on, numbering each separate interrogatory or question by itself.]

Lastly. Do you know any other matter or thing beneficial to the said A. B. in this matter? if so, state it fully.

A. B."

§ 35. The interrogatory commencing "lastly" must always be inserted and always answered. If the witness has anything additional to state, it should be added; if he has not, it should be so stated.

§ 36. The cross-interrogatories may be in the following form:

Form No. 13.

Cross-Interrogatories.

"Cross-interrogatories to be proposed to F. F., a witness to be examined on Commission answered:

First Interrogatory. Do you know what caused the ill-health of A. B.? if so state fully the fact and the cause.

[Then proceed with others, numbering them in like manner, and concluding with "lastly," and observing the same rules as in case of interrogatories.]

S. L., *Junior Warden.*"

§ 37. The Commission, copy of complaint, interrogatories and cross-interrogatories, will then be fastened together and sent to the Examiner.

§ 38. The Examiner having procured the attendance of the witness at the time and place appointed, will take his testimony in the same manner as on trial, and put it in writing, and may commence in this form:

Form No. 14.

Deposition.

"Examination of F. F., a witness produced before me in the matter of the annexed charges against A. B., taken at Noblesburg on the 27th day of April, 1859, and who testified as a Master Mason [or who stated, see § 49, subd. 4] as follows :

To the first interrogatory the said F. F. says : My age is 35. I am a farmer, and reside at Noblesburg.

To the second interrogatory he says : I know A. B., and have been acquainted with him for over ten years. [And so on, giving the answers in full to each interrogatory.]

Lastly. The said F. F. says in answer thereto: I do not.

To the first cross-interrogatory the said F. F. says :

And proceed as on the interrogatories, adding a reply to "Lastly." F. F."

§ 39. The answers to the several interrogatories and cross-interrogatories being written, the witness will subscribe the same, and the Examiner will then certify as follows :

Form No. 15.

Certificate to Interrogatories.

"I certify that the foregoing is a copy of all the testimony of F. F., a witness examined before me by virtue of the annexed Commission, at the time and place therein specified.

Dated Noblesburg, April 27, 1859. H. J., *Examiner.*

§ 40. It will be most convenient, and it is recommended to be observed in practice, that the parties should agree as to the issuing of the Commission, and to whom, and also agree upon the interrogatories and cross-interrogatories, and enter into a stipulation, which may be in this form :

Form No. 16.

Stipulation for Commission.

"We do hereby stipulate and agree to the issuing of the annexed commission, and to the examination of F. F., the witness therein named, by virtue thereof, in answer to the interrogatories and cross-interrogatories annexed, agreed to by us.

S. L., *Junior Warden.*

Dated April 16, 1859.

A. B."

§ 41. No Commission shall issue to take testimony in behalf of the complainant, to be used on a trial on charges,

without the consent in writing of the accused; and in such case, if they agree upon the issuing of a Commission, the signing of a stipulation like that mentioned in Section 40 shall be regarded as such consent in writing.

§ 42. When testimony is taken on behalf of the complainant by Commission, with the written consent of the accused, it will be conducted by the same rules as on behalf of the accused herein before stated.

§ 43. When the Commissioners meet to proceed with the trial, they should organize by appointing one of their number to preside as Chairman, unless the Master be a Commissioner. Should they fail to do so, the Commissioner first named will preside. They should also choose one of their number to act as Clerk, and keep the minutes of their proceedings and of the testimony. They should be furnished by the Secretary of the Lodge with a certificate of their appointment, and the resolution under which it was made.

§ 44. The Commissioners being duly organized, and the accused having answered the complaint, are prepared to hear and receive the evidence in the case.

§ 45. Evidence is the means by which any alleged matter of fact, the truth of which is submitted to investigation is established or disproved, and the rules of evidence, including those which relate to the admissibility of testimony and the competency of witnesses to be observed by Commissioners, are such as have been established and are recognized in courts of law in the ordinary administration of justice, and cannot be set forth in detail here.

§ 46. There are certain great principles of evidence, however, which may be briefly stated, and which if properly regarded will be sufficient guides in Masonic trials, and which are:

1. That each party to a trial is bound to produce the best and highest evidence in his power to establish or disprove any alleged matter of fact.
2. That to establish or disprove any alleged matter of fact, the matter to which a witness testifies must be within his actual personal knowledge; and that the substance of the issue must be proved by the facts so testified, or such a series of facts (commonly called circumstantial evidence) as combined, will lead to an irresistible conclusion, establishing or disproving an alleged matter of fact.
3. That the burden of proof always rests with the party holding the affirmative, and hence, in a Masonic trial, lies upon the complainant first; and in a like manner, when a defence is based upon substantive matters of fact, the burden of proof lies upon the accused; and, therefore, when the testimony in a case is balanced the party holding the affirmative cannot fail.
4. That every material allegation in a complaint must be proved, and substantially as laid: but need not precisely conform to the charge in matters of time and place, unless time and place are themselves necessary to constitute an offence or to confer jurisdiction.

5. That hearsay evidence is inadmissible, except to prove general reputation, which can only be known by the common speech of others ; and that in eliciting facts from a witness, leading questions (that is, those requiring a simple affirmation or negative answer) are not permitted,
6. That confessions and admissions are to be received with great caution, and that no conviction can follow such proof, without further proof that the offense charged has been committed ; but this does not apply when a plea of guilty is made to the complainant—for that admits the commission of the offense itself, and its commission by the accused.
7. That there are certain things of which Commissioners may judicially take notice without proof, such as facts in history, or geography, or any science, and the operations of the laws of nature.
8. That but one witness is necessary to establish a fact or series of facts within his knowledge, except when the rules of criminal law require an additional witness.
9. That no witness is to be excluded on the ground of religious belief, or of interest; and that the accused is a competent witness in his own behalf.

§ 47. When a person accused of an offense Masonically, has been convicted of it upon trial in a court of law, or when it has been judicially established in a civil action it is unnecessary to repeat the evidence in a Masonic trial, but the record of such court, with proof of identity of the

accused, shall be sufficient to justify a conviction by Commissioners, unless an appeal shall have been taken from the judgment of such court.

§ 48. The minutes of proceedings of the Commissioners may be in the following form.

Form No. 17

Minutes of Commission.

“The Commissioners appointed for the trial of Bro. A. B., on the complaint and answer hereto annexed (marked A), pursuant to the following resolution [copy resolution], assembled at the Lodge-room of Triluminar Lodge No. 800, in Freetown, on Wednesday evening, the 20th day of April, 1859.

Present: R. S., T. U. and V. W., Commissioners.

R. S. was chosen Chairman, T. U., Clerk, and V. W., Marshal.”

“A. B., the accused, appeared before us, and objected to T. U., one of the Commissioners, on the ground that he was present at the meeting of the Lodge when the charges were preferred, and voted for their reference.

Bro. T. U. stated that he had formed no opinion on the subject; and the other Commissioners decided that he was competent to act as Commissioner, to which Bro. B. took an exception.

The complaint was then read by Bro. S. L., Junior Warden, together with the answer of Bro. A. B.

Bro. B. then requested that P. S., an attorney-at-law, who is not a Mason, should examine the witnesses on his behalf, and assist him in his defence. The Commissioners decided against the request, to which Bro. B. took an ex-

ception. The Commissioners further stated that Bro. B might engage the services of any Brother Mason to assist in his defence, and he therefore employed Bro. N. O., to assist him as Counsel.

Bro. O. objected to the complaint as being vague and uncertain, but the Commissioners decided it to be sufficient; to which Bro. O. took an exception.

Bro. E. F. was then introduced as a witness by the Junior Warden, and testified as a Master Mason as follows: I am acquainted with Bro. A. B.; I saw him on Main street, in Freetown, on the first day of April last; I was on the opposite side of the street; he appeared to be intoxicated; [an objection was here made to the testimony as to the appearance of the accused, but it was overruled and an exception taken] he was there for about half an hour; he reeled as he walked; etc.

On cross-examination, Bro. E. F., further testified: I know that Bro. B. had been sick; etc.

The Commissioners then adjourned to meet at the same place on Thursday evening, the 21st April, 1859, at seven o'clock p.m.

Thursday Evening, April 21, 1859.

The Commissioners met pursuant to adjournment:

Present: All the Commissioners; and also, Bro. L. the Junior Warden, and Bro. A. B. and his counsel, Bro. O.; Bro. U. officiated as Chairman.

Mr. H. C. was then introduced as a witness by the Junior Warden, and stated as follows: I was in Freetown on the first day of April, inst., A. B. was there; etc.

The proofs on the part of the complainant here rested. Bro. O., on behalf of Bro. A. B. then produced the

sworn affidavit of Mr. J. R., and offered it in evidence, to which the Junior Warden objected on the ground that Mr. R. should be produced for cross-examination.

The Commissioners sustained the objection on that ground and Bro. O. excepted.

Mr. R. was then introduced, and the Junior Warden then consented that his affidavit might be read, and which was then read accordingly, and is hereto annexed (marked B.)

The Junior Warden then cross-examined Mr. B., who stated as follows : etc.

The testimony of F. F., a witness examined by Commission on the part of the accused, was then read in evidence and is hereto annexed (marked C.)

The proofs being closed, after hearing both parties, the Commissioners decided to meet again on the 23d day of April, instant, to determine on their report.

Saturday, April 23, 1859.

The Commission again met by themselves, and after consultation, decided upon their report, a copy of which is hereto annexed (marked D,) and notified the parties thereof.

(Signed by the Commissioners.)

§ 49. In masonic trials and proceedings thereupon, the following rules, indicated in the form of minutes given in Section 48, should be observed :

1. The statement of objections with the grounds of them, and the decision of the Commissioners thereon should be stated.

2. On the trial the Junior Warden should properly act as the prosecutor, but another brother may be employed.
3. The respective parties may have counsel, but no attorney or counsel not being a Mason, shall be permitted to act in a Masonic trial.
4. Witnesses who are Masons testify by virtue of their obligations as such ; other witnesses make their statements without reference to any oath or obligation, their credibility depending upon their general character, which may be impeached by testimony, and so may that of other witnesses.
5. No testimony shall be taken or received upon any trial, when the accused appears in person or by counsel at the trial, except in the presence of the accused or his counsel, and an opportunity given to them for cross-examination, and when taken down must be as nearly as possible in the words of the witness, and as if speaking in the first person.
6. Every proceeding upon trial, including the time and place of adjournment, should be carefully noted in the minutes.
7. No person shall be permitted to be present at a Masonic trial but Master Masons, except a witness, and he only while testifying.
8. A masonic trial should be conducted in all respects as near as may be like the trial of an action of a criminal nature in a court of record, and be governed by the same general rules.

9. When a trial is concluded, the Commissioners shall deliberate by themselves, without other persons being present till their decision be made, which should be as speedily as possible, and of which notice in writing should be given to the respective parties.

§ 50. The notice of decision may be in the following form :

Form No. 18.

Notice of Decision.

“To Bro. S. L., Junior Warden, and Bro. A. B.:

You will each take notice that we have agreed upon and signed our report in the matter of charges against Bro. A. B., referred to us by which we have found the charges sustained, and Bro. A. B. guilty thereof, and that the expenses of the proceedings be paid by him : and that we shall present the report to Triluminar Lodge at its Stated Communicatian on the 30th April, instant.

Dated April 23, 1859. (Signed by the Commissioners.”)

§ 51. The decision having been agreed upon, the Commissioners will draw up their report thereof for the action of the Lodge. It need not, in the first place, state anything but the facts found and the conclusions thereon of the Commissioners. These conclusions, like those of other committees, should be in the form of resolutions, for the definite action of the Lodge.

§ 52. On the presentation of the report, if the Lodge desire to have the minutes of the proceedings read, includ-

ing the testimony, the Commissioners must comply by reading the same, embracing them in a supplementary report.

§ 53. The report should be full and may be in the following form :

Form No. 19.

Report of Commissioners.

"To the Master, Warden and Brethren of Triluminar Lodge, No. 800:

The Commissioners appointed for the trial of Bro. A. B. on charges of intoxication, heretofore preferred in this Lodge, respectfully report :

That they met at the Lodge-room of this Lodge on Wednesday evening, the 20th of April, last past, and Bro. A. B. having answered the complaint against him by general denial, and the Commissioners having duly organized, they proceeded to hear and try the matters referred to them.

That objections were made to Bro. U., one of their number, which they overruled, and also refused to permit Bro. B. to appear by counsel who was not a Mason, and therefore Bro. N. O. appeared for him. That objection was made to the sufficiency of the complaint and overruled.

That they proceeded to take testimony [in the course of which they decided not to admit a sworn affidavit, unless the deponent was present to be cross-examined], and Bro. E. F., and Mr. H. C. and Mr. J. P. were examined as witnesses ; and the testimony of Bro. F. F., taken by Commission, was produced and read.

That they held three meetings, the last of which was for the purpose of agreeing upon and preparing this report.

That from the testimony before them they find the following facts :

1. That Bro. A. B. was intoxicated with strong and spirituous liquors, in a public place in Freetown, on the first day of April, 1859.

2. That Bro. A. B. has been at least twice intoxicated in a public place in Freetown aforesaid, within two weeks previous to the said first day of April, 1859.

They therefore recommend the adoption of the following resolutions :

Resolved, That the charges of intoxication against Bro. A. B., made and presented to this Lodge on the 9th day of April, 1859, on complaint of the Junior Warden, are sustained, and that he is guilty of the said charges.

Resolved, That Bro. A. B. be and he is hereby suspended from this Lodge, and from the rights and privileges of Masonry, for the space of three months from this date.

Resolved, That the charges and expenses of the Commissioners, amounting to the sum of three dollars, are adjudged to be paid by said Bro. A. B.

And that they have notified the Junior Warden and Bro. A. B. of their decision, as expressed in the foregoing resolutions.

All of which is respectfully submitted.

Dated, April 23, 1859.

R. S.
T. U.
V. W. } *Commissioners."*

§ 54. If the report of the Commissioners be not unanimous, the Commissioner may express his dissent therefrom at the end of the report of the majority. (and which is recommended instead of making a separate minority report), in the following form :

Form No. 20.

Dissent from Commissioner's Report.

"I dissent from the report of the other Commissioners in this case of Brother A. B., both in their findings of fact and their conclusions therefrom, as expressed in the resolutions contained in their report.

Dated, April 23, 1859.

V. W., *Commissioner.*"

§ 55. The report of the Commissioners having been made to the Lodge, some brother should move for the adoption of the resolutions, and no motion for its acceptance is necessary, as a report is always accepted unless objection be expressly made; but if a supplementary report is required, that should first be moved; but if the Commissioner dissents from the report in part only, it may be expressed in this form:

"I dissent from so much of this report as finds that Bro. A. B. has been at least twice intoxicated in a public place in Freetown aforesaid, within two weeks previous to the first day of April, 1859; and from so much of the second resolution annexed thereto as fixes the term of his suspension at three months.

Dated, April 23, 1859.

V. W., *Commissioner.*"

§ 56. If the resolutions annexed to the report of the Commissioners are adopted by the Lodge, then it stands as the judgment in the case until properly reversed.

§ 57. The Lodge may, by resolution, reverse the decision of the Commissioner, in every particular, except as herein stated; or it may modify or change it by increasing or diminishing the penalty; but it may not reverse or modify the decision as to expenses; which can only be reversed, modified or changed on appeal.

§ 58. A majority vote of the lodge is sufficient to adopt or reject the decision of the Commissioners as to the guilt of the accused, or to approve or modify the penalty.

§ 59. If the accused be absent from the Lodge, it shall be the duty of the Secretary forthwith to transmit a copy of the resolutions adopted by the Lodge in his case, with a notice, which may be in the following form:

Form No. 21.

Notice of Judgment.

"To Bro. A. B.;

Take notice, that the foregoing is a copy of resolutions adopted by Triluminar Lodge, No. 800, at their Communication held in their Lodge-room in Freetown, on the 30th day of April, instant.

Dated, April 30, 1859.

P. Q., *Secretary.*

§ 60. Proceedings in case of an unaffiliated Mason; complaints against a Lodge; or complaints against a Mas-

ter ; or by one Lodge against another Lodge ; or against a member of another Lodge—will be conducted in like manner, conforming to tribunals, circumstances, and persons charged, to be preferred to officers or body, and to be acted upon by Commissioners in like manner. Such complaints should be distinctly addressed to the officer or body who is to act thereon—should be definite and specific in their nature, conforming to constitutional or legal provisions, and are to be acted upon by Commissioners appointed by such officer or body.

§ 61. Commissioners appointed in the cases referred to in Section 60 will prescribe the penalty, as in case of Commissioners appointed by the Master of a Lodge, and the decision of such Commissioners is final, unless an appeal be taken therefrom.

§ 62. The report of the Commissioners mentioned in Section 60 must be made to the officer or body appointing them, and notice thereof will be given to the parties by the Commissioners, adapting such notice to Form No. 20. The report of such Commissioners need not conclude with resolutions, but should contain a finding of the facts and the conclusions therefrom in an award of judgment in the nature of both a verdict and sentence. The report of such Commissioners and their notice of judgment may be in the form following :

Form No. 22.

Report of Commissioners not appointed by a Master.

“To M. W. J. S. Grand Master [or R. W. B. E. D. D. C. M., as the case may be] :

The undersigned Commissioners, appointed by you in the case of Bro. A. B., of Triluminar Lodge No. 800, in the matter of charges of intoxication preferred against him by Bro. C. D., of Anchor Lodge, No. 801, on the 9th day of April, 1859, having heard the same upon the said charges and the answer thereto, and the proofs and allegations of the parties, do respectfully report :

That they have adjudged and determined as follows :

1. That said charges are sustained, and that Bro. A. B. is guilty of the said charges.
2. That the said Bro. A. B. be and he is hereby suspended from said Triluminar Lodge and from the right and privileges of Masonry for the space of three months.
3. That the said Bro. A. B. do pay the costs and expenses of the proceedings on this trial, amounting to the sum of thirty dollars.

And they further report that a duplicate hereof has been duly filed with the Gr. Secretary. All of which is respectfully submitted.

Dated April 23d, 1859. [Signed by the Commissioners].

§ 63. The notice of judgment given by said Commissioners may be in the following form :

Form No. 23.

Notice of Judgment by Commissioners.

“To Bro. C. D. and Bro. A. B.:

Take notice, that we have this day made and signed our report to the M. W. Grand Master [or R. W. —————]

D. D. G. M.] by which we have adjudged and determined that Bro. A. B. is guilty of the charges preferred against him by Bro. C. D., and that he be suspended from Triluminar Lodge No. 800, and from the rights and privileges of Masonry for the space of three months ; and that he do pay the costs and expenses of the proceedings on his trial before us, amounting to the sum of thirty dollars.

Dated April 23, 1859. [Signed by the Commissioners.]”

§ 64. Notices of judgment in the case mentioned in Section 59 and this section must be served in the same manner as the complaint, as the time for appeal commences to run from the time of such service.

§ 65. When the accused fails to appear or answer, testimony must be taken in the same manner as if he appeared and defended, and with even more technical accuracy, fullness and certainty ; and it is recommended and enjoined that, in such cases, some competent brother be designated and required to appear for the accused, and to take care that he have a fair and impartial trial.

§ 66. The report upon a hearing and conclusions when a party fails to appear, may be in the following form :

Form No. 24.

Form of Report, when accused fails to appear.

“To the Master, Wardens and Brethren of Triluminar Lodge, No. 800 :

The Commissioners appointed for the trial of Bro. A. B. on charges of intoxication heretofore preferred in this Lodge, and which are hereto annexed, respectfully report :

That they met at the Lodge-room of this Lodge on Wednesday evening, the 20th April, 1859, and all of their number were present. That Bro. A. B. did not appear. That Bro. P. Q., the Secretary of this Lodge, was then examined orally by them, and testified as a Master Mason, that he served a copy of the complaint on said charges on Bro. A. B., personally, in Freetown, on the 6th day of April, 1859. That A. B., not appearing, after the lapse of more than one hour, and fearing there might be a misapprehension, they adjourned one week, to meet at said Lodge-room on the 27th day of April, 1859, at seven o'clock p.m., and requested the Secretary of the Lodge to notify Bro. A. B. of the adjournment.

That they met at said Lodge-room on the day and hour of adjournment. That Bro. A. B. did not appear. That they then examined Bro. P. Q., who testified as a Master Mason, that he informed Bro. A. B., on the morning of the 21st April, instant, of the adjournment, and particularly notified him of the place, day and hour.

That after waiting more than one hour, they proceeded to hear proofs, and the Master having appointed Bro. D. C. to appear for Bro. A. B., he appeared accordingly, and heard the proofs and cross-examined the witnesses. That Bros. E. F., L. M., and O. N. were examined as witnesses, and testified as Master Masons, and their testimony was taken in full, and appears in these minutes. And that having closed the testimony, they heard the argument of Bro. D. C. in behalf of the accused, and of the Junior Warden on the part of the Lodge. That without adjournment they proceeded to consider the matter, and after consultation made a conclusion theron.

That from the testimony before them they find the following facts :"

[Finding same as in Form No. 19 in § 53, and first two resolutions the same.]

That there were no costs or expenses attending the trial and they make none for their attendance. And that they have notified the Junior Warden and Bro. A. B. of the conclusions embraced in this report.

All of which is respectfully submitted.

Notice of judgment to be given herein the same as in
§ 63.

§ 67. When a complaint is made and the charges therein are admitted or confessed, proof of such admission will be sufficient to authorize Commissioners to make up their minutes and report accordingly, in which case proof that a crime has been committed will also be indispensably necessary.

§ 68. It shall be deemed in all cases a disqualification for a Commissioner to act, that he is a witness to prove any fact which proves or disproves, or tends to prove or disprove the guilt or innocence of the accused.

PART II.

Of Appeals.

§ 69. A Masonic appeal is a proceeding before the Grand Lodge, or a Grand Officer, by which the acts and decisions of a Lodge or Commissioners upon a trial, or upon a first appeal are reviewed, in order to arrest errors of law or fact alleged to have been made by a Lodge, Grand Officer, or Commissioners, from whose decisions and judgment the appeal is taken, so that justice may be done to all parties concerned ; and such appeal may be brought by any party alleging himself aggrieved thereby.

§ 70. The constitution of the Grand Lodge provides that the appeals from the decision of a Lodge or Commissioners may be made within six months ; but it is advisable that when a party is intending to appeal he should give notice of it, forthwith.

§ 71. The first step taken may be either the appeal in form or simply notice thereof, but such notice must always be given before or after appeal, and may be in the following form :

Form No. 25.

Notice of Appeal.

“ To P. Q., Secretary of Triluminar Lodge, No. 800 :
Take notice, that I shall take an appeal to the Grand

Lodge of the State of New York [or the M. W. Grand Master, or R. W. Deputy Grand Master, or R. W. D. D. G. M. of the ——District, as the case may be, and as he may choose] from the action of said Triluminar Lodge, on the 30th day of April, 1859, in adopting the resolutions reported by the Commissioners in the matter of the complaint against me by the Junior Warden of said Lodge, and heard and tried by said Commissioners, and that I shall appeal on the grounds stated in my said appeal. ¶

Dated, May 4, 1859.

A. B."

[If notice is given after appeal taken, it will be varied by stating "I have taken an appeal," &c., and "I have appealed on the grounds," &c.]

§ 72. On receiving notice of appeal, the Secretary of the Lodge or Grand Officer (as the case may be) will transmit to the officer or body to whom or which the appeal is taken, a copy of all papers in the case from the complaint to the notice of appeal, both inclusive, duly certified and attested.

§ 73. When the appeal is brought it should contain minutely and in detail the grounds of appeal, and unless such grounds be specified, it shall not be regarded as an appeal.

§ 74. The appeal may be in the following form :

Form No. 26.

The Appeal.

" To the Grand Lodge of the State of New York : [or M.W.
Grand Master :]

The undersigned hereby appeals to you from the decision of Triluminar Lodge, No. 800, made April 30th, 1859, in adopting the resolutions reported by Commissioners, declaring him guilty on complaint of intoxication, suspending him for three months, and adjudging him to pay the expenses of the trial; and he specifies the following as the grounds of his appeal:

1. That T. U., one of the Commissioners on his trial, was incompetent to act as such, having been present at the meeting of said Lodge when the complaint against him was preferred, and voted for its reference to Commissioners.
2. That the Commissioners erred in deciding that P. S., Esq., should not be allowed to assist him in his defence.
3. That the second specification of the complaint is vague and uncertain.
4. That the Commissioners erred in receiving testimony as to appearances of intoxication.
5. That they erred in rejecting the sworn affidavit of J. R.
6. That the proofs in the case were not sufficient to warrant their findings of fact.
7. That the Lodge erred in passing the aforesaid resolutions by a majority vote.

All of which appears by the papers, proceedings, and evidence in the case.

Dated, May 11, 1859.

A. B."

§ 75. A copy of the appeal should be served on the Secretary of the Lodge or Officer (as the case may be),

and a copy also sent or delivered to the Grand Secretary, who shall forthwith notify the Lodge or other complainant thereof.

§ 76. An answer to the appeal should be made within the time required by the Lodge or officer by whom the decision or judgment was pronounced, and unless answered within thirty days after notice thereof, the appeal may be regarded as admitted to be well taken.

§ 77. The answer to the appeal may be in the following form :

Form No. 27.

Answer to Appeal

"Triluminar Lodge, No. 800, answers the appeal of A. B., and says :

That the said Lodge denies that there is any error in the proceedings of said Lodge, or of the Commissioners appointed for the trial of the said A. B., and further says that the decision of said Lodge in said case is sustained both by Masonic law and the evidence therein applicable thereto.

Dated, May 21, 1859.

S. L., *Junior Warden.*"

§ 78. If a specific denial is deemed necessary, taking issue upon each of the grounds of appeal and assigning reasons therefor, it may be in the following form :

Form No. 28.

Specific Answer to Appeal.

"Triluminar Lodge, No. 800, answers the appeal of A. B., and says :

That the said Lodge denies that there is any error in the proceedings of said Lodge, or of the Commissioners appointed for the trial of the said A. B., because the said Lodge says : As to the first ground of appeal, that if well taken it would be an objection to every act of the Lodge and its members in the premises.

And because the said Lodge says as to the second ground of appeal, &c.

[And so answering in detail each ground of appeal, and concluding thus :]

And the said Lodge further says : That the decision of said Lodge in said case is fully sustained both by Masonic law and the evidence therein applicable thereto.

Dated, May 21, 1859.

S. L., *Junior Warden.*"

§ 79. The G and Lodge (by its appropriate committee), or the officer to whom the appeal is made, may hear the same upon oral or written argument, as the parties may agree ; or it may be heard upon appeal and answer only, if they sufficiently present the case.

§ 80. Notice of the time and place of hearing shall be given, and may be given by either party, and may be in the following form :

Form No. 29.

Notice of Argument.

To S. L., Junior Warden .

Take notice, that the appeal in the matter of charges in Triluminar Lodge against A. B., from the decision of said

Lodge, to the Grand Lodge, will be moved on for argument before the Committee on Appeals (Commission of Appeals) of the Grand Lodge (or Grand Master, or D. D. G. M. of the district, as the case may be), at ——, on the —— day of ——, 1859, at 10 o'clock, A. M.

Daed, Freetown, October 6, 1859.

A. B."

§ 81. When a perfect transcript of all the papers and proceedings in the case has not been made by the Lodge, or officer appealed from, an order may be made by the G. M., or D. D. G. M., compelling the same, and may be in the following form:

Form No. 30.

Order for Papers on Appeal.

"OFFICE OF THE GRAND MASTER OF MASONS, }
New York, May 28, 1859. }

To the Master, Wardens and Brethren of Triluminar Lodge, No. 800 :

Bro. A. B., having duly appealed from the decision of your Lodge, made on the 30th April, 1859, suspending him for three months, you are hereby required to transmit by the hand of your Secretary under seal of your Lodge, a transcript of all the proceedings of your Lodge in the case of the said A. B., from the time of the presentation of the complaint against him until the final action of your Lodge thereon, with the several dates thereof, together with all papers and documents relating thereto not heretofore returned, within —— days from the receipt hereof by you.

Given under my hand and private seal } J. W. S. [SEAL.]
on the day and year first above written. } Grand Master.

§ 82. The Grand Lodge, or officer to whom the appeal is made, will, with all convenient dispatch, make a decision thereon ; and, if made by a Grand officer, such decision should be immediately filed by him with the Grand Secretary, together with all papers relating to the appeal.

§ 83. The decision of a Grand officer on appeal may be in the following form :

Form No. 31.

Decision on Appeal.

OFFICE OF THE GRAND MASTER OF MASONS, {
Penn Yan, N. Y., June 4, 1859. }

In the matter of the Appeal }
of }
Bro. A. B., of Triluminar Lodge, No. 800. }

Bro. A. B. having appealed from the decision of Triluminar Lodge, No. 800, made on the 30th April, 1859, by which he was found guilty and suspended from the rights and privileges of Masonry for three months, on charges of intoxication ; and having heard the argument of the case, I have carefully considered the facts appearing on said appeal, and the grounds of error alleged by the appellant, and there does not appear to be any error or irregularity in the proceedings, or in the several decisions of the Commissioners on the trial, and the facts of the case warrant the conclusions of the Commissioners and the decision of the Lodge."

[If the officer desires to review the facts, in giving his decision, or comment on any of the points raised, he may here insert his remarks and reasons.]

My decision and judgment therefore, is that the proceedings of Triluminar Lodge, No. 800, and the attached decision or said Commissioners in the case of Bro. A. B., be and the same are hereby in all things affirmed.

Given under my hand and private }
seal at the date first above written. }

J. L. L., Grand Master. [SEAL.]”

§ 84. If the decision be reversed, the appellate body or officer will vary the form accordingly, and may then give the reasons therefor ; and he may also make any special order which the case may warrant, to be added at the end of his decision.

§ 85. When an appeal is taken from the decision of a Grand officer, the case will be heard on the papers which were before him, and an appeal will bring up the matter for hearing.

§ 86. The appeal must be served on the Lodge, (by service on its Master or Secretary), or officer who made the decision from which appeal is taken, at a reasonable time (not less than twenty days), before the Annual Communication of the Grand Lodge, and a copy transmitted to the Grand Secretary, forthwith.

§ 87. This final appeal to the Grand Lodge may be in the following form ;

Form No. 32.

Final Appeal to Grand Lodge.

“To the M. W. Grand Master, and to the Master, Wardens,
and Brethren of Triluminar Lodge, No. 800 :

The Undersigned, A. B., hereby appeals to the Grand Lodge of the State of New York, from the decision of the M. W. Grand Master, made in and by his order of June 4, 1859, in the case of this appellant affirming the decision of said Lodge on the 30th April, 1859, and this appeal is brought on the grounds particularly stated and set forth in his appeal to the M. W. Grand Master, dated May 11, 1859; and respectfully prays your consideration thereof and judgment thereon.

Dated, June 6, 1859.

A. B."

§ 88. No answer to an appeal from the decision of a Grand officer made on appeal to him is required.

§ 89. Upon a trial or appeal, should either party desire to use any paper document, or record, in possession or under control of the other, and the use of the same be refused, upon request made, an order may be made by the Grand Master, his Deputy, or a District Deputy requiring its production on the delivery of an authenticated copy thereof, as such officer may determine.

§ 90. The order for the production of such paper may be in the following form :

Form No. 33.

Order for Production of Paper.

OFFICE OF THE GRAND MASTER OF MASONS, }
Bingham on, N. Y., May 15, 1859. }

Charges having been preferred against Bro. A. B., in Triluminar Lodge, No. 800, and it appearing to my satis-

faction that upon the trial of said A. B., on said charges, it is necessary that he should produce and prove a certain letter, written by Bro. R. M., of said Lodge, to the Secretary of said Lodge, bearing date about the 3d day of April, 1859, and that the same is not a printed letter, it is hereby ordered that said Secretary produce said letter, to be used on said trial and for no other purpose whatever.

Given under my hand and private seal }
on the day and year first aforesaid. }

C. J. P., Grand Master. [SEAL].

§ 91. The time required in proceedings on Masonic trials and appeals for answers, notices, &c., shall be as follows :

1. For answers to complaint, ten days ;
2. For notice of trial before Commissioners, ten days ;
3. For notice of application for Commission to examine witnesses, four days ;
4. For preparation of cross-interrogatories, two days;
5. For notice of settlement of interrogatories and cross-interrogatories, two days ;
6. For notice of decision, to be five days before time of presentation of report of Commissioners to a Lodge, or Grand officer;
7. For notice of appeal thirty days after notice of decision;
8. For answer to appeal, ten days;
9. For notice of argument on appeal, eight days.

But when a complaint or notice is sent by mail, five days shall be added to the time specified in each case above. The time in each of the cases specified may be enlarged on sufficient cause shown, by order made by the Grand Master, or a District Deputy Grand Master. Of course the time in each case may be enlarged or diminished by consent of parties.

PART III.

Of Restoration.

§ 92. A brother having been tried and convicted, and the penalty inflicted, will, if he is attached to Free-Masonry and its principles, desire to be restored to his former position; and the demands of justice having been satisfied, mercy should be remembered.

§ 93. Restoration is the act by which an erring but repentant brother regains a title to and possession of all his former rights and privileges.

§ 94. Restoration being a voluntary act on the part of a Lodge or Grand Lodge, cannot be claimed as a matter of right, and can therefore never be compelled or enforced.

§ 95. As the penalties of reprimand and suspension are only temporary in their effect, and a brother becomes fully restored to all former rights and privileges, when he has suffered the penalty for such offences, restoration only applies to those who have been expelled, except in cases of striking from the roll for non-payment of dues, now so modified as to be unnecessary to be here considered.

§ 96. Expulsion is of two kinds: 1. From the rights and privileges of Masonry; 2. From a particular Lodge.

§ 97. A brother may be expelled from his Lodge without being expelled from the rights and privileges of Masonry; but expulsion from the latter will carry with it, of course, expulsion from the Lodge.

§ 98. A reversal of the judgment of a Lodge restores a brother to the rights and privileges of Masonry, and also to membership in the Lodge.

§ 99. Restoration by the action of the Grand Lodge does not restore a brother to membership in the Lodge, which can only be done by action of the Lodge of which he was a member.

§ 100. A brother may be restored to membership upon application, by a majority vote of the Lodge, except in a case where the Grand Lodge has, on appeal, affirmed a judgment of expulsion; and, being thus restored to membership, he is necessarily restored to all the rights and privileges of Masonry; and he may thus be restored at any time after expulsion, notice of motion to restore having been given at the preceding stated Communication.

§ 101. The Grand Lodge may restore a brother after the lapse of one year from the time of expulsion, but in such case he remains unaffiliated until restored to membership by the Lodge.

§ 102. Application to the Grand Lodge for restoration may be in the following form :

Form No. 34.

Application to Grand Lodge for Restoration.

"A. B., late a member of Triluminar Lodge, No. 800,

at Freetown, respectfully represents : That he was tried by Commissioners duly appointed in said Lodge, upon charges of habitual intoxication, and having been found guilty, was expelled from said Lodge, and from all the rights and privileges of Masonry, on the 30th day of April, 1859; and that (more than one year has elapsed since) said judgment of expulsion (which) still remains in force; that having forsaken his intemperate habits and become reformed therefrom, and having a strong attachment for Masonry, he earnestly desires to be restored to his former good standing. He, therefore, respectfully prays, that he may be accordingly restored to all the rights and privileges of Masonry.

Dated, Freetown, May 7, 1860.

A. B."

§ 103. This application having been presented in Grand Lodge, will be referred to a Committee (on Grievances, probably), and it is proper and necessary that notice should be given by the Committee to the Master of the Lodge that expelled such applicant, in order that such Master may be heard before the Committee.

§ 104. If the Committee report favorably, the adoption of its report by the Grand Lodge by a majority vote restores the applicant to the rights and privileges of Masonry without further action.

§ 105. When an appeal has been taken from a judgment of expulsion to the Grand Lodge, and the decision of the Lodge affirmed on appeal, then the foregoing form of application for restoration may be varied by striking out the words next after "1859," and to and including the

word "expulsion" in the same sentence, and insert in place of them: "and that upon appeal to the Grand Lodge the said judgment was affirmed," and then add the remaining part of the form as before.

§ 106. Application to a Lodge for restoration may be in the following form :

Form No. 35.

Application to Lodge for Restoration.

"To the Master, Wardens and Brethren of Triluminar Lodge, No. 800:

A. B., late a member of your Lodge, respectfully represents:

That he was tried upon charges of habitual intoxication and expelled by your Lodge, on the 30th day of April, 1859, from which no appeal has been taken; that having resolved to reform, and having forsaken his intemperate habits for more than six months last past, and having a strong attachment to Masonry, and to your Lodge, he earnestly desires to be forgiven by his brethren and to be restored to membership in the Lodge.

He therefore earnestly and respectfully prays that he may be accordingly restored.

Dated, Freetown, March 7, 1860.

A. B."

§ 107. This application having been presented, must lie over till the next Stated Communication, but as there should be a definite proposition before the Lodge on the subject, some brother should offer a resolution, which must lie over with the application.

§ 108. The resolution so offered may be in the following form :

Form No. 36.

Resolution for Restoration.

"Resolved, That Bro. A. B., who was expelled by this Lodge on the 30th day of April, 1859, after having been found guilty on charges of habitual intoxication, and who has presented his application for restoration, stating that he had abandoned his intemperate habits, and asking to be restored to membership, be and he is hereby restored to membership in this Lodge."

§ 109. The adoption of this resolution at the next Stated Communication will complete the restoration.

§ 110. It is proper that the application be referred to a Committee, in which case, if they report favorably, they may report a like resolution at the next Stated Communication, (instead of its being proposed by a member), which may forthwith be acted upon; as it is the application and not the resolution founded upon it which requires to be laid over.

§ 11. The Secretary of a Lodge should be careful that his minutes of the action of the Lodge upon application for restoration should be as full and complete as in case of charges or trial; and will, of course, return the fact of restoration to the Grand Lodge.

DECISIONS OF GRAND MASTER,

RECOMMENDATION OF

*Committee of Jurisprudence, &c., and Resolutions
Adopted and Approved by the Grand Lodge.*

ADVANCEMENT OF CANDIDATES.

That where a candidate presented himself for the Second Degree, and was stopped by an adverse ballot ; afterwards the Brother who demanded the ballot “removed his objection,” it was necessary for a clear ballot to be had before the candidate could be advanced.

[Decision 14, G. M., 1875, pp. 31 and 232.]

That there is no provision in the constitution or statutes, under which a Lodge can claim jurisdiction over material, passed and raised in said Lodge at the request of another Lodge, but the brother is to be considered a member of the Lodge which received his petition and initiated him.

[Decision 51, G. M., 1875, pp. 34 and 233.]

A demand for a ballot may be made at any time, but after a candidate has received the First Degree, an adverse ballot will defer his advancement only until a subsequent communication of the Lodge, when he may present himself and after a

clear ballot may be advanced, provided that the balloting be postponed as provided in Section 57 of the Constitution.

[Decision 8, G. M., 1876, pp. 30 and 112.]

AFFILIATION AND UNAFFILIATION.

That citizenship is not requisite to Masonic affiliation.

[Decision 1, G. M., 1875, pp. 30 and 232.]

That the rejection of an application for affiliation confers no jurisdiction on the Lodge so acting, and it is not necessary for the Secretary of the Lodge to notify other Lodges of the fact.

[Decision 6, G. M., 1875, pp. 30 and 232.]

That sections 50 and 51 of the statutes have reference to candidates for initiation and advancement. A member of a Lodge, or an unaffiliate, has a right to present an application for affiliation to any Lodge recognized as regular by this Grand Lodge, without regard to limitation of time or locality.

[Decision 2, G. M., 1875, pp. 30 and 232.]

That it is not necessary, on an application for affiliation, to require the questions, provided for in § 49 of the statutes, to be propounded.

[Decision 3, G. M., 1875, pp. 30 and 232.]

That Article XXIII, Section 45, of the statutes, does not, by its provisions, prevent unaffiliates from affiliating. It is intended to prevent the granting of dimits to the individual brother.

[Decision 4, G. M., 1875, pp. 30 and 232.]

That a Master Mason in good standing is at liberty to affl.

iate with any Lodge in this jurisdiction, without reference to residence, which will accept his application. It is the *duty* of a Lodge, after receiving notice of a Brother's petition for affiliation in another Lodge, to forward his dimit to that Lodge. That Section 50 of the Grand Lodge Statues has reference only to jurisdiction over candidates for the degrees of Masonry.

[Decision 5, G. M., 1875, pp. 30 and 232.]

That a Brother who has been dropped from the roll of a Lodge at his own request may be received as an affiliate by any Lodge in this jurisdiction.

[Decision 7, G. M., 1875, pp. 30 and 232.]

That if an applicant for affiliation has lost his dimit, the Lodge to which he applies must satisfy itself in a reasonable way that no other Lodge has a claim upon him, and it may then receive him in the ordinary way. For any concealment or misrepresentation made at the time of application the petitioner may be disciplined.

[Decision 8, G. M., 1875, pp. 30 and 232.]

A Brother who received a dimit under the "old Constitution," and now wishes to join a Lodge, may be proposed in the way provided in Section 52 of the Statutes. If rejected, he may *immediately* apply to the same Lodge. Every time the application is made it must be referred to a committee for investigation under said section.

[Decision 1, G. M., 1876, pp. 29 and 112.]

As the election or rejection of an application for affiliation does not give a Lodge control over the applicant, he may with-

draw his application after it has been presented, referred to and reported on by the committee.

[Decision 2, G. M., 1876, pp. 29 and 112.]

When a member of a Lodge has been summoned, under a By-Law enacted in accordance with Article XXIV, Section 46 of the Statutes, to pay his dues, he must, to avoid unaffiliation, tender the whole amount of his indebtedness.

[Decision 3, G. M., 1876, pp. 29 and 112.]

A Brother unaffiliated for non-payment of dues, under the present Constitution, has a right to visit for one year from the date of his unaffiliation. His dues continue to accrue against him after such unaffiliation. He may be reinstated by a majority vote at any time, on payment of the amount charged against him on the books of the Lodge, under a By-Law framed in accordance with Section 46 of the Statutes.

[Decision 4, G. M., 1876, pp. 29 and 112.]

That where a Brother's name is dropped from the roll of his Lodge at his own request, it is proper that a certificate to that effect should be given the Brother, simply stating the fact.

[Decision 10, G. M. 1875, pp. 30 and 232.]

A Brother was "stricken from the roll" of Lodge A., in 1856, for non-payment of dues. At the expiration of one year thereafter he became entirely unaffiliated, by operation of law. Lodge A. lost all claim on him, except for the amount of his indebtedness, and he lost all the claims of membership on said Lodge. He might at that time (1857) have paid his debt, taken a receipt in full, and made application to any Lodge for affiliation, without reference to his former relations to Lodge A. What he might have done then, he

may do with equal right to-day. It is not necessary for him to apply for restoration in Lodge A., before applying for affiliation in any other Lodge. He must pay to Lodge A. the amount due at the time he was unaffiliated, take its receipt therefor, and he may then make application for membership and be affiliated in any lodge.

While on this subject let me proceed one step further. If the Brother desire to resume his membership in Lodge A., his petition must be treated in every respect as that of any petitioner for affiliation. The lodge having collected from him the amount of his debt, must refer his petition to a committee for investigation; on the reception of the report of that committee a ballot must be spread; his acceptance will depend on the *unanimity* of the ballot; and Lodge A. will be entitled to the affiliation fee prescribed by its By-Laws.

To put an interpretation on Section 46 of the statutes, inconsistent with the above view, would be to give the Section such retrospective force as would be inequitable, and consequently, not within the proper scope of any constitutional provision.

The obligation of the Brother to pay dues was in the nature of a contract with the Lodge, a breach of this contract on the part of the Brother justified the Lodge in inflicting a penalty for its non-performance, that is, striking his name from the roll of members. Now, to give a meaning to any provision of the Grand Lodge Constitution, which would, at this late day, disturb the *hitherto settled* relations of the Brother with Lodge A. or alter or increase the amount of his indebtedness to Lodge A., *hitherto fixed and determined*, would be repugnant to every principle of justice, and contrary to every precedent heretofore established in our Grand Body. But it

does not seem that the language of Section 46 or the Statutes is at all equivocal or doubtful in meaning. It looks entirely to the future. It differs in almost every particular from the former provision on the subject. It permits the infliction of the penalty for *two years' dues* instead of one; it requires that the Brother shall be *summoned* to pay his dues *thirty days previous* to the act of the Lodge unaffiliating him; it then provides that "any SUCH unaffiliated Brother may be *restored* to membership by a majority vote," etc. The plain significance of the Section is ; that a Brother who, under the present Constitution, shall, at any time *after its* adoption, (June, 1873) fail to pay two years' dues, may, under certain restrictions, be rendered an *unaffiliate*, and that "ANY SUCH" *unaffiliate* may be restored, in the manner and under the conditions contained in Section 46 of the Statutes.

[Decision 13, G. M., 1875, pp. 30 and 232.

ASSESSMENTS.

A Lodge may levy an assessment only on extraordinary occasions, and when levied it is not (so have been the decisions) to be regarded as dues. A failure to pay such an assessment, is a failure to perform a Masonic duty, punishable on charges and by trial.

[Decision 5, G. M., 1876, pp. 29 and 112.

THE BALLOT.

That if it has been announced to a profane that his petition for initiation has been accepted in a Lodge, and a new ballot is subsequently spread, by which he is rejected, there is no impropriety in announceing to him the fact and its effect, provided it be by the Master or Secretary only.

[Decision 19, G. M., 1875, pp. 31 and 232.

Question.—“A candidate was balloted for and declared rejected by the Master. A motion was made for another ballot. It was granted and resulted “clear” (none having left the Lodge meantime). Was the action of the Lodge and of the Master legal, or must the candidate be regarded as rejected material?”

Ans.—The candidate, having been declared rejected, “no Lodge shall initiate him until the expiration of six months after such rejection,” (Section 56 Constitution) and then only on a new petition of the candidate” (Section 53^o, Statutes). The action of the Lodge was illegal and void.

[Decision 20, G. M., 1875, pp. 32 and 232.]

Although there is no positive enactment limiting the Master’s authority over the declaration of the ballot, I am strongly of opinion that no Master who is faithful to his obligations will allow a ballot to be destroyed more than once without declaring the result.

[Decision 11, G. M., 1876, pp. 32 and 112.]

That the Master of a Lodge has a right to expect, and it shall be the duty of those who are opposed to the advancement of a Brother, to be present at the Communication of the Lodge and demand a ballot.

[Decision 16, G. M., 1875, pp. 31 and 232.]

If the Master of a Lodge has begun the work of conferring a degree and a brother has reason to object to the initiation or advancement of the candidate, his proper course is to state to the Master that he has an objection, and it will rest with the Master whether he will proceed or not. But the Master

must regard the demand for a ballot, if made at any time before the Ob.

[Decision 9, G. M., 1876, pp. 30 and 112.]

The motive of casting a ballot will not alter the effect of a rejection of a candidate, but if a brother discloses the ballot he has cast he may be disciplined therefor. (*See Sec. 65 of the Statutes.*)

[Decision 10, G. M., 1876, pp. 30 and 112.]

That a ballot for initiation may be demanded at any communication, whether the candidate appears for his Degree or not ; and it will be effective if adverse, to keep the applicant out of Masonry, until consent shall be given to another Lodge to confer the Degrees, or until, after the expiration of six months, a second petition shall be accepted ; unless, prior to the demand for a ballot, the applicant shall have been proposed and initiated in another Lodge having concurrent jurisdiction.

[Decision 21, G. M., 1875, pp. 32 and 232.]

That though the action of a Lodge in spreading a second ballot, the first having been declared adverse, was irregular and rendered the Lodge or its Master subject to discipline, still the candidate having been accepted in a regular Lodge and initiated therein, is a regularly made Mason, and is entitled to all the rights of an Entered Apprentice. There is nothing "clandestine" in his relations to Masonry or to his Lodge.

[Decision 40, G. M., 1875, pp. 33 and 232.]

That when a ballot is demanded on the petition of a candidate for initiation or advancement, it is not proper to enter on

the minutes of a Lodge the name of the Brother making the demand.

[Decision 22, G. M., 1875, pp. 32 and 232.]

That a Brother's ballot on a petition for initiation or affiliation, or the motives thereof, must not, under any circumstances, be questioned, except in the case provided in § 65 of the Statutes.

[Decision 17, G. M., 1875, pp. 31 and 232.]

That it is a well established principle of Masonic law that the individual responsibility, in the acceptance or rejection of a candidate for Masonry, cannot be delegated or transferred. A Brother cannot cast a black-ball *by proxy*.

[Decision 15, G. M., 1875 pp. 31 and 232.]

When balloting on a petition for initiation has been commenced, it must be completed and the result thereof declared. (*See Sec. 58 of the Statutes*) The action of the Master of a Lodge in postponing the balloting—having once been commenced, in such a case—to a subsequent communication was a grievous error, and would subject him to discipline.

[Decision 7, G. M., 1876, pp. 30 and 112.]

That although a Degree in Masonry may be conferred at a special communication of the Lodge, such a course would be manifestly improper, unless, at the previous regular communication, the Master shall have signified his intention so to do, and shall have given an opportunity for a ballot to be demanded.

[Decision 18, G. M., 1875, pp. 31 and 232.]

BONDS OF LODGE OFFICERS.

The Grand Lodge disagreed with the following :

It is not proper for a Lodge to require bonds from its officers elected under the Constitution of this Grand Lodge. It would be to demand from a brother other security than masonry requires for the performance of his obligations. Strictly speaking, it is a brother's duty to accept an office to which his brethren have seen fit to elect him ; hence it would be harsh to make the induction into office more difficult than Masonry ordinarily has in view.

[Decision 27, G. M., 1876, pp. 31 and 113.]

BY-LAWS OF LODGES.

That in order to unaffiliate a member for non-payment of dues, a Lodge must act under a By-Law passed in accordance with the Sections of the Constitution and Statutes of Grand Lodge, for that purpose made and provided.

[Decision 12, G. M., 1875, pp. 30 and 232.]

An Amendment was offered to the By-Laws of a Lodge. Under those By-Laws, it was "offered in writing, read before the Lodge and laid over for two weeks, and the members notified of the pendency of the Amendment." At the communication to which it was laid over, it is properly before the Lodge for action. The writing, reading laying over and notification of members were all for the purpose of preventing surprise or hasty action. At the subsequent meeting it may be thoroughly discussed and modified in any particular, not in conflict with the *general intent* of the notice previously given. For instance, if an alteration of the By-Laws of a Lodge is proposed, fixing the dues at a certain amount, it is com-

petant for the brethren on the night when action is to be taken (under the provisions above stated) to *reduce or increase* the amount named in the original Amendment, without further delay or notice to the brethren. It is a fair presumption that “opportunity for reflection” was afforded in the first instance and that the brethren having had notice of the proposed change have studied the subject in all its bearings, and are prepared, when they come to act on the proposed Amendment, to discuss :

Firstly, Whether any alterations of the law should be made. And

Secondly, The best change to make, and to settle the matter then and there.

[Decision 6, G. M., 1876, pp. 29 and 112.]

Where a Lodge passed a By-Law, which prescribed that “a brother, who shall have been a faithful member of this Lodge in good standing for ten years consecutively, shall be a privileged member, entitled to all benefits of the Lodge, by paying Grand Lodge dues only,” and a member of the Lodge had complied with all the provisions of said law, after which the Lodge rescinded the By-Law. Held that the brother could not be compelled to pay dues to his Lodge, other than Grand Lodge dues. But this shall not apply to other extraordinary assessments for Masonic purposes.

[Decision 50, G. M., 1875, pp. 34 and 233.]

CHARGES, TRIALS AND APPEALS.

Question. If the majority of the members of a Lodge are implicated in a Masonic offence, how can they be proceeded against, and can any Mason, except a member of the Lodge so offending, prefer charges?

Answer. Charges may be preferred in such a case, by any brother, and if the Master be implicated, the District Deputy will appoint a commission of Masters and Past Masters in the case of the Master, and of members of the Lodge, in case of the other offending brothers. If a majority of the members are charged, still let the complaint against them be preferred, tried, and if justice be trifled with, the Grand Master or Grand Lodge will remedy the wrong, on appeal. In such a case, the Grand Master would, perhaps, consider it his duty to suspend the warrant until the meeting of the Grand Lodge.

[Decision 14, G. M., 1876, pp. 30 and 112.]

When charges are preferred in a Lodge against one of its members and a commission has been appointed, and taken evidence in the case, and afterwards the charges are unanimously dismissed by the Lodge, the District Deputy Grand Master will not have the right to appoint a commission to try the same charges without an appeal being taken. His duties and privileges are clearly defined in the 35th Section of the Constitution, which, when taken together with Section 58 determines the cases requiring or justifying his official interference. The office possesses no inherent prerogative. The spirit and letter of the Masonic Constitution guarantees to every Lodge its unquestionable right to control its own membership and its internal management, when such government is consistent with the Landmarks, Constitution and Statutes.

[Committee on Mas. Juris., 1784, p. 268.]

That an officer of a Lodge, against whom charges are preferred, continues to hold his office, until, after due Masonic trial, a penalty has been decreed; and it will depend on the duration of the penalty, whether he may at any time resume

his official functions. It is in the power of the Grand Master if, on a presentation of charges, he shall deem it advisable for the interests of the Craft, to suspend such officer, until the issues shall have been determined.

[Decision 63, G. M., 1875, pp. 35 and 232.]

If a Lodge refuse to receive charges against a member, an appeal will lie to the Grand Master, who may order the Lodge to receive the complaint and refer it for trial.

[Decision 17, G. M., 1876, pp. 30 and 112.]

"That charges may be preferred in a Lodge against a brother, who has been declared unaffiliated by reason of non-payment of dues."

[Decision 11, G. M., 1875, pp. 30 and 232.]

Whereas, by Article XIV., Section 61, of the Constitution, the Commission of Appeals is required to meet at each Annual Session of the Grand Lodge.

Resolved, That the Commission of Appeals be, and it is hereby authorized to meet hereafter annually, for the examination of Appeals which shall come before it, at such other time and place, previous to the Annual Communication of the Grand Lodge, as shall be fixed by the Chief Commissioner.

[p. 99—1876.]

That where but one Commissioner at a Masonic Trial is challenged by either party, it is the right and duty of the other Commissioners to try the challenge.

[Decision 24, G. M., 1875, pp. 32 and 232.]

A Lodge may not reverse its own action after sentence has been pronounced, and while the accused is undergoing punishment, so as to prejudice his standing or rights.

Therefore, a Lodge having sentenced a brother to be reprimanded for a Masonic offence, has exhausted its right to punish for that offence. The subject may not be judicially reviewed or reconsidered by the Lodge. Only on appeal may the action of the Lodge be reversed or set aside.

[Decisions 55 and 56, G. M., 1875, p. 34, 35, 233.]

That the issues in a trial having once been finally determined *upon the merits*, a Lodge may not proceed to a new trial upon the same charges and specifications, unless a new trial be granted upon appeal.

[Decision 49, G. M., 1875, pp. 34 and 232.]

A Master of a Lodge, or any member thereof, is liable to Masonic discipline for the violation of *any* moral law, or for an offence deemed criminal by the law of the land.

[Decision 16, G. M., 1876, pp. 30 and 112.]

Section 73 of the Statutes, directing that charges for official misconduct against a Master shall be made during his term of office or within one year thereafter, does not prevent a Lodge from trying and punishing a brother for so grave an offence as the embezzlement of its funds, while holding the office of Master, on discovery of the crime.

[Decision 12, G. M., 1876, pp. 30 and 112.]

The confession by a brother of a Masonic crime, accompanied by a plea for mercy, does not in any wise entitle him to a milder punishment than the offence demands. In dealing with the offence, and determining the penalty, two things must be kept in view : 1. Charity for the brother who confesses a fault. 2. Duty to the Lodge and the Craft in general.

[Decision 58, G. M., 1875, pp. 35 and 233.]

That a Masonic tribunal will not interfere to establish the civil rights of brethren, nor will Masonry allow itself to be made a convenient means, through which a creditor may collect what is due him from his Masonic debtor.

[Decision 27, G. M., 1875, pp. 32 and 232.]

That the decision and sentence of a Lodge in the trial of a brother, on charges, is always subject to appeal, and if the appellate officer, or commission, or body reverses the decision or sentence, the brother's status is, as if the decision of the lower tribunal had not been rendered.

[Decision 54, G. M. 1875, pp. 34 and 233.]

CODE OF PROCEDURE.

That the provisions of Sections 96, 97 and so much of Section 100 of the Code of Procedure as ordains that an expelled brother may be restored to membership by a majority vote of the Lodge from which he was expelled, being in conflict with the provisions of Sections 76 and 78 of the statutes of the Grand Lodge, are void.

[Decision 32, G. M., 1875, pp. 32 and 232.]

Resolved, That the Code of Precedure for trials and appeals adopted by the Grand Lodge be printed in the appendix of the New Constitution and Statutes.

[1873, p. 201.]

COMMITTEES OF INVESTIGATION.

The duty of a member of a committee appointed to investigate the fitness of a candidate for Masonry does not require him to ascertain the special religious views of a candidate. If a *profane* is desirous of entering our institution it

is sufficient if he comes a worthy man, well qualified intellectually, morally and physically.

Masonry neither reciprocates nor retaliates the harshness of bigotry or sectarianism. The whole matter of admissibility is left to the conscience of the applicant and of the brethren to whom he makes application.

[Decision 20, G. M., 1876, pp. 30 and 112.]

That a Committee, appointed in pursuance of the 52d Section of the Statutes of the Grand Lodge, must make a report, in terms "*favorably*" or "*unfavorably*," before a ballot shall be spread on the application of the candidate

[Decision 53, G. M., 1875, pp. 34 and 233.]

CONFERRING DEGREES.

That there is no inherent right in the Grand Master to grant a dispensation to a Lodge to confer a Degree at an interval less than that fixed by the Statutes of the Grand Lodge.

[Decision 25, G. M., 1875, pp. 32 and 232.]

That a Lodge having been illegally opened, by a Past Master in the absence of the Master and Wardens, could not transact business of any kind, after either of said officers had entered without being again and regularly opened. That the conferring of the 3d degree in Masonry, under such circumstances, was illegal, and that it will be necessary, again to confer said degree on the brothers, before they can be acknowledged as regularly made Master Masons.

[Decision 39, G. M., 1875, pp. 33 and 232.]

CONVENTIONS OF MASTERS.

Question If a party of Masters Lodges should wish to meet together on business of the order, at one of their houses would it be necessary for them to get permission from the Grand Master, etc?

The answer to this question depends very much on the character of the business which the Masters of the Lodges desire to transact. If it be their wish to meet in their official or representative capacity it should for many reasons be done with the knowledge and consent of the Grand Master or his representative. If it be without design to take action for the purpose of affecting or influencing the Craft generally, I know of no reason which would require the assent of the Grand Master or which would necessitate the interference of the governing power.

[Decision 21, G. M., 1876, pp. 31 and 112.]

COUNSEL.

That if a Brother, in a Masonic Trial, is called on to testify to facts which have come to his knowledge in his confidential relation, as counsel, it would be improper to require him to give evidence against his client. That if the facts, concerning which he is called to testify, came to the knowledge of the Brother before he became counsel, or are entirely disconnected from his professional or privileged relations to the accused, there can be no reason why he should be excused, from performing a duty incumbent on every Brother, whatever his station in the Fraternity.

[Decision 23, G. M., 1875, pp. 32 and 232.]

4 Resolved, That this Grand Lodge deems it injudicious.

for any of its elective or appointed officers to appear and act as counsel for either party before a Masonic Commissioner appointed to try offences.

[Committee Mas. Juris.; 1876, pp. 112]

DIMITS AND DIMISSION.

A Brother who has lost his dimit, granted before the adoption of the present constitution, is entitled to a duplicate dimit, said duplicate to be dated as of the time when originally granted.

[Decision 9, G. M., 1875, pp. 30 and 232]

DISTRICTS.

At the Convention of Grand Lodge in 1873, the Grand officers, appointed to re-district the Masonic Districts, presented a report which was amended by striking out the Richmond County District and attaching the Lodges to the 4th Masonic District. It was adopted—(See page 208 *Transactions of 1873*.) In 1876 the Grand Lodge altered the limits and number of Districts and re-districted the State as follows:

DISTRICTS.

1. Suffolk and Queens Counties.
2. Kings County, east of Washington Avenue, Brooklyn.
3. Kings County, west of Washington Avenue, Brooklyn.
4. Lodges in New York City, numerically from No. 1 to No. 156, inclusive.
5. Lodges in New York City from No. 178 to No. 271, inclusive.
6. Lodges in New York City from 272 to No. 454, inclusive.

7. Lodges in New York City from No. 457 to No. 641, inclusive.
8. Lodges in New York City from No. 642 to No. 773, inclusive.
9. Westchester, Putnum, and Dutchess Counties.
10. Rockland, Orange, Sullivan and Ulster Counties.
11. Green, Delaware, and Schoharie Counties.
12. Columbia, Rensselaer, Albany and Schenectady Counties.
13. Washington, Saratoga, Warren and Essex Counties.
14. Montgomery, Fulton, Hamilton, and Herkimer Counties.
15. St. Lawrence, Franklin, and Clinton Counties.
16. Jefferson, and Lewis Counties.
17. Oneida and Madison Counties.
18. Otsego, Chenango and Broome Counties.
19. Onondaga, Oswego, Cayuga and Cortland Counties.
20. Tompkins, Schuyler, Tioga and Chemung Counties.
21. Wayne, Ontario, Seneca and Yates Counties.
22. Monroe, Livingston, Genesee and Wyoming Counties.
23. Steuben and Allegany Counties.
24. Orleans and Niagara Counties.
25. Erie County.
26. Chautauqua and Cattaraugus Counties.
27. Richmond County.

Lodges working in the German Tongue, in the Cities of New York and Brooklyn and in Richmond County.

Lodges working in the French, Spanish, and Italian Tongues in the Cities of New York and Brooklyn.

ELECTION AND INSTALLATION OF OFFICERS.

That where officers of a Lodge were irregularly chosen through inadvertence, their subsequent regular installation, at a stated communication, without objection, corrected the error. (Decision of 1859 renewed).

[Decision 28, G. M., 1875, pp. 32 and 232.]

That a Lodge must be summoned for the annual election of officers. A Master refusing to summon the Lodge for that purpose is liable to discipline, and if the election be held at a meeting to which the members are not summoned, it may be set aside for irregularity.

[Decision 29, G. M., 1875, pp. 32 and 232.]

That a Master of a Lodge should be installed after each re-election.

[Decision 35, G. M., 1875, pp. 32 and 232.]

That it is irregular to install a Master-elect over a Lodge previous to his being put in possession of the secrets of the chair.

[Decision 36, G. M., 1875, pp. 32 and 232.]

That a member of a Lodge may be installed by proxy in any office, of which he has signified his acceptance, except that of Master, in the discretion of the installing officer. An installation by proxy is rendered valid, by any subsequent act of the brother thus installed, which would tend to show his acceptance of the office.

[Decision 37, G. M., 1875, pp. 33 and 232.]

That the ceremony of installation must be performed by an Actual Master or Past Master of a Lodge.

[Decision 38, G. M., 1875, pp. 33 and 232.]

EXPULSIONS AND OTHER PUNISHMENTS, AND
RESTORATION.

That expulsion, in every case, is from the rights and privileges of Masonry, and carries with it the loss of membership in a Lodge. Restoration, by act of a Lodge, or Grand Lodge, is to the forfeited rights of Masonry, but not to membership, which ceased when the act of expulsion took effect, and which can only be resumed by regular affiliation

[Decision 31, G. M., 1875, pp. 32 and 232.]

An expelled Mason is masonically dead. When restored, it is to masonic life. He has no more to do with the Lodge from which he was expelled than with any other Lodge after restoration. To affiliate, he must make application in the regular form for that purpose and may apply to any Lodge.

[Decision 18, G. M., 1876, pp. 30 and 112.]

No action a Lodge may take, can bar the right of a brother to appeal to the Grand Master or Grand Lodge. A sentence of *reprimand* should fix the time of execution at a date sufficiently remote to enable the accused to serve notice of appeal and to obtain, if possible, a stay of proceedings.

[Decision 13, G. M., 1876, pp. 30 and 112.]

A Mason may be punished for offences committed either against the Craft or against society, and during the period of punishment he is deprived of all his Masonic rights and privileges, but his obligations, once assumed, cannot be thrown aside. It is in this way that the expression "once a Mason always a Mason" is to be understood.

[Decision 19, G. M., 1876, pp. 30 and 112.]

That where the Commissioners, after the trial of a brother, charged with a Masonic offence, reported the accused guilty and recommended his expulsion, and an amendment was offered to change the penalty to suspension, it was the duty of the Master to take the vote of the Lodge on the greater penalty first.

[Decision 57, G. M., 1875, pp. 35 and 233.]

If a Grand Lodge restore an expelled brother to the rights and privileges of Masonry, the action will be recognized as conclusive, wherever such Grand Lodge may have affiliation or correspondence. A Grand Lodge will not restore a brother expelled from the rights of Masonry in another jurisdiction.

[Decision 15, G. M., 1876, pp. 30 and 112.]

That a resolution passed in a Lodge, restoring an expelled brother, has no force beyond the declaration of the Constitution. It restores him to the rights of Masonry, but not to membership in his Lodge. Thereafter he "stands as an unaffiliated Mason," and may be affiliated only on regular petition and by unanimous acceptance.

[Decision 33, G. M., 1875, pp. 32 and 232.]

That the provisions of the Constitution of the Grand Lodge, adopted in June, 1873, have no retrospective or retroactive effect, either to lessen or increase punishment inflicted before its adoption. It will be necessary for a Lodge to act on the question of restoration, before a brother, heretofore indefinitely suspended, can resume his good standing among Masons; provided the brother shall not be restored by the Grand Lodge.

[Decision 64, G. M., 1875, pp. 35 and 232.]

FEES AND DUES.

That the fee referred to in Section 63 of the Statutes of Grand Lodge is for the *initiation*, and the whole amount of the fee is due at the time of initiation. A brother whose advancement has been stayed by the ballot, cannot, under any law of Masonry, claim a return of the fee or any part thereof.

[Decision 34, G. M., 1875, pp. 32 and 232.]

A Lodge about ten years ago, returned and reported to the Grand Secretary, a membership of four or five more than its actual number; and has paid the Grand Lodge dues on this excess of membership to the present time, to an amount in the aggregate of \$26.75. Your Committee, after examining the documents and testimony submitted to them, and a careful consideration of the matter, are of the opinion that said lodge having made its report annually, certified by its Master, during the whole period of the existance of the grievance complained of, said certified returns should be conclusive against the Lodge, and it should be estopped from so impeaching or questioning the correctness of its own return, as to require the Grand Lodge to protect it from the carelessness or negligence of its own officers in times gone by. To take any other view of the matter would open the door to complaints without number to the Grand Lodge, involving the correctness of the records and returns of a Lodge for any number of years.

[Committee on Grievances, Case 4, p. 229—1875.]

That the refusal of a Lodge to donate to a brother his dues on one occasion, will not prevent the body from granting the same relief at another and subsequent time. A resolution

donating money to a brother to pay his dues, having been adopted by a Lodge, can not be subsequently reconsidered and negatived.

[Decision 62, G. M., 1875, pp. 35 and 233.]

The Grand Lodge disagreed with the following :

A Lodge lost its charter in 1870. An Entered Apprentice of said Lodge, now wishes advancement in a Lodge in his jurisdiction, in accordance with the provisions of Article XII, Section 54, Subdivision 3, of the Constitution. I know of no way by which the Lodge can charge any fee. Certainly, it may not charge an initiation fee, and as the brother, if accepted and advanced, would become a member of the Lodge by force of said section, I do not see how an affiliation fee can be lawfully charged. I do not deem the rule equitable, but the conclusion seems to me unavoidable.

[Decision 22, G. M., 1876, pp. 31 and 113.]

GRAND LODGE FLAG.

“Resolved, That hereafter, during all Communications of this Grand Lodge, that the flag prepared by the Building Committee be displayed from the Staff on the Hall.”

[p. p. 226.—1875.]

HONORARY MEMBERSHIP.

That honorary membership in a Lodge, depends entirely on active membership in some other Lodge. It carries with it no rights or privileges in the Lodge wherein it is conferred and imposes no duties. If the honorary member gives up his active membership, he is subject to the disabilities of an unaffiliate. His honorary membership is virtually held in abeyance until he is again affiliated.

[Decision 52, G. M., 1875, pp. 34 and 233.]

Resolved, That an honorary member of a Lodge has not the right to visit said Lodge when a member of it objects thereto.

[Committee Mas. Juris., 1875, p. 233.]

JURISDICTION OF LODGES OVER CANDIDATES.

That a Lodge which rejects a candidate for initiation cannot grant any *general* release of jurisdiction. It will act only on application of a Lodge which shall have shown its willingness to accept the candidate.

[Decision 41, G.M., 1875, pp. 33 and 232.]

That the jurisdiction of a Lodge over candidates extends to a point half-way between it and the nearest Lodge. Such point to be ascertained on an air-line from Lodge to Lodge.

[Decision 42, G. M., 1875, pp. 33 and 232.]

A candidate was rejected in Lodge A. He removes to the village occupied by Lodge B. After a constitutional time has elapsed, he applies for initiation in Lodge C. situated at a distance from his home. Held, that Lodge C. must obtain consent from Lodge A. and B., before said Lodge C may initiate the candidate.

[Decision 43, G. M., 1875, pp. 33 and 232.]

That where a candidate for initiation and advancement is balloted for and accepted by a Lodge and afterwards petitions for initiation, is balloted for and accepted in another Lodge having concurrent jurisdiction, he may elect to be initiated in either Lodge. But, if a ballot is afterwards called for and the candidate is rejected in either Lodge before his initiation in the other, he is thereby estopped, and the Lodge rejecting him obtains jurisdiction.

[Decision 44, G. M., 1875, pp. 33 and 232.]

The removal of a Lodge "*within its jurisdiction*" is an impossibility, except in the case specially provided for in the Statute of Grand Lodge; for as soon as a Lodge has *legally* removed its place of meeting from one village to another its jurisdictional limits are altered.

[Decisions 45, G. M., 1875, pp. 33 and 232.

"Does a candidate rejected in a Lodge, and afterwards released from its jurisdiction, come under the jurisdiction of the next nearest Lodge, or is he at liberty to send in his petition to any Lodge he chooses?

The submission of the above question for my decision, revealed to me the existence of such a vague comprehension of the rules affecting Lodge jurisdiction, that in my reply, I found it necessary to discuss the subject more at length than would ordinarily be requisite in answering communications with reference to interpretation of Masonic Law.

The subject of jurisdiction of Lodges over candidates involves the consideration of two questions:

- I. What gives a Lodge jurisdiction over a candidate?
- II. How may a Lodge, not having original jurisdiction over a candidate, obtain jurisdiction?

In the examination of the first question, we are to be guided by the provisions of Article XIII., Section 56 of the Constitution, and of Article XXV., Sections 50 and 51 of the Statutes of Grand Lodge.

The meaning of Article XIII., Section 56 (Constitution) is too well understood to need comment here. Take it in connection with the two Sections of the Statutes referred to, and we determine the method of obtaining jurisdiction at the outset.

We find that the candidate must,

First.—Reside within the territorial jurisdiction of the Lodge which accepts him. (See Section 50, Statutes.)

Secondly.—He must have resided within that territory a certain length of time (See Section 51, Statutes.)

Thirdly.—He must satisfy the Lodge to which he applies that he has not been previously rejected. (See Section 56, Constitution.)

These three requirements determine the jurisdiction of a Lodge over candidates in the first instance.

In reference to the II. question, namely : How may a Lodge not having original jurisdiction over a candidate, obtain jurisdiction ?—the Constitution and Statutes point out but *one way*, and that is, by receiving permission from the Lodge having jurisdiction at the time the candidate's application is made.

Here let it be observed, that a Lodge can relinquish its jurisdiction over a *rejected* candidate in either of two cases:

First.—Where, having original jurisdiction, it rejects him and then grants permission to another Lodge, making application therefore, to initiate and advance him.

Second.—Where, having once rejected a candidate, the Lodge afterwards elects him, and he then petitions another Lodge having concurrent jurisdiction, is accepted, and decides to take his degrees in the second Lodge. In this case, the jurisdiction is lost by force of law.

The conclusion of whole matter seems clear: That a candidate rejected in a Lodge having territorial jurisdiction over him at the time of rejection; remains under the jurisdiction of that Lodge, until consent is given to some other Lodge, which has accepted his petition, to confer the degrees of Masonry upon him. This consent may be given to any Lodge in whose jurisdiction such candidate resides at the time of

such application. The rejection of a candidate in a Lodge does not bar the right of another Lodge to receive his petition and to spread a ballot thereon: it simply qualifies and limits the right to confer the degrees of Masonry upon him, until consent is obtained. In this connection, it might be well to add, that the rejection of a candidate by a Lodge not having jurisdiction over him at the time of his application, will not operate to prevent another Lodge from accepting him and making him a Mason.

[Decision 46, G. M., 1875, pp. 33 and 232.]

MASONIC BURIAL.

That "Masonic burial" (in Section 42 of the Statutes), has particular reference to the performance of the services and ceremonies over a deceased brother.

[Decision 47, G. M., 1875, pp. 34 and 232.]

MINUTES OF LODGE.

The minutes of every communication, whether regular or special, should be read and approved before the Lodge is closed.

[Decision 23, G. M., 1876, pp. 31 and 112.]

The minutes of a Lodge having been approved, may not be altered, but a minute may be ordered and made at a subsequent communication; in the proceedings of said communication, explaining or correcting the errors of record of the previous communication.

[Decision 24, G. M., 1876, pp. 31, and 112.]

PHYSICAL QUALIFICATIONS.

That the physical qualifications of a candidate for Ma-

sorcery can not be determined by the Grand Master. The Grand Master can not issue a Dispensation allowing a Lodge to disobey a landmark of Masonry. Whether a candidate is such "a hale man, sound, not deformed or dismembered," as the landmarks of Masonry prescribe to be eligible material for the temple, is a question that must be settled by the conscientious judgment of the Master, and each brother of the Lodge. If a Master of a Lodge is not satisfied after thoroughly and scrupulously considering the matter, that the candidate is such a man, it will be his duty to reject him.

[Decision 59, G. M., 1875, pp. 35 and 233.]

POWERS, DUTIES, AND QUALIFICATIONS OF MASTERS.

That a brother, who had been a Warden of a Lodge, and while holding that office, took up his residence in another State, and was elected Master of said Lodge, was eligible to the said office and might be lawfully installed.

[Decision 25, G. M., 1876, pp. 31 and 112.]

That it is competent for a Master to refuse to confer a Degree upon any candidate, until such time as, in his judgment, it will be wise to do so.

[Decision 26, G. M., 1875, pp. 32 and 232.]

That the Master has a right, and it is his duty, to exclude from the Lodge a Brother, who by his perverseness or contumacy, may interfere with the proper working of the Lodge or disturb its harmony.

[Decision 30, G. M., 1875, pp. 32 and 232.]

The presence of the Master of a Lodge as a representative

at a session of the Grand Lodge vacates any proxy given by the Lodge for that purpose.

[Decision 26, G. M., 1876, pp. 31 and 112.]

That it is entirely improper, except by way of appeal, for a brother of a Lodge to criticise the action of his Master, or to seek to obtain from higher authority a reversal of a Master's action, without giving notice to the Master of his intention so to do, and either furnishing the Master with a copy of his communication to the reviewing officer, or sending the questions, concerning which he seeks an opinion, through the hands of the Master; in this way giving him notice that his ruling is called in question.

[Decision 60, G. M., 1875, pp. 35 and 233.]

That the Master of a Lodge has a right to *one* vote on any question brought before his Lodge. He may vote in the original count, or to determine a tie vote, but may not exercise the privilege in both instances on the same question.

[Decision 66, G. M., 1875, pp. 35 and 232.]

That the Master of a Lodge was justified in suspending a Tiler, who was temporarily unfitted for the performance of the functions of his office by intoxication. It does not matter that the Tiler was elected under the By-Laws of the Lodge. The Master's obligations to the Craft approved the exercise of a very necessary perogative.

[Decision 65, G. M., 1875, pp. 35 and 232.]

RECONSIDERATION OF VOTE.

That there is no law of Masonry, or reason for a law, which will prevent a Lodge from reconsidering an action improperly or unadvisedly taken. The right to reconsider a

motion, however, must depend on its nature and the facts of the case.

[Decision 61, G. M., 1875 pp. 35 and 233.

ROOMS OF MASONIC LODGES.

Although there is nothing mandatory in the laws or landmarks against the use of a Masonic Lodge-room by other associations not Masonic ; still correct Masonic sentiment teaches that a Lodge-room, under control of a Masonic Lodge and dedicated to the purposes of Masonry, should not be let or used for other than Masonic purposes. Only under extraordinary circumstances should this rule admit of an exception, and then the conscience of the brethren must determine for them the propriety of a departure from the well-approved custom.

[Decision 48, G. M., 1875, pp. 34 and 232.

DIGEST OF
COMMISSION OF APPEALS REPORTS,
ADOPTED BY GRAND LODGE.

The Members of the Commission.

1874.

R. W. Andrew E. Suffern, Chief Commissioner:
W. John De Remer,
R. W. William T. Woodruff,
R. W. George O. Baker,
R. W. Alexander T. Goodwin,
R. W. David F. Day,
W. Joseph J. Couch.

1875.

R. W. Andrew E. Suffern, Chief Commissioner.
W. Joseph J. Couch,
W. John De Remer,
R. W. William T. Woodruff,
W. Joseph Welling,
R. W. Alexander T. Goodwin,
R. W. David F. Day,

1876.

- R. W. Andrew E. Suffern, Chief Commissioner.
- R. W. Cornelius Esselstyn,
- W. Joseph J Couch,
- W. John De Remer,
- R. W. Joseph Koch,
- W. Joseph Welling,
- R. W., Alexander T. Goodwin,

CASE I. 1874.

A sentence of Expulsion from a Lodge is irregular and unwarranted. The correct and regular sentence would have been *Expulsion from the rights of Masonry*.

Resolved, That it is declared to be an imperative rule in Masonic trials, that when a vote is taken in a Lodge upon the guilt or innocence of a brother under charges, or upon the measure of his punishment, the vote to constitute a majority must be a majority of all the members of the Lodge present when such a vote is taken.

[p. 253. Transactions 1874.]

CASE II. 1874.

The Commissioners appointed in pursuance of the provision contained in § 58 of the Constitution to hear and determine charges against the Master of the Lodge, adjudged the accused guilty and recommended a suspension of the brother from the rights and privileges of Masonry for the space of four weeks from the date of said adjudication. An appeal was taken by complainant. Held: That the commissioners before whom the charges against the Mas-

ter were tried, should have inflicted the penalty instead of recommending it to be inflicted, for there is no power under the Constitution which could carry into effect the recommendation other than the Commissioners themselves.

[p. 253. Transactions 1874.

CASE III. 1874.

A brother was charged with having made indecent proposals to two young girls, one of whom is the sister of a Master Mason, and with having furnished to the said sister of a Master Mason money with which to enable her to leave her home and go to the City of New York for an improper purpose. The accused was found guilty and the penalty of expulsion was inflicted. On appeal, Held: That the Lodge very properly inflicted the penalty of expulsion.

[p. 254. Transactions 1874.

CASE IV. 1874.

A brother was charged with using language in reference to his improper intimacy with a Master Mason's widow, (unfit to be repeated in the report,) and various other charges of a like character were made against him. During the course of the trial he withdrew the plea of not guilty and substituted the plea of guilty to the charge of immorality, established by the prosecution. Held, on appeal, That the sentence of expulsion was just.

[p. 255. Transactions 1874.

CASE V. 1874.

An appeal was taken from a conviction on a charge of

desertion of wife and children and living in adultery with a woman of bad character. The wife of the accused obtained a divorce by decree of Supreme Court. On appeal. Held : that the sentence of expulsion inflicted by the Lodge was fully warranted.

[p. 255. Transactions 1874.]

CASE VI. 1874

The accused in the presence of a member of his Lodge spoke and declared of another member of said Lodge, the following, or words of that effect. "He is a liar, and I would not believe him under oath." He was tried convicted, and suspended for two years. On appeal no error or irregularity in the proceedings on the trial or of the Lodge was found, but the suspension was terminated, the appellant having suffered one year and upward of his term of sentence.

[p. 255. Transactions. 1874.]

CASE VII. 1874.

The rights of the members of a Lodge are co-equal, and any attempt to deprive one of his rights is just cause of a complaint, and such attempt should not be justified by the Grand Lodge. The examination of the ballot box by one or more of the brethren while the lodge was at refreshment and found clear is not evidence on which to convict the brother of the charges preferred against him in the case. The charges in the case are too indefinite and uncertain to place a Brother on trial. Namely : "falsely charging in a written communication to D. D. G. M., that the Lodge had resorted to unmasonic means to initiate a candidate,

etc. Makin : official declaration as Junior Warden to the Worshipful Master which he knew to be false," and falsely charging the Senior Deacon with abstracting a black ball from the ballot Box while passing from the station in the South to that in the West. There was a successful attempt on the part of members of the Lodge to initiate a candidate against the well understood objection of the appellant.

Under the Constitution and Statutes, Indefinite Suspension is abrogated and unknown, and while it may have been lawful where sentence was pronounced. Yet it is too severe if the acts complained of justified any punishment. The judgment and sentence were reversed.

[p. 256. Transactions 1874.

CASE VIII. 1874.

The accused was placed on trial for an attempt to extort money from a former member of the Lodge to which he belonged. He had commenced an action in the Supreme Court to set aside certain assignments of mortgages alleging that the consideration of the assignments of said mortgages by him made, had not been paid. At the time of the trial in the Lodge and of the appeal, issue had been joined in said case, the action had not been tried and was still pending. It appeared that the accused voluntarily acted as the medium of the said assignment between the said brother and his wife, and that the proceeding at law is without support or justification, or any legal, moral or masonic grounds, and that the scheme was for the purpose of extorting money from the parties defendant. The appellant committed a masonic offence and should receive

the most emphatic condemnation. The appeal was dismissed.

[p. 257. Transactions 1874.

CASE I. 1875.

A brother was charged with unmasonic conduct in this, that he had advised a member of his Lodge not to propose candidates in the Lodge, as they would be rejected, for no candidate should be initiated in the Lodge during the (then) present year; that accused did, at the time aforesaid, falsely and maliciously assert, in the presence and hearing of said member and others, that —— Lodge, No. —— was not a just and duly constituted Lodge of Free and Accepted Masons, and that said accused did falsely and maliciously prefer false and unfounded charges of unmasonic conduct against one A. B., also a member of the Lodge, which he totally failed to sustain.

A Commission, consisting of three members, was appointed to try the accused, and proceeded with the trial.

The counsel for the accused objected to the competency of one of the Commissioners, on the ground of bias against him, and on the further ground that such Commissioner is a witness for him, and of another, on the ground that he also is a witness for him.

The master of the Lodge acted as trier, and overruled the challenge as to the first Commissioner, to which counsel excepted, and as the decision covered the challenge to the other Commissioner, it was not tried.

An answer to the charge was filed, and, without denying

the complaint, alleges that it does not present sufficient facts to constitute a Masonic offence. A motion was made to dismiss the specifications, on the ground set forth in the answer, which was denied and an exception duly taken.

The trial proceeded, and a report was made, in which the charge in the first and second specifications was sustained, and the accused declared guilty thereof, and not guilty of the third and last specification, and the penalty of expulsion recommended; and that the accused be adjudged to pay the sum of twenty-five dollars and seventy-five cents as expenses of the trial. One of the Commissioners dissented from the recommendation of the penalty of expulsion, and proposed instead thereof a sentence of suspension for eighteen months.

The Lodge at its regular Communication, held on the same day, adopted the report signed by the majority of the Commissioners, expelled the brother, and adjudged him to pay the amount reported as the expenses of the trial.

From this judgment the expelled brother appealed to the M.: W.:, the Grand Master, and based his appeal on some twenty-six grounds, in which are raised many questions which are at once difficult, delicate and important.

From the decision of the Grand Master, it is evident that he bestowed unusual labor and care in the examination of the appeal, and appreciated the character of the duty devolved upon him.

The Grand Master filed his decision, in which the action of the Lodge was affirmed, as to the conviction, but modified and commuted the sentence to suspension for five months.

The appellant appealed from such decision to the Grand Lodge.

A careful examination has been given to this appeal, and all the questions involved have received earnest and due consideration, and the Commission entirely concurs with the Grand Master in his findings; that the Commissioners on the trial gravely erred in excluding much of the testimony sought to be introduced by the accused, and which was manifestly relevant and pertinent, and also in permitting a statement of two of their number to be appended to the record of the trial, as evidence, upon which their cross-examination by the accused was denied, which was in violation of his well settled right in that respect, and in admitting improper evidence against the accused.

"It is undoubtedly the duty of the reviewing officer to pay great respect to the recommendations of Commissioners, made after a careful hearing and consideration of testimony, as well as to the action of a Lodge sustaining those recommendations; and while I earnestly deprecate the action of a brother in serving on a Commission, whose prejudices or interest in the issue of a case is called in question, I do not find sufficient evidence in the record entirely to set aside the action of the Lodge."

The above language of the Grand Master justly characterizes the proceedings on this trial, and shows the want of the observance of many of the safeguards which the law has benignly furnished for the protection of the accused, with a view to a fair and impartial trial, and before an unexceptional tribunal.

The Commission in examining this appeal has laid aside

all that is merely trivial, frivolous or technical, and which does not affect the real controversy between the accused and the Lodge—and considered matters of substance and forming the *res gestae*—and reached the conclusion that the appeal should be dismissed, and the judgment against the accused for the sum of \$25.75 be reversed, upon the errors assigned, because they have worked so much apparent prejudice to the rights of the accused.

Again, the Commission is of the opinion that the decision upon the merits is not sustained by the testimony, even if the charge as laid constitutes a Masonic offence. The real charge is, that the accused gave such advice to a fellow member of the Lodge as to deter him from proposing candidates for initiation and membership, to wit: "that they would be rejected," while the testimony introduced seemed rather an attempt to convict him as the person who would prevent the acceptance of such candidates.

The Commission is also of opinion that the objection originally raised is invalid, namely: that the subject matter of the first and second specifications do not charge the commission of any offence which is, in the Statutes or Codes, denominated a Masonic offence.

If such language be employed by a Mason it is highly reprehensible, and not to be countenanced, but on the other hand, severely deprecated, and this Commission now, as always, places the seal of its condemnation upon it.

The Commission is therefore of the opinion that the action of the Lodge, in its conviction and sentence of the accused, should be set aside and reversed, and that its judgment against him for \$25.75 should be vacated, and

recommend the adoption of a resolution in accordance therewith.

The Commission has further to submit, that said Lodge, in this case also, appealed from so much of the decision of the Grand Master as orders the commutation of the sentence of expulsion of the Lodge to suspension for five months, on the ground of want of power in the Grand Master to modify, or commute such sentence.

The question raised by this appeal, the Commission does not feel called upon to determine, or present to the Grand Lodge at this time, and it is recommended that the resolution dismissing said appeal should be adopted.

[p. 234. Transactions 1875.

CASE II. 1875.

The appellant was charged with having stated to a candidate who had been recently accepted, and before he had been initiated, "that the Lodge and its members were a perfect set of shysters," and advised him to have nothing to do with them, and "not to join said Lodge, nor take the degrees therein."

The appellant was also charged with having, in a written complaint before a Justice of the Peace, against a member of said Lodge, in which complaint he committed perjury, in falsely swearing that said member had threatened to beat and wound him (the accused), and at the same time holding a raised pitchfork in a menacing and threatening manner.

The appellant is further charged with having upon the same day, and in the above recited proceedings, committed another perjury, in that he falsely swore that the said

member came upon the public highway and stopped the accused, as he was passing along the same, and caught the horse he was driving by the bit, and on the accused starting up his horse, said member loosing his hold, raised a pitchfork and threatened violence and personal injury to the accused.

The Commission of Appeals do not find error in the proceedings, either before the Commissioners or in the Lodge.

It is simply a question of fact, and the evidence in the case fully sustains the charge of perjury, and the Lodge were justified in inflicting the penalty of expulsion, and the judgment should be affirmed.

[p. 236. Transactions 1875.]

CASE III. 1875.

The appellant was charged with having threatened in the presence of Masons, as well as profanes, that he would break up a certain Lodge, that he would establish a clandestine Lodge in his town in conjunction with profanes; that he applied to the Master of the Lodge no t profane and scurrilous epithets, and that he unlawfully disclosed the affairs of his said Lodge in public places.

The accused was tried before a commission appointed by the Lodge and found guilty of each and every of above-named charges, and the Lodge pronounced the penalty, expulsion.

The Commissioners of Appeals are of the opinion that such decision was fully warranted by the evidence given on the trial, especially in support of the fourth and sixth

specifications of said charge, and the penalty imposed by the Lodge was proper and just.

The Commission of the Lodge clearly erred in depriving the accused of the benefit of counsel, on the ground that the counsel was a non-affiliated Mason, yet in view of the aggravated character of the offence committed, and his proceeding with the trial, the Commission of Appeals believe that the judgment of the Lodge should be affirmed.

[p. 237. Transactions 1875.]

CASE IV. 1875.

Bro. K. was charged with contumacious and unmasonic conduct, first by endeavoring to prevent the Lodge from being opened on the occasion of a regular Communication, by soliciting the members to remain out of the Lodge room, and thus prevent the requisite number being present to enable the Master to open the Lodge ; second, by contumacious conduct to the Master of the Lodge, by refusing three times to obey a proper order of the Master, and said refusals being made in a discourteous and insulting manner ; third, by uttering abusive, improper and unmasonic language regarding the Master of the Lodge ; and fourth, by using vile and abusive language regarding a deceased clergyman and chaplain of the Lodge.

The trial was had and the accused was found guilty. The Lodge adjudged the penalty to be suspension for two years, and assessed the expenses of the trial at forty-three dollars, and required the accused to pay them.

From this decision of the Lodge the accused brought an appeal to the Grand Master, who decided that there had been no error in the proceedings and affirmed the action

of the Lodge, except in the matter of the amount of costs assessed.

The Commission of Appeals have heard long arguments for and against the appeal, and have examined the whole proceedings, as well as the decision of the Grand Master on the first appeal, and believe, with the Grand Master, that the action of the Lodge should be affirmed.

The Commission of Appeals believe that the Lodge acted more leniently than the offences committed warranted, and that exclusion from actual membership in the Lodge, after the expiration of the two years, would have been the proper penalty, but as the question of an increase of punishment inflicted after, and upon a review of the case on appeal by the Grand Lodge, is one of doubt in the minds of the members of the Commission of Appeals ; they make no recommendation on the subject, but unanimously recommend that the action of the Lodge be in all respects approved, as modified by the Grand Master regarding the costs assessed, and a resolution accordingly is herewith submitted.

That the proceedings had in the matter of the trial of Bro. K. for unmasonic conduct, be, and the same are hereby approved, and that the expenses assessed by the Commission appointed to try the case be reduced to eighteen dollars.

[p. 238. Transactions 1875.

CASE V. 1875.

The Commission of Appeals having duly considered the papers, proceedings and evidence submitted to them in the matter of the appeal of Bro. Z. F., from the action of

Lodge No. —, in adopting the report of the Commissioners, acquitting Bro. K. of the charge of unmasonic conduct, in having declared that he knew said Bro. E. F. had blackballed candidates in said Lodge reported. The testimony of two witnesses, on the part of the prosecution, fully sustain the specification. That of another witness on the part of the prosecution, shows no more than that the accused said "*to the best of his knowledge and belief*" the accuser and another member of said Lodge, had rejected candidates therein.

The accused was the only witness on his own behalf, and by his testimony fully denied the saying set out in the specification and attributed to him by the witnesses, Ross and the accuser.

The Commission are of the opinion that the Lodge erred in not convicting the accused of the charge, but the Commission, regarding it a question of fact, of which the Commissioners appointed to try the case were the best judges, and deeming it unwise to order a new trial, recommend as the better disposition of the case to dismiss the appeal.

[p. 238. Transactions 1875.

CASE VI. 1875.

The Commission of Appeals having duly considered the appeal taken by Bro. J. B of Lodge No.—, F. A. M., from the action of the Commissioners appointed in the case of the charges preferred by him against a W. P. M. of another Lodge, and an honorary member of the Lodge aforesaid, reported thereon :

'That they find the case involved in great doubt, and

have only reached their conclusions therein after much difficulty.

The accused, in this case, was charged with having used at a Communication of Lodge No. —, certain unmasonic language with reference to Bro. B., and subsequently, on the same evening in the Lodge room, after the Communication had closed, other language of like character having reference to Bro. B.

The utterance of the expressions set forth in the specifications annexed to the charges was admitted by the answer of the accused, who pleaded, in extenuation of the charge, certain mitigating circumstances, and claimed that he had offered to the Lodge an ample apology for the offence and was willing to extend the same to Bro. B. The trial of the charges was referred by a D. D. Grand Master, under section 58 of the Constitution, to a Committee consisting of five Worshipful Past Masters.

Upon the trial it appeared to the satisfaction of the Commissioners that the accused had uttered the offensive words while in the heat of passion, and without deliberate malice. It also appeared that the apology offered by the accused to the Lodge was a sufficient one, and that he was willing to make to Bro. B. the like apology. It also appeared that the Lodge had struck the name of the accused from its roll as an honorary member thereon:

In view of these facts the Commissioners, whilst saying they found the accused guilty of a Masonic offence in the use of the words contained in specifications, deemed the punishment which Franklin Lodge had inflicted upon said accused by striking his name from its roll of honorary members, and the fact of the apology made by the accused

in open Lodge, and the tender of apology to Bro. B. sufficient to justify them in the dismissal of the charges without the imposition of any punishment upon Bro. COHEN, which conclusion they have embodied in their report.

The Commissioners of Appeals cannot lose sight of the incongruity in the action of the Commission in finding the accused guilty of the offence charged, and then dismissing the complaint. Some penalty should have been inflicted.

The Commission therefore recommends the following resolution :

Resolved, That the accused be hereby ordered to make such apology and reparation to Bro. B. as shall be approved by the R.: W.: D. D. G. M. of the District.

[p. 239. Transactions 1875.]

CASE VII. 1875.

The Commission of Appeals in the matter of the appeal of Bro. R., from the decision of Lodge, No. —, by which he was suspended for one year, and adjudged to pay the sum of (\$11) eleven dollars, reported : That the said R. was charged with having given to a Brother a printed book containing what purported to be the ritual of Freemasonry, and saying that it contained all of the work and ritual of Freemasonry, and that he could learn from it all he wanted to in reference thereto.

He was further charged with having said, on one occasion, that the members of said Lodge were a set of "beats and thieves," and for that reason he would not allow a friend of his to join said Lodge.

Upon the charges the Lodge proceeded to trial, found R. guilty and declared the punishment above-named.

From this action Bro. R. brings his appeal to the Grand Lodge, and has complied with all the requirements of our Code of Procedure, by giving notice of appeal to the Lodge, and by filing his appeal with the Grand Secretary.

The Lodge, however, has refused or at least neglected to send to the Grand Secretary the record of the proceedings in the case, and the Commission of Appeals have failed to obtain any information of an official character which will lead to a correct examination of the incidents of the trial.

The Commission of Appeals have given due consideration to all the grounds of appeal and believe them to be well taken and that all the relief prayed for by Bro. R. should be granted.

The Commission of Appeals are unanimously of the opinion that the said Lodge has shown a manifest disposition to deal unjustly and unmasonically with Bro. R., and in view of the fact, that the said Lodge has utterly neglected to comply with the plain provisions of the Code in respect to furnishing the report of the proceedings in the trial of Bro. R., to the Commission of Appeals for its examination, the Commission of Appeals recommend that the proceedings of the trial in the case of Bro. R. be rendered null and void.

[p. 240, Transactions 1875.]

CASE I. 1876.

CASE AND EXCEPTIONS WERE NOT FURNISHED.

In the judgment of the Commission, it is proper to sug-

gest to the Fraternity throughout the Jurisdiction, that if the provisions of the 26th article of the Statutes touching trials and appeals, and the rules and formula prescribed in the Code of Procedure for their conduct, were better understood and more closely followed by Lodges and parties litigating, much time and labor would be saved, and a correct decision more expeditiously reached.

In many instances it seems to be the impression that the Commission will entertain statements upon the argument to supply defects of form, regularity and substance in the papers, while it should be well known that the Commission must confine itself on the bearing to, and base its decision upon, the record as made up and filed.

[p. 104, Transactions 1876.]

CASE II. 1876.

Where a Lodge fails to sentence a Brother after conviction of an offence, the proceedings, on appeal, will be remitted to said Lodge, that it may proceed to judgment in the case.

When the Grand Lodge is exercising its appellate function, in the hearing of a Masonic appeal, it is purely and simply a judicial body, a Masonic court of appeals, of ultimate resort, and every duly accredited representative to it is performing, in the consideration of the case before it, an independent judicial act in determining it; and the judgment of the Court upon the appeal before it becomes the law of the case, and of the jurisdiction.

The office of an appeal is to bring before such tribunal for review and correction any errors of fact or of law, which are by the record assigned and alleged to have been com-

mitted by the subordinate Lodge in the trial, and from whose judgment the appeal is taken, so that justice may be done to all parties.

The Grand Lodge has in its Code prescribed that a Masonic trial should be conducted in all respects, as near as may be, like the trial of an action at law in a Court of Record, and be governed by the same general rules, and by the 75th Section of its Statutes declared, that all appeals taken in pursuance of the provisions of the Constitution and Statutes shall be conducted as far as the same may be applicable, in accordance with such rules and forms as may be adopted by it.

Now "the Court of Appeals is a court of last resort in this State, of exclusive appellate jurisdiction ; and it may reverse, affirm or modify the judgment appealed from in whole, or in part, and as to any, or all of the parties; and its judgment shall be remitted to the court below to be enforced according to law."

If appeals before the Grand Lodge, sitting as an appellate judicial body, are to be conducted in all respects, as near as may be, like the same proceeding at law, or in equity in a Court of Record, then this body has, in virtue of its fundamental law, the right to reverse, affirm, or modify any judgment or proceeding in appeal brought up before it for review, and to remit its judgment to the Lodge below to be carried into effect.

An accused party was reported guilty upon a trial of the charge and specifications contained in the complaint against him, and he Lodge adopted the judgment of the tribunal trying him and then failed or neglected in its manifest duty to enforce such judgment, or pass such sen-

tence upon him, as it might deem appropriate, while he stood convicted before it of an offence against both the moral and Masonic Code. From the judgment of the subordinate body an appeal is taken to this Court, by one of the parties, which must either reverse, affirm, or modify such judgment. If the appellate reverse, the accused party will remain, as now, in full membership and in good and regular standing in his Lodge, and be entitled to continue to receive and participate in all the rights and privileges of Masonry. if it affirm, he will not be entitled to any of such rights and privileges (?Ed.); and to vindicate its own authority, make potent and effective its decision and support its own dignity, it should either remit the whole case to the subordinate Lodge, to take such action thereon as it might determine would be just and proper in the premises.

There must be an inherent power, as there is a constitutional right, vested in the Grand Lodge, as the highest judicial authority in the jurisdiction over the acts and proceedings of Subordinate Lodges in their disciplinary powers and functions, to compel them by appropriate proceedings in the nature of mandamus if necessary, to observe and obey the law which alike creates and controls them as courts and bodies of subordinate judicial Masonic authority; and to contravene any assumed prerogative in setting up a standard of morals, conduct, or practice for itself or its members, which is not in accord or harmony with the established masonic moral, or civil standards and tests.

And while the Commission would not recommend any vigorous or unusual course with respect to the dealings

of the Grand Lodge with the Lodges under its jurisdiction, still it does not hesitate to declare the power and duty of the Grand Lodge in the premises whenever the occasion demands its exercise.

All that is offensive to good morals, all that is violative of the laws of the land, all that militates against the peace and security of a well-regulated social policy, and all that pollutes the temple of the living God should fearlessly receive the impress of the seal of Masonic condemnation.

[p. 105. Transactions 1876.

CASES III. and IV. 1876.

That of which complaint was made ~~against~~ the accused was the deception practiced, by the alleged representations, upon the credulity given to and confidence reposed in them and him, by means of which they obtained moneys and securities for the use and benefit of the firm and themselves from brethren; whereby they have been dam-aged, and the Fraternity injured in the house of its friends.

Action of Lodge sustained ; appeals dismissed.

[pp. 107, 108. Transactions 1875.

CASE V. 1876.

In this case the appeal was sustained on the ground that evidence in the record of the Trial Commission did not support or sustain the charge against the accused.

[p. 109. Transactions 1876.

ACTS OF INCORPORATION.

Act to Incorporate the Trustees of the Masonic Hall and Asylum Fund.

CHAPTER 272.

An Act to Incorporate the “ Trustees of the Masonic Hall and Asylum Fund.”

PASSED APRIL 21, 1864.

The People of the State of New York represented in the Senate and Assembly, do enact as follows:

SECTION 1. The voluntary association now existing and known as the “ Trustees of the Masonic Hall and Asylum Fund,” and composed of the Grand Master, Deputy Grand Master, Senior Grand Warden, Junior Grand Warden, and Grand Secretary of the association known as the “ Ancient and Honorable Fraternity of Free and Accepted Masons of the State of New York,” and their successors holding said offices, is hereby created a body politic and corporate, with all the general powers of corporations under the Revised Statutes of the State of New York, by and under the name of the “ Trustees of the Masonic Hall and Asylum Fund.”

SEC. 2. The corporation hereby created shall consist of the Grand Master, Deputy Grand Master, Senior Grand Warden, Junior Grand Warden and Grand Secretary, for the time being, of the said Fraternity of Free and Accepted Masons, and their successors in office, as they shall from time to time be elected at the General Assembly or Grand Lodge of Free and Accepted Masons of the State of New York, in accordance with the rules and customs thereof.

SEC. 3. The corporation hereby created is hereby authorized and empowered to take and hold real and personal estate, by gift, purchase, legacy, or devise, to an amount not exceeding five hundred thousand dollars, for the purposes of its corporation, subject to the limitations now prescribed by law.

SEC. 4. It shall be the object of the corporation hereby created to build and maintain a Masonic Hall in the city of New York, for the meetings of the Grand Lodge or General Assembly of Masons, and for the accommodation of other Masonic bodies or associations; and out of the funds derived from the rent or income thereof, or other sources, to build, establish, and maintain an asylum or asylums, school or schools, for the free education of the children of Masons, and for the relief of worthy and indigent Masons, their widows and orphans.

SEC. 5. The corporation hereby created is empowered to adopt regulations and by-laws, and appoint officers for the better accomplishment of the objects herein mentioned.

SEC. 6. The said corporation shall annually report to the Grand Lodge or General Assembly of Masons, the

amount, condition, and investment of the fund in its hands, and all other matters and things relating to the concerns of the corporation.

SEC. 7. The said corporation shall be subject to the restrictions and liabilities prescribed in the third title of the eighteenth chapter, of the first part of the Revised Statutes.

SEC. 8. This act shall take effect immediately.

STATE OF NEW YORK,
OFFICE OF THE SECRETARY OF STATE. }

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

Given under my hand and seal of office, at the city of Albany, this 22d day of April, in the year one thousand eight hundred and sixty-four.

CHAUNCEY M. DEPEW,

[L. S.]

Secretary of State.

AN ACT to amend an act entitled "An act to incorporate the trustees of the Masonic Hall and Asylum Fund," passed April twenty-first, eighteen hundred and sixty-four.

PASSED May 14. 1873.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The third section of chapter two hundred

and seventy-two, of the Laws of eighteen hundred and sixty-four, being an act entitled "An act to incorporate the Trustees of the Masonic Hall and Asylum Fund," passed April twenty-first, eighteen hundred and sixty-four, is hereby amended so as to read as follows:

§ 3. The corporation hereby created is hereby authorized and empowered to take and hold real and personal estate, by gift, purchase, legacy, devise or otherwise, to an amount not exceeding in value two millions of dollars, for the purposes of its corporation, subject to the limitations now prescribed by law.

§ 2. The said corporation, for the purpose of completing the Masonic Hall in the city of New York, and of erecting and completing such other building or buildings as a majority of such trustees may deem necessary and proper, for the use of the said corporation, and to carry into effect its objects, is hereby authorized and empowered to issue its bonds of denominations of one thousand dollars and five hundred dollars each, payable on the fifteenth day of September, eighteen hundred and ninety-one, with interest at and after the rate of seven per cent. per annum, payable semi-annually, under the seal of the said corporation, and signed by its president and secretary, not exceeding in gross amount the sum of one-half of the fair market value of the real estate of the said corporation, located on the corner of Sixth avenue and Twenty-third street, in the city of New York, and known as the Masonic Hall, to be determined by three appraisers, to be designated by the superintendent of the banking department. The amount for which said bonds are to be issued

to be determined by resolution of the board of trustees, duly entered upon the minutes of the proceedings of said board. The said bonds may be made payable to bearer or to order; and shall have interest coupons attached thereto; and to secure the full and prompt payment at maturity of the principal sum for which said bonds shall be issued, and the semi-annual interest thereon, as the same from time to time accrue, the said corporation is hereby authorized and empowered to deliver to one or more trustees in trust for the benefit of the holders of said bonds, a mortgage on the whole of the real estate aforesaid now owned by such corporation; which mortgage shall contain all necessary provisions to facilitate the collection of the several amounts for which said bonds shall be given and the interest to accrue thereon, by foreclosure, by advertisement, or otherwise, and shall be duly acknowledged and duly recorded in the county wherein the lands therein described are situated. And as a farther and additional security for the payment, at maturity, of said principal sum for which said bonds shall be issued, and of said bonds, the said corporation shall insure and keep insured, in responsible insurance companies, all buildings situated upon the property aforesaid, to an amount equal to at least one-half the fair value of such buildings, which said policies shall be transferred to and owned by the trustee or trustees aforesaid, to and for the benefit of the owners of any bonds issued under the provisions of this act. And when such mortgage shall have been executed by affixing thereto the seal of said corporation, and signing thereto the names of the president and secretary of such board of trustees, and shall have been acknowledged

and recorded as aforesaid, and said property shall have been insured as aforesaid, it shall and may be lawful for any savings bank, or institution incorporated under the laws of the State of New York, to purchase the bonds authorized by this act, and to invest the funds in the same, anything in the act incorporating such savings bank or institution to the contrary thereof notwithstanding, but not to exceed ten per cent. of the assets of said corporation shall be invested in said bonds.

§ 3. The said board of trustees are hereby authorized and empowered to rent such part or parts of said Masonic Hall, now being erected by them, on the corner of Sixth avenue and Twenty-third street, in the City of New York, and such part or parts of any other building or buildings erected or to be erected and owned by such corporation, as in their judgment shall not be required for actual use and occupancy for Masonic objects and purposes, to such individuals or corporations, as they may select, for mercantile and other uses and purposes, and to sue for, recover and collect the rents from time to time accruing, thereon, and to use and appropriate the funds to be derived from such renting, for the benevolent, educational and charitable purposes mentioned and provided in said act hereby amended.

§ 4. All acts or parts of acts, and all laws of the State of New York inconsistent herewith, are hereby repealed.

§ 5. This act shall take effect immediately.

STATE OF NEW YORK.
Office of the Secretary of State, } ss.

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

G. HILTON SCRIBNER,
Secretary of State.

AN ACT to amend chapter two hundred and seventy-two of the laws of eighteen hundred and sixty-four, entitled "An act to incorporate the trustees of the Masonic hall and asylum fund," passed April twenty-first, eighteen hundred and sixty-four.

Passed May, 1877.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of chapter two hundred and seventy-two of the laws of eighteen hundred and sixty-four, entitled "An act to incorporate the trustees of the Masonic hall and asylum fund," passed April twenty-one, eighteen hundred and sixty-four, is hereby amended so as to read as follows :

§ 2. The corporation hereby created shall consist of three persons, who shall be members of lodges under the authority and jurisdiction of the grand lodge of free and accepted masons of the State of New York, and who shall be residents of this State, to be elected at the first annual communication of the said grand lodge after the passage

of this act ; provided, however, that no officer of the grand lodge shall be eligible to the office of trustee, and that any trustee accepting office in the grand lodge shall thereby vacate his office as trustee. At the first annual communication of the grand lodge after the passage of this act, the three trustees so elected shall designate, by lot, in the presence of the grand master, their respective terms of office, to wit : one of said trustees shall be designated to serve for the period of one year, one to serve for the period of two years, and one to serve for the period of three years ; and annually thereafter, at the annual communication of the grand lodge one trustee shall be elected whose term of office shall be for the period of three years from the date of his election ; and should a vacancy occur in the office of the trustee at an annual communication of the said grand Lodge from any cause other than the expiration of the term of office of said trustee, said vacancy shall be filled, by election, for the unexpired term at said annual communication. If any such trustee shall cease to be a resident of the State of New York or shall cease to be a member of a lodge under the jurisdiction of the grand lodge as aforesaid, his place, as such trustee, shall be declared vacant by the grand master. In case any vacancy in the office of trustee shall occur during the time intervening between the annual communications of the grand lodge, the grand master shall fill such vacancy by appointment of a person qualified as aforesaid, and the person so appointed shall serve as trustee until the next succeeding annual communication of the grand lodge, when such vacancy shall be filled, by election, for the unexpired term. The said board of trustees

shall select one of its number as president, one as treasurer, and one as secretary, and shall make a full and detailed report of all its doings at each annual communication of the grand lodge.

§ 3. All acts or parts of acts, and all laws of the State of New York inconsistent herewith, are hereby repealed.

§ 4. This act shall take effect immediately.

ACT ENABLING LODGES TO BE INCORPORATED.

An Act to enable Lodges and Chapters of Free and Accepted Masons to take, hold, and convey Real and Personal Estate. Passed April 2, 1866.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Whenever any Lodge or Chapter of Free and Accepted Masons which is or hereafter may be duly chartered by an installed according to the general rules and regulations of the Grand Lodge or Grand Chapter of Free and Accepted Masons of the State of New York, shall be desirous of having the benefit of this act, it shall and may be lawful for such Lodge or Chapter, at any regular Communication or Convocation thereof, held in accordance with the Constitution and General Regulations of the Grand Lodge or Chapter aforesaid, and in conformity to its own By-Laws, to elect three trustees for such Lodge or Chapter, for the purpose af resaid, a certificate of which

election and purpose shall be made and subscribed by the first three elective officers of such Lodge or Chapter, under their hands, and stating therein the time and place of such election, the regularity thereof, the names of said trustees and the terms severally for which they are allotted to serve, and the name of the Lodge or Chapter for which they are elected. The execution of such certificate shall be acknowledged or proved before some officer authorized to take the acknowledgment of deeds, who shall indorse thereon a certificate of such acknowledgment, under his hand, and the same shall then be filed in the office of the Secretary of State. Such trustees and their successors shall thereupon be and become entitled to all the benefits, rights and privileges granted by this act, and for the use and behoof of said Lodge or Chapter, and a copy of said certificate, certified by the Secretary of State, or his deputy, shall be evidence of the right of said trustees to exercise all the rights and privileges conferred by this act; and said trustees shall thereupon be authorized to take and hold and convey real and personal estate, for the charitable purposes of said Lodge or Chapter, not exceeding the clear annual value of ten thousand dollars.

§ 2. The persons so first elected trustees shall be divided by lot by said officers making said certificate, so that the term of one shall expire on the day of the festival of St. John the Evangelist next thereafter, and another in one year, and the third in two years thereafter. One trustee shall annually thereafter, prior to the expiration of the terms of Office of said trustees and their successors, be elected by said Lodge or Chapter by ballot, in the same

manner and at the same time as the first three officers thereof severally are or shall be elected according to the Constitution, By-Laws, and General Regulations aforesaid, and a certificate of said election, under the hands of said officers and the seal of said Lodge or Chapter, if they have one, shall be made and shall be evidence of said election, and entitle said person so elected to act as trustee. Said Lodge or Chapter may, at any regular Communication or Convocation, fill any vacancy that may have occurred in said board of trustees, to be certified in like manner and with like effect as at an annual election. The person so elected shall hold his office for and during the term of the trustee whose place he was elected to fill.

§ 3. If any person so elected trustee shall die, resign, dimit, or be suspended or expelled from said Lodge or Chapter, remove from the State, or become insane, or otherwise incapacitated for performing the duties of said trust, his office as trustee shall therefor be deemed vacant, and said Lodge or Chapter may thereafter, at any regular meeting, fill such vacancy, in the manner and with the effect stated in the last section.

§ 4. The trustees of any such Lodge or Chapter, and their successors, shall be and are hereby authorized to take, hold, and convey, by and under the direction of said Lodge or Chapter, and for the use and benefit hereof, all the temporalities and property belonging thereto, whether consisting of real or personal estate and whether the same shall have been given, granted, or devised directly to such Lodge or Chapter or to any person or persons for their use or in trust for them or their benefit, and also in their in-

dividual names, with the addition of their title of trustees aforesaid, to sue and be sued in all courts and places having jurisdiction, and to recover, hold, and enjoy, in trust, and subject as aforesaid, all the debts, demands, rights, and privileges, and all Masonic halls, with the appurtenances, and all other estate and property belonging to such Lodges and Chapters in whatsoever manner the same have been acquired, or in name soever the same may be held, as fully and amply as if the right or title thereto had originally been vested in said trustees, and also to purchase and hold for the purposes and subject as aforesaid other real and personal estate, and to demise, lease, and improve the same; and such Lodge or Chapter shall have power to make rules and regulation, not inconsistant with the laws of this State nor contrary to the Constitution or General Regulations of the Grand Body to which it shall be subordinate, for managing the temporal affairs of such Lodge or Chapter, and to dispose of its property and all other temporal concerns and revenue thereof, and the Secretary and Treasurer of such Lodge or Chapter, duly elected and installed according to the Constitution and General Regulations aforesaid, shall, for the time being, be *ex officio* the Secretary and Treasurer of said trustees.

§ 5. Nothing in this act contained shall be construed or taken to give to such trustees of any Lodge or Chapter, the power to purchase, sell, convey, or dispose of any property real or personal, of such Lodge or Chapter, nor shall they have such power except by and under the direction of such Lodge or Chapter, duly had at a regular or stated Communication or Convocation thereof, according to the

Constitution and General Regulations aforesaid, and said trustees shall at all times obey and abide by the directions orders and resolutions of said Lodge or Chapter, duly passed at any regular or stated Communication or Convocation thereof according to and not contravening the Constitution and Laws of this State, or of the Grand Body to which it shall be subordinate, or of the Lodge or Chapter aforesaid. *Provided*, that in case said Lodge or Chapter shall surrender its warrant to the Grand Body to which the same shall be subordinate, as aforesaid, or shall be expelled or become extinct, according to the Constitution, and General Regulations aforesaid, it shall be the duty of said trustees then in office, out of the property aforesaid, to satisfy all just debts due from said Lodge or Chapter, and the residue of said property shall be transferred to the "Trustees of the Masonic Hall and Asylum Fund," a corporation created by an act entitled "An Act to incorporate the Trustees of the Masonic Hall and Asylum fund," passed April 21, 1864, and unless reclaimed, by said Lodge or Chapter within three years after said transfer in accordance with the Constitution and General Regulations aforesaid, the same with the avails or increase thereof, shall be applied by said trustees last mentioned to the benevolent purposes for which said trustees were created in and by said act.

§ 6. It shall and may be lawful for any Lodge or Chapter, or the trustees or officers thereof, under the direction of such Lodge or Chapter, heretofore incorporated by the laws of the State or thereby enabled to take and hold real or personal estate or both, to surrender such act of incor-

poration, charter or privilege, and to be enabled to take and hold property, with all the rights and subject to all the provisions of this act, on making and filing the certificate in the manner specified in the first section of this act, and therein stating, in addition to what is therein required, the surrender of said act, charter, or privilege, referring to and specifying the same, and on such certificate being so made and filed, the Lodge or Chapter making and filing the same shall thereupon be deemed as having fully surrendered such incorporation, charter, or right and its property shall be fully vested in the trustees specified in said certificates, and their successors, with all the rights, powers, and privileges, and subject to all the provisions of this act.

§ 7. No board of trustees for any Lodge or Chapter, filing the certificate aforesaid, shall be deemed to be dissolved for any neglect or omission to elect a trustee annually, or fill any vacancy or vacancies that may occur or exist at any time in said board; but it shall and may be lawful for said Lodge or Chapter to fill such vacancy or vacancies at any regular communication thereafter to be held, and till a vacancy arising from the expiration of the term of office of a trustee is filled, as aforesaid, he shall continue to hold the said office and perform the duties thereof.

§ 8. This act shall be deemed a public act and be benignly construed in all courts and places, to effectuate the objects thereof.

§ 9. This act shall take effect immediately..

STATE OF NEW YORK. }
Office of the Secretary of State. }

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

FRANCIS C. BARLOW, *Secretary of State.*

**CERTIFICATE OF INCORPORATION FOR LODGES
UNDER ACT OF 1866.**

FORM OF CERTIFICATE

TO BE USED BY LODGES DESIRING TO INCORPORATE THEIR
TRUSTEES WITH THE PROVISIONS OF THE
ABOVE ACT

STATE OF NEW YORK, }
County of }

We, the undersigned, the first three elective officers of Lodge No. of Free and Accepted Masons, duly chartered by and installed according to the General Rules and Regulations of the Grand Lodge of Free and Accepted Masons, of the State of New York, do hereby certify, that, at a regular communication of said Lodge, held at their Lodge-room in the , on the day of in the year 18 , in accordance with the Constitution and General Regulations of the Grand Lodge aforesaid, and in conformity to their By-Laws, the said Lodge being desirous of having the benefits and privileges conferred by an act of the Legislature of the State of

New York, entitled, "An act to enable Lodges and Chapters of Free and Accepted Masons, to Take, Hold, and Convey Real and Personal Estate," passed April 2, 1863, did, then and there; proceed to elect three Trustees for such Lodge, for the purpose aforesaid, and whose terms of office were allotted by the undersigned, as prescribed in said act.

And the undersigned do further certify that said election was regularly conducted, according to the Constitution and General Rules and Regulations of the said Grand Lodge, and the By-Laws of the Lodge aforesaid ; that the names of said Trustees, and the terms, severally, for which they were allotted to serve, are as follows : , whose term will expire on the day of the festival of St. John the Evangelist next after said election ; , whose term will expire in one year thereafter ; and , whose term will expire in two years thereafter.

In testimony whereof, the undersigned, the first three elective officers aforesaid, and Master and Wardens of said Lodge, have hereto set our hands, this day of , in the year 18 .

— Master.

— Senior Warden.

— Junior Warden.

STATE OF NEW YORK, }
County of }

I, the undersigned, an officer duly authorized by law to take the acknowledgement of deeds, do hereby certify, that on the day of , in the year 18 , in the of , in the said county, before me personally appeared , with

whom I am personally acquainted, and know to be the Master and Wardens, and first three elective officers of the Lodge specified in the foregoing instrument, and the persons and officers described therein, and who have subscribed the same, and who, each, then and there, severally acknowledged the execution by them of the foregoing certificate.

GRAND AND DEPUTY GRAND MASTERS OF THE
GRAND LODGE OF THE STATE OF NEW YORK
SINCE ITS ORGANIZATION TO THE PRESENT TIME.

GRAND MASTERS.

1785-1800—Robert R. Livingston	1851—Oscar Coles
1801-1805—Jacob Morton	1852—Nelson Randall
1806-1819—De Witt Clinton	1853—Reuben H. Walworth
1820 1821—Daniel D. Tompkins	1854-1855—Joseph D. Evans
1822—Joseph Enos	1856-1859—John L. Lewis, Jr.
1823-1824—M. Hoffman & J. Enos	1860—John W. Simons
1825—M. Hoffman & Stephen [Van Rensselaer	1861—Finlay M. King
1826—E. W. King & Stephen [Van Rensselaer	1862—John J. Crane
1827-1829—Steph. Van Rensselaer	1863-1864—Clinton F. Page
1830-1843—Morgan Lewis	1865-1866—Robert D. Holmes
1844-1845—Alex. H. Robertson	1867—Stephen H. Johnson
1846-1849—John D. Willard	1868-1869—James Gibson
1850 William H. Milnor	1870-1871—John H. Anthon
	1872-1873—Christopher G. Fox.
	1874-1875—Ellwood E. Thorne
	1876—James W. Husted

DEPUTY GRAND MASTERS.

1785—Samuel Kerr	1846-1847—Isaac Phillips
1786-1788—Richard Harrison	1848—Oscar Coles
1789-1790—William Malcolm	1849—William H. Milnor
1791-1794—Peter McDougall	1850-1851—Nelson Randall
1795-1800—Jacob Morton	1852-1853—Joseph D. Evans
1801-1803—Edward Livingston	1854-1855—John L. Lewis, Jr.
1804-1809—Martin Hoffman	1856-1857—Robert Macoy
1820—John W. Mulligan	1858-1859—John W. Simons
1821-1822—John Brush	1860—Finlay M. King
1823-1824—E. W. King & J. Brush	1861—John J. Crane
1825-1826—R. Hatfield & J. Brush	1862—Clinton F. Page
1827—Richard Hatfield	1863—J. B. Yates Somers
1828—Henry J. Feltus	1864—Robert D. Holmes
1829-1834—Mordecai Myers	1865-1866—Stephen H. Johnson
1835-1837—J. Van Benschoten	1867-1869—John H. Anthon
1838-1842—William Willis	1870-1871—Christopher G. Fox
1843—Alex. H. Robertson	1872-1873—Ellwood E. Thorne
1844-1845—John D. Willard	1874-1875—James W. Husted
	1876—Joseph J. Conch

FORMS.

— O —

FORM OF PETITION FOR A NEW LODGE.

*To the M. W., Grand Master of Masons
in the State of New York :*

The undersigned petitioners, being Free and Accepted Master Masons, having the prosperity of the Fraternity at heart, and willing to exert their best endeavors to promote and diffuse the genuine principles of Free Masonry, respectfully represents—That they are desirous of forming a new Lodge in the.....of....., to be named.....
Lodge. They therefore pray for letters of dispensation, to empower them to assemble as a regular Lodge, to discharge the duties of Masonry, in a regular and constitutional manner, according to the original forms of the Fraternity, and the regulations of the Grand Lodge. They have nominated and do recommend Brother A. B. to be the first Master; Brother C. D. to be the first Senior Warden, and Brother E. F. to be the first Junior Warden, of said Lodge. If the prayer of this petition shall be granted, they promise a strict conformity to the edicts of the Grand Master, and the Constitution, Laws and Regulations of the Grand Lodge.

NAMES.

LODGE.

RESIDENCE.

FORM OF CERTIFICATE**RECOMMENDING A DISPENSATION TO ESTABLISH A
NEW LODGE.**

"At a stated communication of.....Lodge, No..... held at....., in....., on the...day of....., 18...the following resolutions were adopted:

"*Resolved*, That this Lodge do recommend the petition of Bros. A. B., C. D., E. F., etc., [*naming all the petitioners*], praying for a dispensation to establish a new Lodge at..... by the name of.....Lodge, and do avouch for said petitioners as being Master Masons in good standing; and being the nearest Lodge thereto, do recommend that the prayer of the petition be granted.

"*Resolved*, That, in the judgment of this Lodge, Bros. A. B., C. D., and E. F., named in said petition as Master and Wardens of said new Lodge, are competent to confer the three degrees and impart the lectures, they having exhibited their work in said degrees before this Lodge.

"In witness whereof, we have caused our Lodge seal to be affixed, and our Secretary to subscribe his name hereto.

[SEAL.]

..... *Secretary.*"

If the Lodge applied to be other than the "nearest Lodge," the certificate will embrace only the first resolution, thus modified: Strike out the words, "*the nearest Lodge thereto,*" and insert the words, "*one of the Lodges whose territorial jurisdiction is affected thereby.*" The resolution, thus certified should go upon the record. Such Lodges may also omit the vouches of the petitioners as Master Masons.

FORM OF PROXY, TO REPRESENT A LODGE.

"THIS IS TO CERTIFY, that at a Stated Communication of.....,Lodge, No.....,held on the.....,day of.....,A. L., 58....,our Worshipful Brother..... Past Master (or Master) of.....,Lodge, No.....,was duly appointed proxy, to represent this Lodge in the Grand Lodge of the State of New York, at the next annual communication thereof.

Given under my hand and seal of the Lodge, at.....
this.....day of.....18....

[SEAL.]

Attest: *Master.*
..... *Secretary."*

FORM OF APPLICATION FOR A WARRANT.

.....18....

To The Grand Lodge of Free and Accepted Masons of the State of New York.

The undersigned, to whom the M. W. Grand Master was pleased to grant a Dispensation, to form ——Lodge at ——, having concluded their labors, fraternally present their work for your inspection, and respectively ask that a Warrant be granted to them.

{ Petitioners.

FORM OF RETURN OF ELECTION.

Be it Known, that the....day of.....A. L. 58.., at a

regular meeting of.....Lodge No...., held in theof.....County of....., in the State of New York, our worthy Brother,....., was elected Master ; our worthy Brother,, Senior Warden ; and our worthy Brother,, Junior Warden of the said Lodge for the ensuing year, and that said Master and Wardens have been duly installed.

In testimony whereof, we, the members of the said Lodge, have caused the seal thereof to be hereunto affixed, and our Secretary to sign the same.

[L. S.]

.....Secretary.

This certificate of election must be filed with the Grand Secretary, before the said officers can be recognized as members of the Grand Lodge.

FORMS OF DIMIT.

“TRILUMINAR LODGE, No. 800, F. & A. M.

To the Master, Wardens and Brethren of.....Lodge, No:

THIS IS TO CERTIFY THAT, Brother.....a member in good standing of this Lodge, having made application for a Dimit, and notice having been received that said Brother has petitioned your Lodge for affiliation therein, a resolution has been adopted by this Lodge that a Dimit shall be granted upon the condition that said Brother shall consummate his affiliation in your Lodge. Of which act of affiliation you will give this Lodge timely notice. And upon the event of failure to consummate such membership, this Certificate of Dimission is to be returned to this Lodge.

Given under my hand and the seal of the Lodge, at.....
 this.....day of.....A. L. 58....

[SEAL.]

Attest:Master.
Secretary."

**CERTIFICATE OF COMMENDATION OF
MASTER MASON.**

—Lodge No.—

To all Free and Accepted Masons, whom it may concern,
 greeting, acknowledging the jurisdiction of the Grand Lodge
 of the State of New York.

This is to certify, That Brother....., whose name
 appears in the margin of this Dimit is a Master Mason, and
 was a member of this Lodge in good standing and clear of
 the books, and as such we do cordially commend him to the
 fraternal regard of all true Free and Accepted Masons, wher-
 ever dispersed around the Globe.

In testimony whereof we have caused this dimit to be
 signed by the W. Master, and the seal of the Lodge to be
 attached this.....day of.....A. D.,
 18...., A. L., 58....

.....W. M.
Secretary.

APPLICATION FOR A DIMIT.

.....18 .

To the Master, Wardens and Brethren of.....Lodge,
 No..... Free and Accepted Masons:

BRETHREN: Being desirous of severing my connection with your Lodge, and having petitioned..... Lodge No..... for affiliation, and been elected a Member thereof, I fraternally apply for a Dimit.

Respectfully,

..... Lodge No.... Free and Accepted Masons.

..... 18 .

To the Master, Wardens and Brethren of..... Lodge, No.....

This is to certify, that Brother..... did on the day of..... 18....., petition this Lodge for affiliation, and was duly elected on the..... day of 18....

Witness my hand, and the Seal of the Lodge.

[SEAL.]

....., Master.

....., Secretary.

PETITION FOR AFFILIATION.

..... 18 .

To the Master, Wardens and Brethren of..... Lodge, No.... Free and Accepted Masons.

BRETHREN: I fraternally apply for affiliation with your Lodge. I am a Master Mason in good standing, and a Member of..... Lodge, No....located at.....and not an elected officer.

Age.....Where born.....Residence.....Occupation
.....
.....

Proposed by.....
Reference.....
.....

PETITION FOR AFFILIATION.

.....18

To the Master, Wardens and Brethren ofLodge,
No.... Free and Accepted Masons.

BRETHREN: I fraternally apply for affiliation with your Lodge. I am a Master Mason in good standing, and late a Member ofLodge, No.....located atin the State of..... Accompanying this, please find my dimit.

Age.....Where born.....Residence.....Occupation
.....

Recommended by.....
Reference

.....

PETITION FOR INITIATION.

To the Master, Wardens and Brethren.....Lodge,
No.....FREE AND ACCEPTED MASONS. The undersigned,
unbiased by the improper solicitation of friends, and uninflu-
enced by mercenary or other unworthy motives, prompted by

a favorable opinion of your ancient and honorable institution, and a desire for knowledge, freely and voluntarily offers himself a candidate for initiation into the mysteries of Freemasonry, and respectfully prays that he may be admitted and become a member of your Lodge, promises a cheerful conformity to the ancient usages and established customs of the Fraternity, and upon his honor as a man, has made true answers to the following questions :

What is your age? What is your occupation? Where born? Where do you reside? Have you resided in the State of the twelve months last past? Have you resided in the town, village or city in which you now reside for four months last past? Have you ever to your knowledge or belief, presented a petition to, or been rejected in any Masonic Lodge? If so, when and in what Lodge? Do you believe in the existance of one ever-living and true God? Do you know of any physical, legal, or moral reason which should prevent you from becoming a Freemason?

.....
Proposed by

Reference.....
.....

FORM OF MASTER MASON CERTIFICATE.

To all Free and Accepted Masons on the Face of the Globe, Greeting :

We, the Master and Wardens of Lodge No.... Free and Accepted Masons, constituted under a charter from

the Grand Lodge of the State of New York, Do certify that our worthy Brother,, has been regularly initiated as an Entered Apprentice; passed to the Degree of Fellow Craft and raised to the sublime Degree of Master Mason, and is distinguished for his zeal and fidelity to the Craft. We do therefore recommend that he be received and acknowledged as such by all true and accepted Freemasons wherever dispersed.

In testimony whereof, we have granted him this certificate under our hands and the seal of the Lodge, (having first caused our worthy Brother to sign his name in the margin) this....day of.....A. D., 18.., A. L. 58

.....W. M.S.W.
.....Sec'yY.W.

This is certify, that.....Lodge No....is a legally constituted Lodge, working under the jurisdiction of the Grand Lodge of New York.

.....58

Grand Sec'y.

FORM OF A GRAND LODGE DIPLOMA.

We, the Grand Lodge of the State of New York, by these presents testify and declare to all whom it may concern, that our Brother....., who has signed his name in the margin hereof, is a regular Master Mason ofLodge No...., as appears to us by the certificate of the said Lodge held under our jurisdiction in theof.....county of.....State of New York, in the United States of America.

In testimony whereof, we have caused our seal to be hereunto affixed, and our Grand Secretary to subscribe the same, at the City of New York, this.....day of.....A. D., 18..A. L., 58

[SEAL.]Grand Secretary.

FORM OF CERTIFICATE FOR THE USE OF MASTERS WIDOW OR ORPHAN.

DECEASED MASTER MASON'S CERTIFICATE.

We, the Master and Wardens of.....Lodge, No.....Do hereby Certify, that our late Brother.....was, at the time of his decease, on the.....day of.....A.D. 18..., a Master Mason, and a member in good standing in the aforesaid Lodge, at.....in the State of New York.

Given under our hands, and the seal of the said Lodge, the... day of.....A.L. 58.

.....W. M.
.....S. W.
.....J. W.
.....Secretary.

I do Certify, That the W. Brother....is Master, Bro.Sen. Warden, and Bro.....Junior Warden of.....Lodge, No.....which is regulaly constituted and held under the jurisdiction of the M. W. Grand Lodge of Free and Accepted Masons for the State of New York.....

In Testimony Whereof, I have set my hand and caused the Seal of the aforesaid Grand Lodge to be hereunto affixed, this.....day of.....A. L. 58.

Grand Secretary.

FORM OF SUMMONS.

..... Lodge, No..... F. and A. M.
..... 18....

Brother..... you are hereby summoned to attend
a..... Communication of this Lodge, on the.....
day of..... 18.... at..... o'clock.....
.....

By order of the Master.

..... Secretary.

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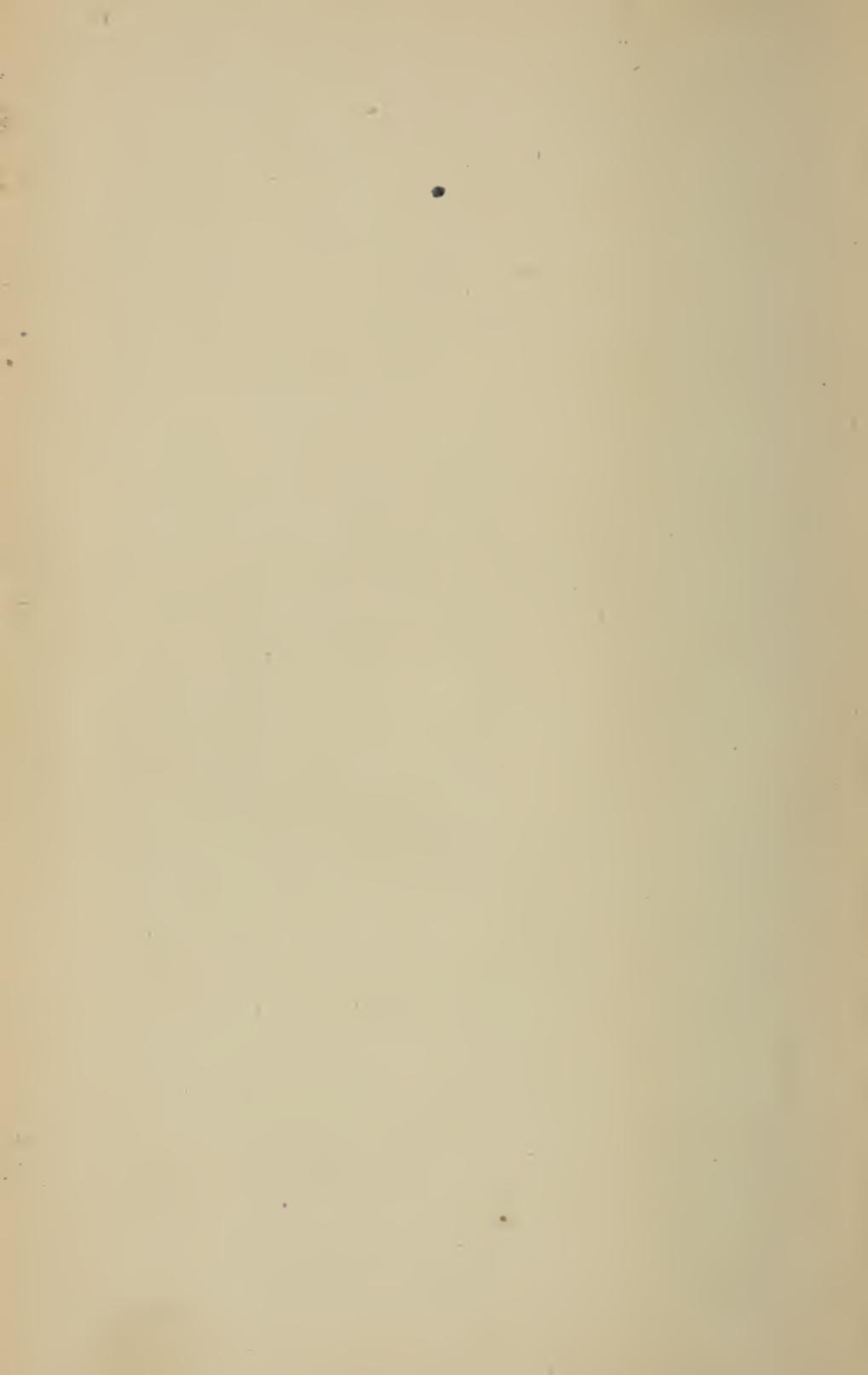
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